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Stevedore Fined For Discriminating Against a Worker Who Raised Safety Concerns

Patrick Stevedoring of Australia was convicted and fined \$180,000 after the company was found guilty of discriminating against a worker who raised safety concerns about discharging cargo. The worker, an experienced stevedore and an elected health and safety representative, raised concerns about the safety of a new basket-lifting technique on three occasions in 2007. He objected to using the method to discharge steel out of vessels after a request by Patrick Stevedoring client Gearbulk Shipping.

In a meeting between the worker and a company manager, the manager threatened to dismiss the worker and stood him down for a week. At a later date, the worker received a disciplinary letter with a number of complaints against him, including a claim that he had refused to indicate whether he would follow instructions to use the basket lift to discharge cargo.

In sentencing, Victorian magistrate Rosemary Carlin on Friday pointed to "serious instances of discriminating behaviour" and the need to deter other employers from discriminating against their workers.

Australian Council of Trade Unions (ACTU) president Ged Kearney welcomed the conviction and called for all Australian regulators, "to more vigorously prosecute employers who discriminate against Health & Safety Representatives. Health and safety reps are democratically elected volunteers who play an essential role in protecting their workmates. They are often the first to raise the alarm about unsafe practices and they must in turn be protected from intimidation or discrimination by their employers. At Patrick, an HSR raised legitimate concerns about safety and was hounded out of a job by a management culture that puts profits ahead of the health and safety of workers."