

ATCU

It's time to reclaim your industry and it's time to reclaim your rights

**If I said to you "I will decide who you can vote for", what would be your reply?
If I said "I am going to take away your right to vote ", what would be your reaction?**

The present system for electing local representatives' does just that. It allows the selection from the few which will ultimately fail the many, why? Because the best person does not get the chance to stand for election and the majority does not have a say. It is discriminatory and creates division.

The present system of Informing and Consulting is failing you the workforce.

Workers representatives either at depots, offices, ground staff, train crew etc. are there to speak on behalf of everyone not just the few. This is different to collective bargaining. We seek your right to a fair and equitable line of reporting from the employer to the worker. We also seek your right to be consulted, which at this present time is not taking place and therefore contravenes the spirit of the 2004 Employment Act on Information and Consultation (I&C).

It is now time to take the next step to reuniting the rail community in one definable cause by allowing YOU to vote for the best person to represent YOU.

The right to vote is one of the greatest gifts that any people could have. The **VOTE** is liberating. The **VOTE** gives you freedom to choose. The **VOTE** means equality. The **VOTE** means people have rights. The **VOTE** unites democratic people. The **VOTE** gives the freedom to elect those who would best serve the rail community.

The Information and Consultation Regulations 2004 allows you to choose the most capable person to represent you at local level, irrespective of union membership. This is not a Trade Union Act; it is legislation for the workers as a whole and one that truly allows participation at your place of work.

Your right to have input at local level provides individuals with the dignity they deserve

Everyone has a justified right to take part in their community whether that is the rail community or your local community and without prejudice, distinction or discrimination the I&C gives everyone a voice.

Your right to free expression is given to you through the power of the ability to vote for whom you wish. Therefore at times like this, it is not unusual for division and uncertainty to be created by those who would seek to wreck the progress of this venture for the benefit of an individual/employer or both.

Let no person take away your rights!

The present structure is failing everyone so it needs to be changed.

The first stage is for everyone to request a change to the present method of informing and consulting.

Attached is a letter to the Central Arbitration Committee (CAC). The Central Arbitration Committee is a permanent independent body with statutory powers.

Time to reclaim your industry

The letter informs the CAC that you are requesting the establishment of Information and Consultation arrangements. This indicates to the CAC that you are not satisfied with the present election process and the failure of the present Information and Consultation arrangements.

All letters are collated by the CAC and such letters identity remain confidential.

The CAC will inform the employee representative and employer that a request has been made once the first letter/s have been received by them. The regulations can allow up to 6 months from the first letter forwarded to the CAC for the collation of the 10% requirement to be reached.

If the response received is over 10% and under 40% the employer can contest this, start talks or instigate a ballot of the workforce for a new agreement. If the employer contests we will fight on your behalf for a fair and equitable establishment for information and consultation arrangements. **If at least 40% of the employees request the establishment under the Regulations, the employer must proceed with the negotiating process.**

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If a ballot does take place, the request to establish new information and consultation arrangements must meet two criteria's. First, the majority of those voting must vote in favour and second, 40% of those entitled to vote must also vote in favour. If either fails then your rights are cast to the waste bin of history. **So it is important that you return your ballot paper if a ballot is run.** The ballot is secret and funded by the company.

It is important that you return your ballot papers

If the ballot is won in favour then the next step is for the employer to make arrangements for the election or appointment of negotiating representatives. These representatives will negotiate with the employer on how the information and consultation will work i.e. how workers will be involved and what information will be discussed.

All employees are entitled to take part in the process for appointing or electing Negotiating Representatives.

Before the employer instigates the new Information and Consultation process they must first seek the approval of the workers.

If the employer negates its responsibility at any stage of the process they may be subjected to substantial financial penalties.