



Hall Payne Lawyers & ETU catch employer out for two breaches of agreement

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In a type of case rarely seen before the court, the [Federal Court](#) ruled last week on two breaches of the enterprise agreement by Walz Group at the Rocklands Copper Mine. The case involved Hall Payne Lawyers and their client, the Electrical Trades Union, enforcing two enterprise agreement causes relating to job security.

By demonstrating that the Walz Group did not correctly adhere to appropriate consultation process when hiring third party employers, Hall Payne successfully proved they contravened the enterprise agreement in place. Hall Payne also successfully proved that Walz Group contravened the enterprise agreement by not ensuring that a contractor that it engaged, Brice Engineering, paid its employees in accordance with the applicable Walz Group enterprise agreement.

Through its decision, the Federal Court has confirmed that job security clauses as to consultation and pay parity are not only permitted but are, in fact, legally enforceable by a union. As one of few proceedings enforcing job security clauses, the ruling holds great significance as to how the Fair Work Act is applied and enforced in practice.

A ruling on the relevant penalties is expected within the next few months, which should prove an interesting conclusion to this unique case. Hall Payne are proud of this result, a continuation of their commitment to ensuring a fair work environment for union employees across the country.

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