



ORDER

Fair Work Act 2009
s.437—Protected action

Australian Rail, Tram and Bus Industry Union

v

Pacific National (NSW) Pty Ltd and Asciano Services Pty Ltd T/A Pacific National
(B2017/735)

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 17 AUGUST 2017

Protected action ballot of employees of Pacific National (NSW) Pty Ltd.

Pursuant to s.443 of the *Fair Work Act 2009* (the Act) the Fair Work Commission orders:

1. PROTECTED ACTION BALLOT TO BE HELD

The Australian Rail, Tram and Bus Industry Union (ARTBIU) is to hold a protected action ballot of employees of Pacific National (NSW) Pty Ltd and Asciano Services Pty Ltd T/A Pacific National described in clause 3 of this order.

2. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT

The ballot is to be conducted by the Australian Electoral Commission.

3. GROUP OR GROUPS OF EMPLOYEES TO BE BALLOTTED

In accordance with s.437(5) of the Act, the employees to be balloted are those employees of Pacific National who are members of the Australian Rail, Tram and Bus Industry Union (ARTBIU) who are to be covered by the proposed Agreement (the Pacific National Bulk Rail Enterprise Agreement 2017) for who the ARTBIU is a bargaining representative.

4. DATE BY WHICH BALLOT CLOSES

The date by which voting in the protected action ballot is to close is no later than 20 working days from the date of this order.

5. QUESTIONS

The questions to be put to voters in the ballot are:

Do you, in support of reaching an agreement on the *Pacific National Bulk Rail Enterprise Agreement 2017* with your employer, endorse the taking of protected industrial action, which is authorised by this ballot and which may involve taking separately, concurrently and/or consecutively, one or more of the following actions as set out below?

[1] An unlimited number of periodic or indefinite bans on using email?

Yes No

[2] An unlimited number of periodic 'go slow' actions?

Yes No

[3] An unlimited number of periodic 'work to rule' actions?

Yes No

[4] An unlimited number of periodic bans on working more than 7.6 hours per shift?

Yes No

[5] An unlimited number of periodic bans or an indefinite ban on overtime?

Yes No

[6] An unlimited number of periodic or indefinite bans on lift-up or lay-back working?

Yes No

[7] An unlimited number of periodic or indefinite bans on the opening or unlocking of any key-operated lock?

Yes No

[8] An unlimited number of periodic or indefinite bans on driving crew vehicles (call cars)?

Yes No

[9] Periodic bans in the form of only working locomotives with one operating locomotive per train?

Yes No

[10] An unlimited ban on driving locomotives where the No. 1 end is not leading?

Yes No

[11] Indefinite or periodic actions in the form of not signing any documentation?

Yes No

[12] An unlimited number of periodic or indefinite bans on the operation of signaling equipment?

Yes No

[13] An unlimited number of periodic or indefinite bans on any duty or task which involves travel?

Yes No

[14] An unlimited ban on driving any locomotive where a fault booking has not been rectified within 24 hours?

Yes No

[15] An unlimited number of periodic or indefinite bans on conversing with the IPS Centre?

Yes No

[16] Indefinite or periodic actions in the form of inserting a statement into all outgoing emails, auto-reply messages and voicemail?

Yes No

[17] An unlimited number of 1 hour work stoppages?

Yes No

[18] An unlimited number of 2 hour work stoppages?

Yes No

[19] An unlimited number of 4 hour work stoppages?

Yes No

[20] An unlimited number of 24 hour work stoppages?

Yes No

[21] An unlimited number of 48 hour work stoppages?

Yes No

[22] An unlimited number of 72 hour work stoppages?

Yes No



SENIOR DEPUTY PRESIDENT

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