



FREQUENTLY ASKED QUESTIONS (FAQs)

Industrial Action

If I participate in industrial action will I lose my job?

No. An employer must not threaten to dismiss, injure a person's employment or discriminate against an employee who takes part in protected industrial action. All employees are to respect the decision of their colleagues as to whether they decide to take industrial action for the relevant period.

Will Metro lock out staff engaging in industrial action?

No. Metro will not lock employees out as a result of protected or unprotected industrial action.

Do I have to participate in protected industrial action?

Only employees who are RTBU members and covered by Rail Operations Enterprise Agreement 2015-2019 (this includes both registered financial and un-financial RTBU members) can participate in protected industrial action. This is their individual choice. Those employees that participate in protected industrial action that are not RTBU members and covered by Rail Operations Enterprise Agreement 2015-2019 will be taking unlawful industrial action. This means that Metro will be required by law to withhold at least 4 hours pay for that employee, even if the action was for less than 4 hours. Employees that accept payment for engaging in unlawful industrial action could face legal action and penalties. It's unlawful for any person to take adverse action against an employee because they don't want to take part in industrial action.

Will I get paid if I choose to take industrial action?

Under Section 470 of the Fair Work Act 2009 (Cth) Metro cannot make payment to an employee in relation to the total duration of the industrial action on that day (excluding 'partial work bans' or an overtime ban). Employees that ask for, or accept payment for periods in which they have participated in protected industrial action will be in breach of the Fair Work Act 2009 (Cth) and penalties may apply.

Where a partial work ban is applied, employees may receive partial payment for their shift or non-payment on the day of protected industrial action. Written notice will be provided to employees under the proposed Rail Operations Enterprise Agreement, prior to reducing any wages for partial work bans.

If protected action goes ahead how will we assist our passengers?

Our priority is to keep Melbourne moving and support our passengers. We are doing everything we can to minimise the impacts of any protected industrial action on our employees and passengers. If there are work bans that impact our ability to run trains, we will ensure all the proper operational plans are in place. Passenger information will be updated to ensure our employees and passengers are informed of the impact on our services. Real time information will also be available on the Metro Trains website, Twitter and MetroNotify.

Why is industrial action necessary? Can't this be worked out around the negotiating table?

Industrial action is completely unnecessary. A Rail Operations Enterprise Agreement can be reached around the negotiating table without disrupting our people, passengers and the community. We continue to negotiate in good faith with the union. We are making concessions and urge the union



to do the same. We have shown a real commitment to get the best possible outcome for our employees since negotiations started. We have held regular bargaining meetings at an increasing frequency since February 2019. In early May, Metro sought the assistance of the FWC to ensure negotiations with the RTBU for the Rail Operations Agreement progress at a reasonable pace. We urge the union to keep negotiating at the table, and avoid taking unnecessary industrial action.

How can we support non-union members during industrial action?

We know this can be an unsettling time for our people. If you are aware of anyone who is experiencing any bullying, harassment or other inappropriate conduct please report it immediately to your relevant senior manager. We have zero tolerance for bullying and harassment and take every claim very seriously. All employees and their families also have access to free counselling services via the Employee Assistance Program (EAP) on 1800 808 374.

It's important to us that your questions are answered and your voice is heard.

You can submit your questions at any time to enterpriseagreement@metrotrains.com.au

We'll keep adding to our FAQs section based on the common questions our colleagues are asking.