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First hearing for adverse action case against blockaded stevedore

Friday, December 15, 2017, 2:14pm

The MUA delegate at the centre of the Webb Dock dispute is pursuing a general protections claim against stevedore VICT that has been timetabled in the Federal Court today.

Victoria International Container Terminal Ltd has said it decided not to give more casual shifts to Richard Lunt because he did not have a Maritime Security Identification Card (MSIC).

However, the MUA has claimed that VICT targeted Lunt because of his role as a union delegate and his taking of action against it over alleged workplace bullying and harassment.

It did not require other workers to hold an MSIC, he claims.

Lunt contends that VICT unlawfully sought to coerce him to not exercise his right to make a complaint.

The union also claims that Lunt now has an MSIC and can be re-employed.

Justice Mordy Bromberg in a brief hearing this morning programmed Lunt's adverse action claim and an interlocutory application against the VICT.

Herman Borenstein SC appeared for Lunt, while VICT is represented by John Snaden.

Justice Bromberg directed Lunt's counsel to file a statement of claim by January 31 and for the defence to be filed by February 21, while he will hold the next directions hearing in mid-March.

A picket has been set up outside VICT's terminal at the Port of Melbourne since November 27.

The MUA says that shipping news from the Port of Melbourne's website shows that the last ship to berth at VICT was on the November 26, with "all other ships which were due to arrive over the period of the dispute being diverted to neighbouring terminals to be loaded and unloaded".

The picket line has continued despite orders issued by the Victorian Supreme Court against the MUA and CFMEU and representative orders against Victorian Trades Hall Council secretary Luke Hilakari.

[Richard Lunt's originating application](#)

[Richard Simon Lunt v Victoria International Container Terminal Limited, VID1364/2017](#)

Meanwhile, a [report](#) by the International Transport Federation criticises safety at the VICT terminal and alleges that many workers had been promised full-time work but are employed as casuals on flat hourly rates of \$36.50, with no penalties for working nights, weekends and public holidays.

The report says the ITF opened a hotline to hear concerns about VICT management, which were raised in an internal report by the stevedore.

"The responses detail a culture of broken promises, of intimidation and fear, and of a management regularly disregarding worker safety by attempting to override safety officers and experienced stevedores," it says.

"Many, who were employed to work on the wharf, were promised permanent, full-time positions if they came to work at VICT.

"However, when they were finally offered their contracts, they were employed on a casual basis, on '1820 annual hours' contracts with no certainty about their shifts from week to week."

The report says the [VICT enterprise agreement](#) specifies that Level 1 workers employed on "1820 annual hours" contracts should be paid \$75,206 a year, with additional hours paid at an hourly rate.

It says that VICT's parent company, [International Container Terminal Services Inc](#), has claimed that wages range from \$75,206 to \$144,077 for workers working between 35 and 42 hours per week.

But it says that casual workers earn significantly less, receiving a flat rate of \$36.50 an hour, with no penalties.

ITF president and MUA national secretary, Paddy Crumlin, argues the VICT issues fit into a broader pattern of disputes at the parent company's operations in other countries.

Crumlin denied VICT's claims that Lunt's application for an MSIC was rejected twice and said that ICTSI was "running smokescreens" over the causes of the dispute.

"It is the broken promises related to permanency and rates of pay, management's disregard for worker safety by attempting to override safety officers and experienced dockworkers, and the targeting of MUA members that led to this dispute.

"ICTSI has a problem.

"Their rapid expansion has not been accompanied by sufficient managerial oversight to ensure productive industrial relations and compliance with local laws.

"We've seen this in port after port, country after country."

[ICTSI: Global turmoil spreads to flagship VICT terminal, ITF](#)

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