

Legal Action by Harmers Workplace Lawyers to Stop Rail Strike

24 January 2018

Harmers Workplace Lawyers on Tuesday afternoon launched legal action in the Fair Work Commission (FWC) to stop the Sydney train strike and related overtime bans. This legal action was taken well before the later announced potential deal and the vote today to proceed with the strike.

The yes vote to go ahead with the strike indicates why this legal action was necessary.

We believe it is important to explain why we have come to the Commission. The proposed industrial action by the unions is not in the public interest and is excessive. The community should not be exposed to enormous disruption and economic loss simply because two warring parties cannot agree.

Harmers Workplace Lawyers has legal standing in this dispute as, under the legislation, it will be directly impacted by this industrial action. More than 50% of our staff rely on trains to get to work. There will be a considerable loss of revenue, cash flow and productivity to the firm. Very many NSW businesses will be similarly affected.

Our considered view is that the strike is not “protected” under the legislation, but is to a significant extent a demarcation dispute. Therefore we will be requesting the FWC to issue orders to stop the industrial action. We felt compelled to take this step as, when we did so, there had been no significant progress in averting this strike. We are very disappointed that we are compelled to go ahead in court due to the vote to strike.

Harmers Workplace Lawyers has an established record of pursuing legal cases which we believe are in the public interest. This was clearly one of them. We have acted for some of the largest unions and also some of Australia’s largest and most prominent employers. We are proud of our efforts also to protect the rights of individual employees in very difficult workplace circumstances.

Harmers Workplace Lawyers has acted for major rail employers, including RailCorp, and a major Rail union many years ago. Presently the firm is acting against Sydney Trains in an employment dispute. This legal action has not been prompted in any way by Sydney Trains, NSW Trains, the NSW Government or any other party.

The FWC hearing is now set down for 3pm Wednesday 24 January (today) in the Fair Work Commission, Hearing Room 15.1 80 William St. East Sydney.

Harmers Workplace Lawyers

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