

PR597956  
FAIR WORK COMMISSION

# ORDER

*Fair Work Act 2009*  
s.437 - Application for a protected action ballot Order

**Australian Rail, Tram and Bus Industry Union**  
v  
**NSW Trains**  
(B2017/1117)

COMMISSIONER CAMBRIDGE

SYDNEY, 23 NOVEMBER 2017

*Proposed protected action ballot of employees of NSW Trains.*

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 is to hold a protected action ballot of employees of NSW Trains 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. Pursuant to section 446 of the Act, the ballot is to be conducted at the same time as other ballots which have been Ordered in respect to applications by the Australian Municipal, Administrative, Clerical and Services Union known as the Australian Services Union and the Association of Professionals Engineers, Scientists and Managers Australia.

## **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 NSW Trains who are members of and are entitled to be industrially represented by the Australian Rail, Tram and Bus Industry Union and who will be covered by the proposed enterprise agreement.

## **4. DATE BY WHICH BALLOT CLOSES**

To enable the ballot to be conducted as expeditiously as practicable, the date by which voting in the protected action ballot is to close is 20 working days from the date of this Order.

## **5. QUESTIONS**

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

In support of reaching an enterprise agreement with your employer, do you endorse the taking of protected industrial action which may involve taking **separately, concurrently and/or consecutively**, any or all of the following actions as set out below:

1. Stoppages of work

- a. Stoppages of work for a 1 hour period
- b. Stoppages of work for 2 hour periods
  
- c. Stoppages of work for 4 hour periods
- d. Stoppages of work for 8 hour periods
- e. Stoppages of work for 12 hour periods
- f. Stoppages of work for 24 hour periods
- g. Stoppages of work for 48 hour periods
- h. Stoppages of work for 72 hour periods

Yes  No

2. Strikes

- a. Strikes for a period of one week
- b. Indefinite strikes

Yes  No

3. Bans

Indefinite or periodic bans on one or more of the following:

- a. Overtime generally
- b. Working non-rostered overtime
- c. On-call
- d. Responding to callouts except in an emergency
- e. The performance of work outside of the usual work area or location
- f. Completing specific processes, paperwork, approvals or reports
- g. The use of technology such as mobile phones, computers and tablets during work hours for Sydney Trains purposes
- h. Assisting in communication with contractors
- i. Conducting planned or unplanned periodic maintenance

Yes  No

4. Changes to the Performance of Work

- a. Speaking to public about the industrial action during work related communications

Yes  No

5. Distribute Union & Industrial Campaign Material

- a. Attach union and industrial campaign material to outgoing mail, email and add it to Sydney Trains materials and displays

- b. Wear and display union and industrial campaign material such as t-shirts, badges, hats, and stickers
- c. Attach union and industrial campaign material to Sydney Trains vehicles and assets
- d. The provision of any information, in any form, concerning the views of employees about any aspect of the campaign to any members of the community including the media

Yes [ ] No [ ]

## **6. POSTING OF THE ORDER**

NSW Trains shall cause a copy of this Order to be posted at prominent locations in, or about, its worksites.

## **7. NOTICE PERIOD FOR PROPOSED INDUSTRIAL ACTION**

7 working days in respect to all forms of industrial action taken pursuant to questions 1, 2 and 3.

3 working days in respect to all forms of industrial action which is confined to that specified in questions 4 and 5.

## **8. TERM AND DATE OF EFFECT**

This Order shall come into effect from 23 November 2017 and shall remain in force for a period of one month, unless revoked or varied by further Order of the Commission.

COMMISSIONER

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