



Union seeking interim reinstatement of workplace activist

Wednesday, April 10, 2019, 1:38pm

The Federal Court will this afternoon hear an RTBU bid for an interim injunction to reinstate a delegate it says has been unlawfully sacked by the private operator of Sydney's newest rail line because he helped it to prepare for a majority support determination application.

The union will tell Justice Alan Robertson that it is essential that Robert Car is able to resume his work because he will otherwise miss out on training critical to performing his customer journey coordinator role when the new [Sydney Northwest Metro](#) rail line opens next month.

The union alleges that Metro Trains Sydney Pty Ltd took unlawful adverse action against the coordinator when it dismissed him late last month because of his engagement in, or to stop his engagement in, industrial activity, in the form of conducting preparatory work for the union's planned application for a majority support determination.

It further says the company dismissed him because he exercised his workplace rights when he participated in the process of developing the majority support application.

The union says in an affidavit in support of its claim that it has "pursued a sustained organising and recruitment campaign" since February 20 at the company's Rouse Hill headquarters in northwestern Sydney, with two organisers exercising their entry rights on 22 occasions between February 14 and April 4.

The union on March 6 wrote to the company seeking to bargain towards an agreement to cover operational employees, but the RTBU says the employer's response prompted it to begin the process of seeking a majority support determination.

It finalised a petition on March 22 that would underpin its majority support application and the same day held a meeting at Kellyville's [Ettamogah Hotel](#) with Metro members.

The union at that meeting gave the coordinator copies of the petition and briefed him on its "purpose, use and distribution".

He "was (and is) an integral part" of the union's strategy to secure the determination, "as he had access to most employees within the scope of the MSD and was willing and motivated to negotiate the workforce's terms and conditions" with Metro Trains.

A union organiser contacted the coordinator three and four days later to check on his progress, but the following day, the company dismissed him.

The coordinator says he has no knowledge of the company raising disciplinary issues with him.

The dismissal forced the RTBU to "stall" its campaign for a determination, it says.

It adds that the coordinator held responsibility for collecting the petitions he circulated and as a result, the RTBU now doesn't know the location of completed or partially-completed petitions.

Justice Robertson will convene the hearing in Sydney at 2.15pm.

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