

AUSTRALIAN FEDERATED UNION OF LOCOMOTIVE EMPLOYEES



Circular: 98/19
Ref: Linfox Appeal
26/08/2019

AFULE Wins Full Bench Decision at the FWC

Dear Members,

Earlier this year Linfox took the AFULE to the Fair Work Commission (FWC) in an attempt to halt our Protected Industrial Action Campaign in the Aurizon Bulk business.

Linfox claimed that the Industrial Action taken or planned by the rail unions, had or would have the potential to cause Linfox, as a third party business, *significant harm* and made an application that was heard by Commissioner Spencer to ultimately have our industrial campaign stopped. On the same day this was heard at the FWC, Commissioner Spencer found that the union's view prevailed, allowing the campaign to continue.

In the weeks that followed, Linfox lodged an appeal with the FWC requesting a hearing of the full bench, in an attempt to overturn the Commissioners decision and once again halt our campaign.

Upon receiving notice of the appeal, the AFULE obtained representation from Maurice Blackburn and enlisted the services of Special Counsel, Steven Crawshaw, for the full bench hearing. The implications for union members across Australia could have been dire if the appeal was upheld and could have jeopardised the right to strike for all union members, not only those in the rail industry.

In a great win for the AFULE and the Australian union movement, last Friday in Sydney the full bench rejected Linfox's appeal due to lack of utility. Although it was a win for our union, it demonstrates the ongoing attacks that the trade union movement in Australia faces from big business.

As always, the AFULE does not shy away from a fight and we will do whatever it takes to ensure the rights of our members are protected.

Congratulations to our legal team and all involved.

For more information please contact your state office on 3844 9163 or statesecretary@afule.org.au

In Solidarity,

Michael McKittrick
State Secretary

Traincrew representing Traincrew