



Australian  
Nursing &  
Midwifery  
Federation  
VICTORIAN BRANCH

# EBA101 VOTING TO TAKE PROTECTED INDUSTRIAL ACTION

During EBA negotiations, the key decisions are up to members. ANMF elected officials can make recommendations, but only members can vote.

There are three times during the bargaining process that require a vote:

1. Voting to take protected industrial action
2. Voting to accept or reject an offer at a members meeting, and
3. Voting to accept or reject the EBA outcome in its entirety.

ANMF and your employer will facilitate formal voting in each case to ensure it is conducted rigorously and lawfully, but only members (whose ANMF and employer details match) can vote.

You have the final say.

To have your say, however, it is essential that you participate in these votes.

## Voting to take action

If negotiations reach a point where the employer/government won't support enough of our members' claims, and we cannot recommend the negotiated outcome to members, you can vote to exercise your legally protected right to take industrial action, with the aim of achieving a better offer.

Via a show-of-hands vote at a members' meeting, as well as via a formal, secret electronic ballot, you will demonstrate to the Branch, employers and government if you want to exercise this right. This process must follow several steps, as laid out in the Fair Work Act.

Key for members is that for industrial action to be legally protected, *at least 50 per cent plus one of eligible members covered by the EBA at each facility must participate in the vote, and more than 50 per cent of those voting must vote YES in favour of the right to take protected industrial action.*

## Who gets to vote in the ballot?

The ANMF provides a list of members to the ballot agent. And each employer provides a list of their employees who would be covered by the new EBA. Only those who appear on both lists will get to vote.

This can be tricky if, for example, your ANMF membership is under your married name, and your employer records are under your pre-married name. This is why it is critically important that you login to [members.anmfvic.asn.au](https://members.anmfvic.asn.au) to check the contact details we have on file, and update them if required. Equally as important is to then ensure that your employer has the same correct details.

## What happens if my workplace doesn't get enough votes?

Protected industrial action cannot take place at any workplace that does not meet the threshold of *at least 50 per cent plus one of eligible members participating in the vote, and more than 50 per cent of those voting YES in favour of the right to take protected industrial action.*

**Note: by voting YES in a protected industrial action ballot, you are not voting to take action. You are voting to have the legal right to take some, or all, of the industrial action proposed in the event it is needed at a later time.**

EBA101

## Retain. Recruit. Rebuild.

Find out more about the 2024 public sector EBA campaign at [anmfvic.asn.au/EBA2024](https://anmfvic.asn.au/EBA2024).

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