

# Media Release

11 March 2010



Australian Government  
Office of the Australian Building and  
Construction Commissioner

## *ABCC fights for employees' right to choose*

The Federal Magistrates Court in Melbourne has reinforced employees' rights to choose not to join a union. The CFMEU and two of its representatives were penalised \$14,000 in two separate cases.

The court found CFMEU OHS representative Nick Salta told employees at the Doncaster Shoppingtown project that if they did not become members of the CFMEU they would not be allowed to use toilet facilities or 'smoko sheds' and that their pay would be reduced.

In another case also on the Doncaster Shoppingtown project, CFMEU organiser Tony Ioannidis restricted employees from working because they had not paid union fees.

ABC Commissioner John Lloyd said freedom of association is a workplace right:

*'It is unlawful to force an employee to join a union or pay union membership. It is unlawful to penalise workers who choose not to join a union.'*

*In these two matters workers were overtly discriminated against for not being union members. This kind of behaviour has no place in Australian workplaces.'*

*The CFMEU and its representatives grossly abused their powers.*

*The right of workers to choose not to join a union is guaranteed in all Australian workplaces, including building sites.'*

Decisions in both cases were handed down on 22 February 2010. The orders were made available on 11 March 2010.

In *Cozadinos v CFMEU and Salta*, the court ruled that neither the right to use amenities on site nor the rates of pay were conditional on CFMEU membership and the conduct of the respondents contravened s. 790 (1)(c) of the *Workplace Relations Act 1996* (WR Act).

Similarly, in *Cozadinos v CFMEU & Ioannidis* the court found that Mr Ioannidis contravened s.797 (3)(a) of the WR Act by stopping workers from performing their rostered duties because they had not paid CFMEU membership fees.

In each case the respondents admitted to the contraventions and agreed on the penalties that should be imposed. The CFMEU was ordered to pay penalties of \$6000 and the union representatives were ordered to pay penalties of \$1000 in both proceedings. The total penalties imposed in both cases amount to \$14,000.

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