



26 March 2018

Enterprise Agreement Negotiations: Ballot Update

Many of you have been contacting RTBU delegates and organisers with questions about the ballot for your new enterprise agreements at Sydney and NSW Trains. This bulletin is to provide the facts on the voting process.

Who got a vote on a new Agreement?

The *Fair Work Act 2009* says that all employees get a vote on their new enterprise agreement. This means that both members of all unions and non-members get a vote.

9706 Sydney Trains employees and 2007 NSW Trains employees were issued ballot papers as this is how many employees will be covered by the new enterprise agreements.

How many votes are needed to determine if the Agreement is accepted?

Unlike the protected action ballot, there is no requirement that a certain percentage of eligible voters actually vote. This means that if for example, 3 people return their ballots and 2 people vote “yes”, then the Agreement is made.

In this case, 6525 Sydney Trains employees and 1379 NSW Trains employees returned their votes. As a slight majority in both organisations voted yes, the Agreements were made at that point according to the *Fair Work Act 2009*.

Who managed the ballot?

The ballot was managed by a private election company. A private election company was also used to conduct the ballot in 2014. There is no requirement under the *Fair Work Act 2009* to conduct a postal ballot however this has been the custom during bargaining with these organisations and was chosen by the employers.

What happened on the day of the vote?

On the day of the vote there were 5 union scrutineers (a mix of delegates and officials) and 4 employer scrutineers. The scrutineer for the RTBU was our Director of Organising who coordinated the protected action ballot and the ongoing fight to maintain our right to take protected action if the proposed Agreement had been voted down and so has expertise in the ballot process.

The Returning Officer opened one ballot box at a time in front of the scrutineers so that they could see that it had not been opened previously. Ballots were then opened and removed from envelopes and counted by employees of the election company to ensure they were in bundles of 50.

Once they were counted into bundles, the ballots were then given to the Returning Officers who sorted them into piles of “yes” and “no” votes. Those piles were then counted again to make sure that the numbers matched the numbers on the sheet from the first count. If they did not, a third count was performed. The Returning Officers then checked that the number of votes counted matched the number of overall votes received.

There were only 4 ballot papers that the returning officers asked the scrutineers to review; the result of the review was that 2 ballots were determined by the Returning Officer to be “no” votes, one was counted as a “yes” vote and one was declared “informal”. There were also 2 ballots returned with no marks in either box, this meant they were declared “informal”.

At the end of this process, there were 3447 “yes” votes, 3075 “no” votes and 3 informal votes at Sydney Trains. At NSW Trains there were 701 “yes” votes and 678 “no” votes.

Some media are reporting that the RTBU “accepted” the proposed Agreement, is this true?

No. The RTBU negotiating committee did not endorse this Agreement at any point. They have consistently said that members needed to make a choice on whether what management put forward was enough.

The RTBU team did encourage all members to vote. Over the 15 days that the ballot was open, 6 bulletins were sent to all members as well as delegates and organisers having conversations with members in workplaces.

What now?

The Fair Work Act 2009 requires that an Agreement that has been voted on by employees be submitted for approval by the Fair Work Commission within 14 days of the vote. That approval process is likely to take between 8-12 weeks and we will keep you updated.

The deferment payment will be made once that approval process is complete. More information will be provided on this by management shortly.

In Solidarity,

RTBU NSW

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