

NSW Government drops its case in Fair Work Commission after union demands to see ‘risk assessment’

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Media release: 22 February 2022, The NSW Government has spectacularly dropped all its claims against the Rail, Tram and Bus Union in the Fair Work Commission, after the union requested to see a copy of the ‘risk assessment’ used to justify shutting down the rail network on Monday.

The NSW Government had dragged the RTBU into the Fair Work Commission late last week – prior to it shutting down the rail network - in an attempt to stop workers from taking low-level protected industrial action that would have impacted management, rather than commuters. The protected industrial action is a response to the NSW Government’s refusal to listen to workers’ concerns as part of current enterprise agreement negotiations.

“Running a safe rail network is our number one concern, so of course we asked the NSW Government to show us the risk assessment it supposedly used to justify its decision to shut down our trains on Monday. If there’s a safety issue, we need to know about it. We would never do anything that would put the safety of the network at risk,” Mr Claassens said.

“The risk assessment hasn’t been forthcoming, but just moments after we issued a subpoena for it, the NSW Government dropped all of its claims against the union in the Fair Work Commission.

Mr Claassens said the NSW Government’s focus should now be on ensuring trains can run, while also addressing the safety and employment concerns workers have been raising for many months.

“The NSW Government’s dummy spit might be behind us now, but the reason we’re in this situation still remains – the NSW Government is refusing to deliver an enterprise agreement that enshrines basic safety and employment conditions for rail workers and commuters.

“We’ve been taking protected industrial action for months because the NSW Government has stubbornly refused to deliver on our very basic asks as part of negotiations. If you can shut down a railway on a whim, surely you can deliver some very basic conditions in an enterprise agreement that will ensure worker and commuter safety.

“The NSW Government should be focused on fixing the mess it’s made. We need to see workers’ concerns addressed and commuters get their trains back on track.”.

Among the key sticking points in current enterprise agreement negotiations are:

- Privatisation – workers want a commitment that no train services or lines will be lost in the

event of privatisation;

- Safety claims – workers want a guarantee that any changes to our services will leave them as safe or safer;

Hygiene – workers want a commitment to maintaining the existing level of hygiene using good, full time jobs.