

## **MEDIA RELEASE**

November 28, 2006

### **Public Servants free to attend union day of protest**

The Full Bench of the Federal Court has overturned a decision stopping workers in the Federal Government's Office of Employment Advocate (OEA) using leave to attend the ACTU National Day of Protest this Thursday.

Slater & Gordon lawyer, Martin Carrick, who represented the Community and Public Sector Union, said the decision meant public servants across Australia could now use their leave to protest against the Howard Government's new industrial relations laws.

"This is an important decision that has protected the rights of Federal public servants to use their leave for whatever purpose they like including attending political protests," Mr Carrick said.

On the October 18 the Office of Employment Advocate sent an e-mail to all its employees saying that no leave would be granted to attend the ACTU's National Day of Community Protest.

Today's decision has overturned this directive saying that all leave applications must be assessed according to normal procedures. Based on this decision the OEA can not take into consideration what the leave would be used for.

In court Justice Branson, the senior judge, also queried whether the OEA may have breached the Public Service Act which requires that "the APS is apolitical, performing its functions in an impartial and professional manner".

Mr Carrick said the OEA and the Federal Government have been sent a clear message that workers have the right to protest as they see fit.

As a result of today's decision the OEA has been ordered to:

- E-mail all OEA staff retracting the previous advice banning leave on November 30; and
- Reassess any application for leave that may have been refused.

The OEA is a government department charged with enforcement of industrial law.