



ENTERPRISE BARGAINING //

Protected Industrial Action

What PIA is, how it is authorised, and what it means for you as an AFAP member.

A further option to escalate in the event of a negotiated outcome not being reached is protected industrial action (PIA). PIA allows pilots to engage in strikes or other industrial action without risk of repercussions, such as fines or termination of employment.

The AFAP have extensive experience in utilising PIA effectively across the industry. However, this option is always a last resort. It is only considered once all other avenues to achieve a negotiated outcome have been exhausted. Even then, several procedural steps must occur before any action can commence.

THE PROCESS AT A GLANCE //

01 PABO application AFAP applies to the FWC	02 Member ballot Confidential vote on each action	03 Notice to Qantas 3 clear working days	04 Protected action Members participate in protected action
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Protected Action Ballot Order (PABO)

The first step in pursuing PIA is an application by the AFAP (or other bargaining representative) for a Protected Action Ballot Order (PABO). We must demonstrate to the FWC we are “genuinely trying to reach agreement”, which is something that the AFAP ensure we comply with throughout bargaining to always preserve our options under the Act. This requires that we give serious consideration to all claims from Qantas. This does not require we make concessions or agree with these claims.

If the FWC approves a PABO, an independent ballot agent conducts a confidential ballot of AFAP members (or other Union applicants). This ballot will include types of PIA specified by the AFAP (generally a range of options from minor bans through to strikes of varying duration) and members vote to approve each of these actions individually.

50% of members eligible to vote must **participate** in the ballot

50% of those voting must **approve** each action for it to be available

The ballot declaration will not disclose the identity of Union members or how they voted. However it does provide the total number of AFAP members, and the total votes for each type of PIA.

WHY YOUR VOTE MATTERS //

Maximising membership numbers and participation in the PABO is critical to demonstrate to Qantas the unity and resolve of the pilots, and strengthens our collective bargaining position.

Pilots can join the AFAP at any time and participate in PIA with all the protections of the Act, even if they don't vote in the ballot.

Notification of PIA

The AFAP must then give **3 clear working days' notice** of PIA before it can commence. The notice must specify the type of action and the date and time when it commences.

Any member of the AFAP eligible to be covered by the LHEA can then participate in the action and be protected.

Payment for PIA

Employees are not permitted to be paid for any time they are participating in strikes, even when they are PIA. This does not apply in the case of a “partial work ban”, which is any PIA which is not a complete stoppage of work. For example, this might be a ban on pilots accepting a simulator support duty assigned from reserve, but otherwise performing their reserve duty as normal.

In the case of a partial work ban, the Employer has the following options:

- A** Accept the partial performance of duties and pay employees as normal; or
- B** Accept the partial performance of duties and deduct a partial payment from employees' wages commensurate with the duties not performed (this calculation can be disputed); or
- C** Refuse to accept partial performance of duties and not pay employees at all for the duration of the ban.

This last option allows an Employer to escalate action by effectively withholding pay unless the employee agrees to perform their full duties or the ban is withdrawn. If an Employer takes this step, **employees may respond by going on strike without notice.**

Employer Response Action

An Employer also has the option of taking response action if PIA is taken by employees. The Act permits an employer to engage in a “lockout”, which is more flexible than the wording suggests, as it does not require that all employees are locked out of the workplace.

Once an Employer takes industrial action, employees can then give notice of “employee response action”. This action can be any form of PIA and does not need to have been authorised by a PABO.

Other Responses

Other options are available to Qantas, such as making an application to terminate the PIA – a tactic familiar to LH pilots from previous negotiations. These are complex areas of law, and should we reach that stage, the AFAP will provide detailed legal guidance to ensure members are fully informed and protected.