



ORDER

Fair Work Act 2009

s.437 - Application for a protected action ballot order

**Communications, Electrical, Electronic, Energy, Information, Postal,
Plumbing and Allied Services Union of Australia**

v

Endeavour Energy

(B2015/152)

SENIOR DEPUTY PRESIDENT HARRISON

SYDNEY, 12 JANUARY 2015

Proposed protected action ballot by employees of Endeavour Energy.

Further to the Decision in this matter issued on 12 January 2015 ([2015] FWC 244), and pursuant to s.443 of the *Fair Work Act 2009* (the Act) the Fair Work Commission orders:

1. PROTECTED ACTION BALLOT TO BE HELD

The Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Unions (CEPU) is to hold a protected action ballot of employees of Endeavour Energy described in clause 3 of this order.

2. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT AND S.446 ORDER

The ballot is to be conducted by the Australian Electoral Commission. Pursuant to s.446 of the Act, the ballot is to be conducted at the same time as other ballots which have been ordered in respect to applications by the Australian Municipal, Administrative, Clerical and Services Union known as the Australian Services Union (B2015/7) and The Association of Professional Engineers, Scientists and Managers, Australia (B2015/9).

3. TYPE OF EMPLOYEES TO BE BALLOTTED

The employees to be balloted are those employees of Endeavour Energy who are members of and are entitled to be industrially represented by the CEPU and who will be covered by the proposed enterprise agreement.

4. DATE BY WHICH BALLOT CLOSES

To enable the ballot to be conducted as expeditiously as practicable, the date by which voting in the protected action ballot is to close is 20 working days from the day of this order.

5. QUESTIONS

The questions to be put to the employees in the ballot:

In support of reaching an enterprise agreement with your employer, do you endorse the taking of protected industrial action by CEPU members against your employer, which may involve taking separately, concurrently and/or consecutively any or all of the actions set out below:

1. Stoppages of work

- a. Stoppages of work for a 1 hour period
- b. Stoppages of work for 2 hour periods
- c. Stoppages of work for 4 hour periods
- d. Stoppages of work for 8 hour periods
- e. Stoppages of work for 12 hour periods
- f. Stoppages of work for 24 hour periods
- g. Stoppages of work for 48 hour periods
- h. Stoppages of work for 72 hour periods

Yes

No

2. Strikes

- a. Strikes for a period of one week
- b. Indefinite strikes?

Yes

No

3. Bans

Indefinite or periodic bans on one or more of the following:

- a. On-Call
- b. Responding to Callouts except in an emergency
- c. Afternoon shifts
- d. Project Works
- e. Issuing work permits including Access Permits
- f. Testing provided this does not affect public health & safety
- g. The training of agency staff
- h. The performing of work outside of the usual work area or location
- i. All on the job training
- j. Participation in Competency Programs
- k. Completing specific processes, paperwork, approvals or reports
- l. Using or taking home Endeavour Energy keys & swipe cards
- m. The use of technology such as mobile phones, computers and tablets afterhours
- n. The use of private devices such as mobile phones, computers and tablets during work hours for Endeavour Energy purposes
- o. The use of Endeavour Energy purchasing cards
- p. Assisting or communication with contractors
- q. Network switching for contractors
- r. The use of computers & tablets
- s. Starting and finishing on job sites
- t. Undertaking stand-by
- u. Overtime generally
- v. Working non-rostered overtime
- w. Working overtime in geographical areas not covered by the current agreement
- x. Performing work outside the Endeavour Energy franchise area
- y. Performing Live High or Low Voltage works
- z. Working secondments

- aa. Conducting planned or unplanned periodic maintenance
- bb. Any activity relating to the disconnection of customer electricity supply, other than for safety reasons
- cc. Acting up in higher positions
- dd. Performing work beyond recognised competencies
- ee. Reconnecting services if not licenced
- ff. Providing assistance to district operators
- gg. Performing work afterhours beyond making safe
- hh. Working alone

Yes

No

4. Changes to the Performance of Work

- a. Commencement and ceasing of work from the depot
- b. Return to the depot for lunch
- c. Return to the depot for toilet requirements
- d. No heavy vehicle to be driven from depot until the weight of the vehicle is recorded on a daily basis
- e. Vehicle checks to be performed by a qualified mechanic
- f. No use of tools/equipment without evidence of completion of duty of care training
- g. Speaking to members of the public during work related telephone calls about the industrial action

Yes

No

5. Distribute Union & Industrial Campaign Related Material

- a. Attach union and industrial campaign-related material to outgoing mail or email, and add it to Endeavour Energy materials and displays;
- b. Wear and distribute Union & industrial campaign-related material such as t-shirts, badges, written communications and stickers

- c. Attach union and industrial campaign-related material to Endeavour Energy company vehicles and assets
- d. The provision of any information, in any form, concerning the views of employees about any aspect of the campaign to any members of the community including the media

Yes No

6. POSTING OF THE ORDER

Endeavour Energy shall cause a copy of this order to be posted at prominent locations in, or about, its worksites.

7. MANDATORY NOTICE PERIOD FOR PROPOSED INDUSTRIAL ACTION

Pursuant to s.443(5) of the Act, the period of written notice for proposed industrial action contained in s. 414(2)(a) of the Act is extended to **7 working days**.

8. DATE OF EFFECT

This order shall come into effect from 12 January 2015.



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