

Men win \$500,000 in defamation case against employer

By Dan Silkstone
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On its website, building supplies giant Pioneer Construction Materials lists six key values for success. Number six is "an impeccable reputation".

Last month the multinational company had that fact undermined when it was ordered to pay almost \$500,000 for sacking and defaming contractors Shane Hume and Clinton Maunder after wrongly accusing them of theft in January last year.

A County Court jury found that Pioneer had defamed the men by posting notices around its Victorian plants saying they had been dismissed for stealing.

"Theft of any kind is unacceptable, is deemed serious conduct and will result in instant dismissal," the notice said.

The men - who were accused of pilfering wood offcuts worth about \$30 - maintained they had done nothing wrong.

Their legal battle will conclude this morning when costs are awarded by Judge Wendy Wilmoth.

Their story has not previously been made public.

Pioneer argued during the eight-day trial that the men were stealing the lumber from its Lysterfield plant. When video surveillance showed them cutting and removing the wood they were confronted and sacked.

"I was just devastated," Mr Hume told *The Age* this week. "I'd never been accused of anything like that in my life."

The civil action became a de facto criminal trial with Pioneer relying on truth as a defence. If the concrete company could prove the men were thieves, no defamation would exist.

Mr Maunder and Mr Hume said they were moving the wood to complete another job. A supervisor supported their claim.

The jury believed the two contractors, awarding Mr Hume \$308,000 in compensation and granting Mr Maunder \$187,000.



Building contractors Shane Hume, left, and Clinton Maunder, who were falsely accused of theft.

Photo: Joe Armao

The men's lawyer, Henri Kauthen, from law firm Testart Robinson, said the decision was a victory for the underdog.

"These guys were accused, found guilty and executed within five minutes by their employer," Mr Kauthen said.

"They were dealt with really shabbily by a big corporation."

Both men say they found it hard to get work after their dismissal.

"It's such a small industry, reputation is very important," Mr Maunder said.

Mr Kauthen agreed. "When we hear of defamation it's usually media moguls or famous entertainers but you don't have to be a superstar to have a reputation and somebody cannot just besmirch it."

The third "key value" on the Pioneer website is "an ability to learn and change".

Shane Hume, for one, hopes that will happen. "They should know now, and so should everyone, that you can't just make allegations like that without properly investigating," he said.