



*your united team of collective strength*



## **SAPN/Enerven EA – SAPN goes Nuclear on THCD and Secondments Ban**

SA Power Networks has notified its workforce that they will be taking Action against workers in retaliation for workers exercising their Protected Action in relation to Temporary Higher-Class Duties (THCD) and Secondment Bans.

SA Power Networks Action against individual workers is based in a right given to them under the Fair Work Act. This right gives SAPN the ability to refuse to accept any work offered by an employee while they are not willing to perform the full range of duties, as is the case with the THCD ban.

SA Power Networks have widely communicated that if an employee refuses to perform THCD then they will not be paid for the day and sent home. If this happens, get the direction in writing.

SAPN/Enerven choosing to do this to their workforce, speaks volumes about how they view their workers. SAPN/Enerven do not have to do this, they are choosing to retaliate in the harshest way possible to this action.

It needs to be said, if Depots/Locations were properly resourced, a THCD or Secondment ban would make little to no difference to the way the Depot/Location runs. It would have minimal impact at all. That is the exact point that we are trying to make by taking these actions and it also highlights what we are trying to fix with our EA claims.

### **Clarification of THCD Ban**

The THCD ban should not affect workers who are back-filling because of Annual Leave, Sick/Personal Leave, or Long Service Leave. These are all reasonable uses of THCD and these will always be in play in the work environment. If you are asked to perform THCD in these situations, feel free to accept this as this is what THCD should be used for. This action is designed to highlight locations that are not properly resourced in relation to higher level permanent positions (i.e. not enough TSW4A's TSW5's etc in the Depot/Location).

We need to stick together on this ban, we need to move forwards as a collective to avoid division amongst the workforce in the face of SA Power Networks retaliation. Once this Action has been used, it can then be used again later.

If you have any questions about this action, please contact your Union Organiser/Delegate. Please be aware that you may be asked to step up to replace a worker who has been sent home, we ask that you think carefully about your decision.

### **Secondment Ban will not go ahead - for now.**

The Secondment Ban has become legally complicated. The interpretation of the action has been called into question and there is no legal process available to clear up the interpretation argument before the action is taken. This leaves us in a position where our Members could be challenged after the fact on whether the action they participated in was "protected" or not. This risk to our Members is unreasonable, therefore we are retracting our Ban on Secondments. **Do not participate in this ban, it leaves workers exposed because of the complicated nature of the legal argument against it.**

### **Unprotected Action**

Unprotected Action is a very serious breach of the Fair Work Act and carries penalties for workers and the Union. Do not participate in any Action that is not approved and notified correctly.

For more information regarding the SAPN/Enerven enterprise agreement negotiations, contact your relevant union workplace delegate or your Union Organiser:

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**PLEASE SHARE THIS UPDATE WITH YOUR WORKMATES**