

Sydney Train Strike

STRIKE ORDERED SUSPENDED

25 January 2018

We are very pleased that the Fair Work Commission has ordered that the overtime bans and proposed strike involving Sydney and NSW Trains be suspended for at least 6 weeks. This means Monday's planned strike cannot legally proceed, this is the outcome we were hoping for. Sydney commuters and businesses have suffered enough with the impacts of the overtime ban today. A strike on Monday would have been totally unacceptable and as Senior Deputy President Hamberger said, "the industrial action threatens to cause significant damage to the economy of Sydney."

The legal action which led to this positive result was initially launched by Harmers Workplace Lawyers on Tuesday afternoon and then joined on Wednesday by the Minister, Sydney Trains and others.

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.

Also, we are aware of one media report that our application naming the CFMEU was made in error. That media report is incorrect. The CFMEU was one of a number of unions which applied to the Commission for a Protected Action Ballot Order in late 2017. The CFMEU's members subsequently voted in favour of taking industrial action in that ballot, along with the members of two other unions. This means the CFMEU now has the ability to take industrial action in the future if they wish. Given our application related to the validity of the Protected Action Ballots themselves, it was entirely appropriate to name the CFMEU in our application even though they are not currently threatening industrial action.

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