

PSA wins our appeal to reduce Court fine for Valentine's Day Strike

The NSW Court of Appeal has now delivered a judgment in relation to our appeal from the \$84,000 fine imposed by a Supreme Court judge in 2017. This relates to strike action by members including disability workers, on Valentine's Day 2017 regarding the total privatisation of disability services in NSW.

As you know, the PSA has been strongly campaigning on behalf of members in order to seek appropriate protections and conditions of employment for disability workers transferring from the public sector employment to the private sector.

The court decided the formula for calculating the penalty had not been correctly applied and the penalty amount was manifestly excessive ('unreasonable or plainly unjust') and therefore reduced penalty amount to \$25,000.

You can read the judgment of the NSW Court of Appeal [HERE](#).

This is the first time the NSW Court of Appeal has had the opportunity to consider this type of appeal case involving the contravention of dispute orders for industrial action and considered the legislation [Sections 137 and 139 of the Industrial Relations Act 1996] to be of 'considerable importance in the industrial relations system' in New South Wales.

It's time to Change the Rules

The reduction of the fine is considerably important not only for PSA members but for all other public sector unions in relation to taking industrial action in the state system, including strikes by union members. In this case, the \$84,000 penalty originally imposed on the PSA by the Supreme Court Judge was five times higher than the previous highest penalty against a NSW union for taking industrial action in support of its members. If we had not challenged this unparalleled fine, it would have set a shocking precedent. **This is just one example of why we must #ChangeTheRules.**

The PSA/CPSU NSW is working with other unions on the Change the Rules campaign. Consistent attacks on workers and their unions such as this fine have contributed to inequality being at a 70-year high and increased insecure work, which has become commonplace in the disability sector.

We are building a movement to change the rules to bring fairness back to Australia. Working people need better and stronger rights at work to ensure jobs are secure and our wages are fair. For more information on the Change the Rules Campaign click [HERE](#).

Know someone who isn't a member?

A strong union means better outcomes for all members; encourage your workmates to JOIN the PSA today.

