

Sacked for not wearing pants. What is the world coming to?

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It's that age old story we've heard a thousand times. Company (allegedly) fails to provide a promised laundry service. Workers protest by not wearing pants. Pantsless worker gets the sack.

An Appin coal miner had his employment terminated when he instigated a protest over the company's delay in delivering a promised laundry and clothing service. The service was meant to be provided under the terms of the Enterprise Agreement which covered the employment. Unhappy with the delay, and particularly so given the need for specific clothing underground, the employee organised a ten-minute protest where he and the other coal miners turned up to start their shift sans pants.

As you can imagine, pants are critical in the context of coal mining and the company took a dim view of the protest, particularly after photos of the group made their way to the press/a few internet blogs. Although it all seems a little harsh and the various 'Save Dave' (his name was Dave) protests popping up around New South Wales suggest as much, there's potentially a little more to it.

Now, we're the first to get behind a no pants protest but the law's arguably less cool. The protest was (most likely) non-protected industrial action. That's because workers can't strike or protest during the life of an enterprise agreement. Then there's the company's raft of safety obligations which are (potentially) compromised when a coal miner goes pantsless - you can imagine. Lastly there's the issue of sexual harassment when it comes to men (let's be honest, it was probably all men) relieving themselves of pants in the workplace.

It remains to be seen what the Fair Work Commission's view of the termination will be but we're anticipating a verdict that proves the employee really wears the pants in that relationship (sorry).

Questions about pants in the workplace? Give us a call.



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