

MEDIA RELEASE

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Fair Work Commission stops union from undoing important safety procedures

AMMA (Australian Mines and Metals Association) – The resource industry employer group

AMMA welcomes a decision by the full bench of the Fair Work Commission (FWC) to stop a union from trying to undo important workplace safety measures regarding employer drug and alcohol testing policies, specifically the employer's use of both urine and oral/saliva testing procedures.

In the full bench appeal of [DP World Brisbane and Others vs Maritime Union of Australia](#), the FWC has clarified that:

- Employers have, as they must always have, capacity to determine the form of testing (urine, oral or a mix of both) that will best manage safety risks in their individual workplaces.
- Deputy President Anna Booth fell into 'significant error' in her earlier decision trying to limit the use of urine testing on the basis that it is 'unjust and unreasonable'.

The decision is significant for all mining, construction and other resource related workplaces that have responsibly used breath, oral and urine testing for more than 30 years to minimise potential harm to employees and others, in addition to removing a known safety risk.

"Resource industry employers take an uncompromising, professional and rigorous approach to managing occupational health and safety risks in their workplaces," says AMMA chief executive Steve Knott.

"Workplace safety relies on vigilance and clarity on the duties and obligations of both employers and employees. Today's decision is a positive development for safer workplaces throughout Australia.

"Mining, oil and gas employers have long been at the very forefront of managing health and safety risks, and reducing fatalities and injuries globally. Countless safe work initiatives benefitting millions of people have been developed through our industry.

"The industry is very proud of what employers and employees do every day to make our workplaces safer and makes no apologies for not compromising on taking the best possible approaches to potential safety risks."

AMMA's longstanding view is that the Fair Work Commission should not have the power to diminish any organisation's capacity to meet their OHS obligations and how, based on professional advice and expertise, they manage safety.

This critical point will be pursued by AMMA in its advocacy on much needed future workplace relation reforms designed to ensure employers' rights to manage effectively are not eroded by erroneous claims by third parties.

MEDIA: Tom Reid, AMMA Media Manager, 0419 153 407 or Tom.Reid@amma.org.au.