

Reference: 2022/12274

The General Manager
 Fair Work Commission
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Declaration of results - PAB Order: B2022/1555

Pursuant to the Protected Action Ballot Order B2022/1555 issued by the Fair Work Commission, the AEC has conducted the protected action ballot and the declaration of the result is provided below.

Preliminary scrutiny	
Number of employees on the Roll of Voters (Voters)	13
Postal votes returned by voters	8
Postal votes rejected at the preliminary scrutiny	0
Postal votes admitted to further scrutiny	8
Percentage of postal votes returned*	61.54

*This is the number of postal votes admitted to further scrutiny as a percentage of the number of employees on the Roll of Voters (the number of voters who voted).

The further scrutiny has been conducted. The table below provides the results for each question.

In support of reaching an enterprise agreement with Nyrstar Hobart Pty Ltd, do you endorse the taking protected industrial action against your employer, which may involve taking separately, concurrently and/or consecutively, any or all of the actions set out below:

	Question	Yes	No	Informal
1	Indefinite or periodic 15-minute stoppages of work, including consecutive stoppages?	7	1	0
2	Indefinite or periodic 1-hour stoppages of work, including consecutive stoppages?	7	1	0
3	The imposition of a ban, for a specified period, including indefinitely, on work performed outside of ordinary hours?	7	1	0
4	The imposition of a ban for a specified period, including indefinitely, on call-ins?	7	1	0

5	The imposition of a ban, for a specified period, including indefinitely, on the alteration of starting and finishing times for day and shift workers?	7	1	0
6	The imposition of a ban, for a specified period, including indefinitely, on non-scheduled or unplanned work?	7	1	0
7	The imposition of a ban, for a specified period, including indefinitely, on undertaking work tasks and responsibilities normally undertaken by supervisors or managers, covering staff relief roles, or performing higher duties?	7	1	0
8	The imposition of a ban, for a specified period, including indefinitely, on using Computers for SAP, emails, dissemination of data and work logs?	7	1	0
9	The imposition of a ban, for a specified period, including indefinitely, on completing any paperwork, reports, reporting and data entry?	7	1	0
10	The imposition of a ban on performing work through rest and/or meal breaks for a specified period, including indefinitely?	7	1	0
11	The imposition of a ban, for a specified period, including indefinitely, on staggering meal and rest breaks to provide for continuous running?	7	1	0
12	The imposition of a ban, for a specified period, including indefinitely, on doing anything other than taking meal breaks, in concert with other employees, at the same time and/or in the same places?	7	1	0
13	The Imposition of a ban on the use of power tools for a specified period, including indefinitely?	7	1	0
14	The imposition of a ban, for a specified period, including indefinitely, on the use of electronic devices, e.g., mobile phones, computers, and radios? Note : except in relation to safety-related purposes.	7	1	0
15	An unlimited number of indefinite or periodic bans on attending company EBA-related report back meetings/sessions?	6	2	0
16	The imposition of a ban for a specific period, including indefinitely, on supervising, mentoring other employees and authorisation of contractors, excluding apprentices?	7	1	0
	Indefinite or periodic change to the way that works is performed in the following ways:			
17	(a) Wear and display union and industrial campaign material such as t-shirts, badges, hats, and stickers	5	3	0
	(b) Speaking to the public?			
	An indefinite or periodic change to the way that works is performed in the following ways:			
18	(a) Distributing union or industrial campaign material?	5	3	0
	(b) Attaching union and industrial campaign material to Nyrstar vehicles and assets (that does not impact safety)?			
19	The imposition of a ban, for a specified period, including indefinitely, on performing work subjected to protected action bans by the AMWU, CFMEU, or AWU members?	7	1	0

I declare that:

- The requisite number of voters (at least 50%) voting in the protected action ballot was achieved.
- The majority of voters who cast a valid vote were in favour of the action set out in question(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19.
- The majority of voters who cast a valid vote were against the action set out in question(s). N/A

Kaye Bartlett
Returning Officer
Delegate of the Ballot Agent
Australian Electoral Commission

24/11/2022

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