

21 November 2024

EMBARGOED UNTILL MIDNIGHT FRIDAY THE 22ND OF NOVEMBER.

Adero Law responds to the United Workers Union media release titled “statement on unfounded allegations against UWU.”

Adero Law has become aware of the United Workers Union media release dated 23 September 2024 and has made the decision to provide a responding statement to ensure that impacted clients of Adero Law and necessary stakeholders are made fully aware of the position.

This media release is also intended to protect the interest of Adero clients who will soon be commencing proceeding in the Federal Court of Australia, the Australian Human Rights Commission and the Fairwork Commission of Australia.

In the UWU press release, Jo Schofield, as the National President of the Union, made a series of statements that the Adero clients categorically disagrees with.

1. That there had been independent and thorough investigations into complaints of inappropriate behavior at the United Workers Union;
2. That there had been no substantiated allegations following these investigations.; and
3. Unnamed rumors and other unknown material have been presented to form the basis of the allegations.

Before and after the release of this UWU media statement Adero Law has received and responded to 20 individual registrations with respect to allegations involving past and current employees of the union across the Western Australian, Queensland, New South Wales, Victorian and South Australian offices. Adero Law is aware of further impacted individuals that are seeking representation and expects to receive further registrations in the coming days.

In respect to each of those matters:

- 6 people have made serious allegations of sexual assault, sexual grooming and/or sexual harassment against past or senior members of the Union. The allegations concern events in Western Australia, South Australia and Queensland in the period of 2016 to 2023.
- 8 individuals have identified discrimination based on their race, country of origin and/or ethnic background which have not been independently investigated or formally resolved.
- 12 individuals have reported discrimination on the basis of political opinion which includes:
 - Retaliation for failing to hold membership of the Australian Labor Party

- o Retaliation for failing to support candidates of the left faction of the Australian Labor Party.
 - o Retaliation for failing to support as volunteers the political goals of the Australian Labor Party and this includes Indigenous individuals who did not want to support the Voice Campaign for personal reasons.
 - o Separately retaliation in connection to failing to denounce Australian Senator Fatima Payman.
 - o Retaliation for failing to perform hours of unpaid work for directed political activities for the Australian Labor Party.
- 6 individuals who have reported retaliation and/or bullying behavior in response to attempts by workers of the Union to bargain for an enterprise agreement and better pay and conditions.

Each of these allegations - if proven- would constitute a potential breach of the *Fair Work Act 2009* (Cth) and/or a breach of the relevant state legislation regimes such as Western Australia's *Equal Opportunity Act 1984*.

Further the direction to perform hours of unpaid work for the Australian Labor Party could constitute a basis for a beach of the Fairwork Act and compensation. We are instructed that in some instances employees (during peak periods) are directed to perform between 17 to 20 hours a week of unpaid work for the benefit of the Australian Labor Party. We are further instructed that a refusal to do so carried a risk of retaliation in the workplace.

Adero Law is now launching proceedings in the Australian Human Rights Commission in respect of the allegations of sexual assault and harassment. Further proceedings will also be commenced in the Federal Court in relation to allegations of adverse action and political discrimination in the coming weeks.

Adero Law notes the comments by UWU that the concerns raised by Adero Law clients are unsubstantiated. This position is untenable. It is clear that any investigation conducted by the Union has not been independent or performed to a standard that would ordinarily be required to substantiate such categorical statements from the Union.

Further in response to the concerns that the Union has been subjected to unnamed rumors and other unknown material Adero says that such criticism is false. The Union has received correspondence from Adero concerning an alleged serious sexual assault case in 2021 (with such correspondence being provided well before the UWU's media release). No independent investigation has been initiated in response to this correspondence.

Adero Law and its clients otherwise remain fully committed to the Union movement and the values it upholds. In order to honor the traditions of the Union movement it is clear that we must also ensure that all employees are sufficiently protected at work.

Rory Markam

Managing principal of Adero Law