

MEDIA RELEASE

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Toxic union cultures, intimidation must be addressed by new anti-bullying laws

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

FOLLOWING allegations in today's press of abhorrent bullying on some Australian wharves, AMMA is calling on the federal government to explicitly address ingrained toxic trade union cultures and behaviours through the new national anti-bullying laws.

A major national newspaper today reported three employees of port operator DP World had taken action against the Maritime Union of Australia (MUA) for alleged abuse and threats linked to them reporting bullying and harassment to company management and/or quitting the union.

The case represents the first time the new anti-bullying provisions of the *Fair Work Act 2009* have been used against a trade union directly, rather than individuals.

"It is unsurprising that in a heavily unionised part of Australia's economy with a long history of aggressive union cultures, some employees have lodged a legal claim directly against the MUA," says AMMA chief executive Steve Knott.

"This is not an isolated case of individuals allegedly being intimidated and bullied in relation to union matters. It is a mere glimpse into a workplace culture stuck in the past in which unions attempt to control not only the conduct of work but also how employees think and act.

"The claims referenced in today's press, coupled with previously reported cases involving assaults and verbal abuse on the docks and at sea, have no place in a modern working environment.

"Cultures of intimidation and bullying are increasingly coming to light through the Heydon Royal Commission, and it is well beyond time our anti-bullying laws explicitly address conduct related to unions, their officers, delegates, and members in workplaces.

"Protecting those employees who exercise their right to not join a trade union, or not support a particular union position or workplace culture, is every bit as important as protecting any other member of our community from discrimination, harassment and bullying."

Section 789FD(1) of Australia's workplace laws, the *Fair Work Act*, states by definition that workplace bullying can be carried out by 'an individual' or 'a group of individuals'. AMMA says that recent bullying and intimidation relating to industrial matters underscores a need for anti-bullying laws to also explicitly apply to unions.

Unions should also not be able to hide behind legitimate protections of rights of association and representation to make themselves immune from responsibility for bullying conduct.

"Simply, if someone is harassed, bullied or threatened by a union representative or member in relation to a union matter, agenda or position, the union should be held accountable or at least scrutinised as to whether it endorses or encourages such behaviours," Mr Knott says.

"If the MUA's leadership is serious about supporting efforts to clean up the stevedoring sector, it should support this proposed clarification in our anti-bullying laws and not allow thugs and bullies on the wharves to hide behind a closed culture of militancy and industrial intimidation."

AMMA intends to take this significant issue up with the Productivity Commission as it reviews the wider operation of Australia's workplace relations laws in 2015.

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