

# TAFE SERVICES

# PROTECTED ACTION

# FACT SHEET

TAFE staff can collectively bargain for better wages and conditions under the Industrial Relations Act 2016. Union members put forward claims for wages and conditions that are better than the current industrial award and there are structured negotiations between unions and the government.

If in these negotiations the government do not agree to members' claims, the way to demonstrate concern and force the government to change their mind is to take industrial action.

## **Industrial Action:**

The Industrial Relations Act recognises the right of workers to take industrial action as part of the bargaining process to force our employer to improve the outcome of the bargaining process. The Act governs how and when workers can take action. Any industrial action undertaken as part of the collective bargaining by union members in accordance with the authorised process is Protected Action.

## **When:**

Protected Action can occur after the expiry of the current collective agreement which is the 31st of August 2019. That means that Protected Action can commence on 1 September.

Together must give the employer notice, normally three days, when the industrial action will occur after it has been approved by members.

## **How is action approved?**

Protected Action must be approved by union members who will be undertaking the action through a Protected Action Ballot. These ballots are run by the Together union office but must be conducted in accordance with a policy approved by the Industrial Registrar. The ballot is only for union members.

Members undertake a Protected Action Ballot while negotiations are occurring, but the industrial action cannot commence until after the agreement has expired.

Members approving industrial action through a Protected Action Ballot does not mean that the action will automatically occur. The ballot indicates that members may consider taking that action at a future point. It is always up to members to decide whether or not they take action.

Voting "yes" in a Protected Action Ballot to say you are considering taking action however does send a strong message to government that they should take union members seriously.

After a successful Protected Action Ballot members and delegates will decide what approved action will occur and when. The Together Union office needs to be advised of this and the Secretary will notify the employer as required under the Industrial Relations Act.

Remember only union members can undertake Protected Industrial Action.

## **How will the process work?**

Members and delegates have decided what the issues are at the negotiating table – these are our 'claims'.

Members and delegates are attending the negotiations for collective agreements in TAFE.

In August and September members and delegates will decide what sort of industrial action they want to consider through Protected Action Ballots. If these ballots are successful members and delegates will decide when any approved Protected Action will occur from the 1st of September.

## **How can my workplace be involved?**

If you want your workplace or work unit to be part of the campaign for better wages and conditions and to take action in support of the claims you need to decide what sort of action members would be willing to undertake. Some action may be seeking a change from departmental management and some action may be targeted at the bargaining position of the government.

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## Step 1.

Have a meeting of members to decide what industrial action you think should be considered by members in a Protected Action Ballot.

Each Protected Action Ballot can consider a range of industrial action for members to approve. The Together Office will also need the contact details of one member or delegate who is co-ordinating the process in your workplace.

If want to know what action to consider or to get some advice on process email [pab@together.org.au](mailto:pab@together.org.au).

## Step 2.

Register your request for a Protected Action Ballot through emailing [tafe@together.org.au](mailto:tafe@together.org.au) Where possible provide a list of staff who are in the work unit to make sure all union members are included in the Protected Action Ballot.

## Step 3.

Members will receive an email from the Together Office advising them that a Protected Action Ballot is about to commence. Make sure you talk about this in the workplace so any members who did not get the email can contact the Together Office to update their details and make sure they are included in the Protected Action Ballot. In some cases the Together Office may ring or SMS members to let them know that a Protected Action Ballot is about to occur.

## Step 4.

Members will receive an email from the Together Office asking them to approve or oppose the industrial action as part of a Protected Action Ballot.

Any members who join after the Protected Action Ballot opens will be sent an email allowing them to have their say on the proposed action. The Together Office may also call and SMS members to remind them to participate in the ballot. In some cases, the Protected Action Ballot might be through an alternative to email process.

## Step 5.

The Together Office will count the ballot and declare it approved if more than half the members who participate in the ballot support the industrial action. If more than one type of industrial action is being considered by members, then a result will be declared separately for each sort of industrial action. Members will be advised of the outcome of the ballot.

## Step 6.

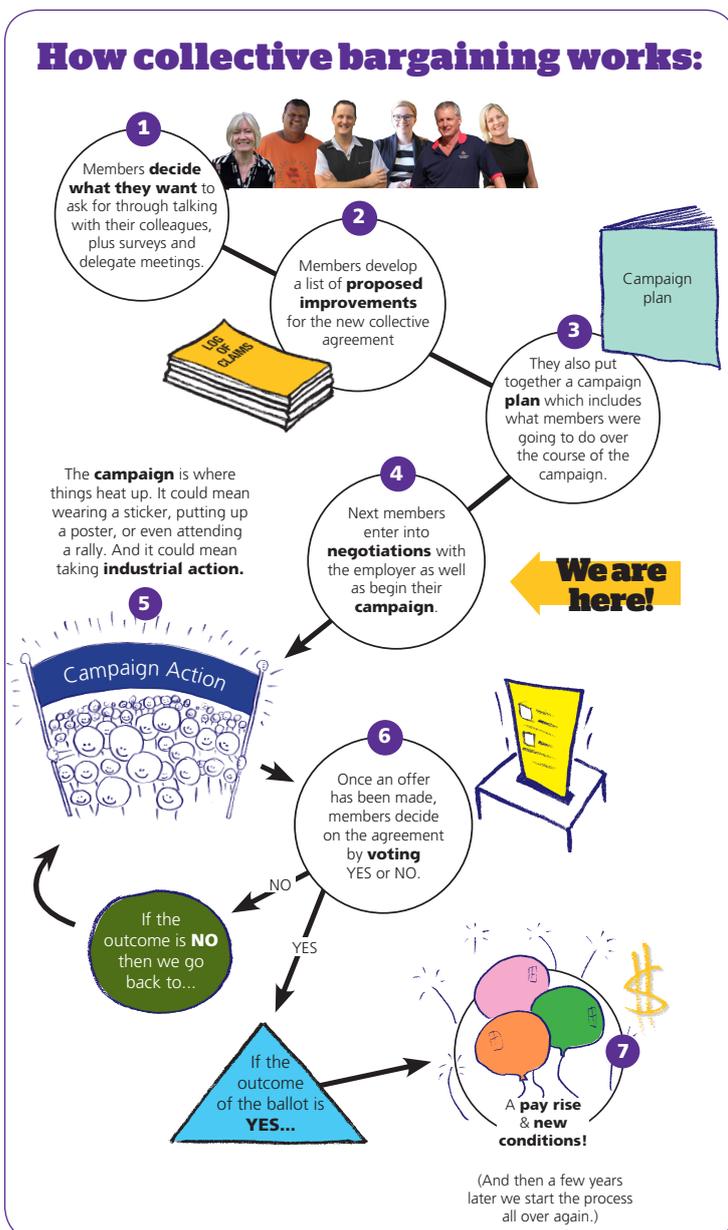
After a successful Protected Action Ballot members and delegates will determine what approved action should occur and when. No action can occur prior to the 1st of September. After the Together Office is notified by members then the office will notify the employer.

## Step 7.

Members will be advised of the timing of any industrial action.

## Step 8.

Members will commence the industrial action. Only union members may participate in the Protected Industrial Action. Some industrial action may have a limited timeframe and other action might be of an ongoing nature. Ongoing industrial action finishes when members determine to stop the action or when in-principle agreement has been reached in the collective bargaining negotiations.



**FIND OUT MORE AT:**

[www.together.org.au/tafe](http://www.together.org.au/tafe)

