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### MUA to strike on Melbourne docks

MUA members at Patrick's bulk and general stevedoring operations at Webb Dock in Melbourne will go on strike for 24 hours starting at midnight tonight.

MUA national industrial officer Bill Giddens told *Workplace Express* the workers had already imposed work bans, including refusing to work overtime, extend shifts, or work in a higher grade, which would remain in place until midnight on Sunday May 24.

"It's all a bit regrettable but the parties have come to a breakdown in negotiations and neither side's been able to move, so it's been necessary to see if it will encourage the company to be a bit more progressive in their thinking," he said.

Giddens said the parties had made significant progress earlier this week on the issues of rostering, overtime and start times, but wages were the sticking point (see [Related Article](#)).

"We're asking for 12% over the life of the agreement, but we're having trouble getting a feel for where the company is really at," he said.

Giddens said the union hoped the action would bring the parties closer to being able to reach an agreement. "That's what we want. We're not taking the action because we want to punish Patrick's," he said.

### Gillard reintroduces Safe Work Australia bill

Workplace Relations Minister Julia Gillard has reintroduced into Parliament her [Safe Work Australia Bill 2008](#) - the legislation she laid aside last year after rejecting amendments the Senate insisted on.

In her second reading speech on Wednesday (see [Hansard](#) pages 2-3), Gillard said she was reintroducing the bill because she was obliged under the *Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* to use her "best endeavours" to deliver Safe Work Australia - the national OHS body the legislation would create - on the same terms as that agreement.

Gillard told the House of Representatives, ahead of debate on the legislation being adjourned,

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that: "When I took the extraordinary step of laying this bill aside late last year I said the Liberal Party were economic vandals. I do not retreat from that view. The Liberal opposition continually stands in the way of this Government's efforts to achieve a reform that will significantly advance a seamless national economy."

She continued that the Government, nonetheless, had "not been idle" and, with the States and Territories, had administratively established the Safe Work Australia Council and asked it to commence drafting the model OHS legislation.

"Despite the default position of the Opposition to oppose all Government efforts to improve Australia's productivity and to assist the economy, we are still on track to deliver uniform OHS legislation by the end of 2011," she said.

While Gillard blamed the Coalition for defeating her legislation, the Senate amendments that the Government refused to accept were backed by all non-Government senators - and supported by the ACTU and ACCI.

The key factor in the stand-off was the membership and composition of Safe Work Australia (see [Related Article](#)).

## **IR lawyers head to US for fact-finding mission on good faith bargaining**

Three of Melbourne's leading IR lawyers tomorrow leave for the US on a trip they hope will unearth a wealth of knowledge on the nation's 70-year experience with good faith bargaining.

Arnold Bloch Liebler's Henry Skene, Freehills' Chris Gardner and industrial barrister **Stuart Wood** will meet with US labour attorneys and employer groups in New York, Chicago and Washington on the 10 day-trip.

The trio believe the trip will yield highly relevant insights ahead of the commencement of the Fair Work Act's good faith bargaining rules on July 1.

"We're going there to find out the tactical ways good faith bargaining laws have been used there, and in particular how employers have been able to position themselves to either take advantage of the laws or protect themselves in bargaining so it doesn't affect their agenda," Skene says.

Former [National Labor Relations Board chairman Robert Battista](#) is among those they have arranged to meet on the trip.

While the US jurisprudence on good faith bargaining is likely to itself be relevant to the interpretation of the equivalent laws here, ,, Skene says he and his companions are more interested in hearing from US attorneys and employers on their practical experience of good faith bargaining.

"You can sit back and read the legislation and decisions from here, but the most important place in IR is the workplace and we want to understand from the participants' perspective the effect good faith bargaining has had on the dynamics of disputes because that is what is going to be played out here from July onwards."

"We want to understand how employers have been affected on the ground, and you can't really do that unless you speak to people directly," he says.

## **ETU's Williams retires**

The ETU's long serving Queensland/Northern Territory branch secretary, Dick Williams, has retired.

Williams timed his announcement to coincide with the branch's 28th biennial conference, which started yesterday.

Williams is only the fifth person to serve as fulltime Queensland secretary in the ETU's 94-year history.

His former assistant secretary, Peter Simpson, is his successor.

Williams started with the ETU in late 1984 - just months before the union's bitter dispute with the

Bjelke-Peterson Government - and became state secretary in 2001.

According to the union, he has overseen strong membership growth.

Key campaigns he headed up included the 2003 electrical contracting industry wages campaign, the 2004 push for new spending in the State's electricity supply industry, and the Your Rights at Work campaign before the November federal election.

**Some 110 delegates are attending the Queensland/ Northern Territory branch conference**, held over three days in Brisbane. Topics on the agenda include the Rudd Government's new IR regime; the union movement's relationship with the ALP; increasing membership; apprenticeship training; the performance of the electricity generation and distribution industry and enterprise bargaining.

### Restaurant operators fined \$180,000 for wages shortfall

The Melbourne Magistrates Court has fined the former operators of a Malaysian restaurant a combined \$183,000 for 11 breaches of workplace laws.

Magistrate Kate Hawkins yesterday imposed a \$158,400 penalty against Penang Kayu Nasi Kander Pty Ltd, which formerly traded as Kayu@Boxhill, and a penalty of \$25,000 against one of the co-owners of the company, following a prosecution by the Workplace Ombudsman.

The most serious breach involved a cook who was paid just \$9650 for 18 months work – a \$76,000 underpayment - after being brought to Australia from Malaysia to work in the restaurant.

Magistrate Hawkins ordered the company to back-pay the cook and two waitresses who were also underpaid a total of over \$70,000.

The decision was delivered ex tempore and a transcript was not available at the time of publication.


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