

Rail, Tram and Bus Union



RTBU – PacNat Member's Union Collective Agreement 2009 *Update Newsflash No 22* 30th March 2010

I advise Members that on Monday 29th March the RTBU lodged the necessary paperwork with Fair Work Australia for the conducting of a Ballot of members for Protected Industrial Action should it be needed.

We lodged 5 separate Applications for each of the Enterprise Agreements being negotiated.

As a result of the above the Applications were heard together by FWA at 2.30pm Tuesday 30th before Commissioner Larkin.

Commissioner Larkin agreed with our arguments and ordered that a protected action ballot be held by the Australian Electoral Commission, with the last date for the ballot to be twenty days from the date of the Order.

This means that Ballot will be conducted in mid-April. Once again this is the application for the conducting of a Ballot, not to commence Industrial Action.

Should the ballot/s be successful we would then have the ability to notify the Company and FWA of our intention to take protected industrial action with a 30 day window from the declaration of the Ballot/s.

Remember – only RTBU members are eligible to vote in this ballot and if the ballot is successful, only RTBU members will be “protected” if we take industrial action.

The Ballot will contain the following Questions for Members to vote on:

1. Do you support a number of ongoing and repeated stoppages, each lasting from between 1/2 day and 2 days duration, occurring nationally, during the protected industrial action period?
2. Do you support a single national stoppage of 1/2 day duration?
3. Do you support a single national stoppage of 1 day duration?
4. Do you support a single national stoppage of 2 days duration?

Members will have the option of voting for which ever or all of the options as stated above, with voting to close on a date yet to be confirmed by the AEC.

As the ballot process will take a number of weeks to complete, it is business as normal until then, including meeting with the Company, as it is our preferred option to reach a negotiated outcome without having to resort to industrial action.

I have also attached a copy of the correspondence received from PN late last Friday afternoon outlining the items they are seeking to “move closer to the RTBU’s wage claim of 15% over 3 years”.

“Dear Robert

Re: Part B EA Negotiations

As agreed in our previous meeting of 18th March 2010 in North Sydney, Pacific National undertook to write to you to outline the additional amendments to Part B that the company would be looking to discuss with you in order for it to move closer to the RTBU’s wage claim of 15% over 3 years.

Outlined below are the specific areas that Pacific National would like to table for that discussion:

Intermodal Train Crew

☐☐ Attachment 1, Clause 9.2 – change to allow for maximum of 4 hours layback on forecast rosters

☐☐ Attachment 1, Clause 9 – change to allow lift-up when at rest at a Barracks location without payment (ie – when an employee is at rest at Barracks they can be lifted up outside of the current 2 hour minimum without payment being made, provided that minimum rest periods have been complied with)

☐☐ Attachment 1, Clause 1.1 – provision for Master Rosters to be able to be averaged at up to 40 hours, but no more than 40, which would be combined with the previously discussed options of employees being able to elect not to work above 608 hours

Intermodal Terminals

☐☐ Attachment 1, Clause 1.3 – change to read “Employees Master Roster will average 1 weekend off in every 4”

☐☐ Expand lift up and lay back to all Terminal operations at all locations by removing site and roster make-up limitations

Bulk Rail

☐☐ Barrack detention paid after 12 hours and retain the pattern span. Currently is paid after 11 hours

☐☐ Double rest jobs- Train crew can be rostered to a rest location, take their rest, work a shift at their rest location then take a rest again, then work to their home base

☐☐ 16 weekly roster cycle

Coal

☐☐ Blank line working for all mainline working excepting BHPB

Consistent rostering process across all Coal NSW crewing depots IE 11hour mainline working & 9 Hour local working (shunting, provisioning, fuelling shifts)

Furthermore in regards to the letter from Allan Barden of your office dated 24th March 2010 to the Pacific National and Patrick Divisional General Managers, I confirm that Pacific National has not changed its position in relation to backpay of employees.

The memorandum you refer to merely draws employees attention to the fact that if wage rates cannot be agreed between Pacific National and the RTBU then that backpay offer may be revised.

This is consistent with the negotiations that have been undertaken to date.

Pacific National are now seeking to meet with you and your fellow senior RTBU officials in order to move to finalising a position that will be put to the employees. We would appreciate if you could advise a suitable date and location at your earliest convenience."

As members can see above the items identified by Pacific National are major issue's of which most have already been discussed and no agreement reached, with at least 1 item being a totally new item, never before raised by PN during the negotiations.

Following receipt of the above letter the National Secretary wrote to Pacific National as follows:

"I refer to your letter of 26 March 2010 to Mr Robert Hayden, RTBU National Organiser.

The RTBU will be happy to meet with representatives of Pacific National on either Wednesday 7 April or Thursday 8 April 2010 to try and resolve the outstanding wages claim and other outstanding issues relating to the proposed Enterprise Agreements.

We would prefer to meet at either our National Office in Redfern or Pacific National's Office in North Sydney.

Please advise which date and location is most convenient for Pacific National's representatives.

In your letter, you have tabled a number of items for discussion. However you have not included any items regarding the Operation Services Agreement. Can you please provide, in writing, any items that will be discussed regarding that Agreement as soon as possible.

If the proposed Operation Services Agreement will not be discussed at the meeting in early April, can you please confirm that in writing as soon as possible.

I note that the position of the company at the meeting between Pacific National and RTBU officials on 18 March suggested that the revised Pacific National offer would be 13% over three years. Your letter states that the company wants to "move closer to the RTBU's wage claim of 15%". Can you please clarify in writing whether these items for discussion will enable the company to move closer to an offer of 13%, or whether the company is actually moving closer to the RTBU's claim of 15%?

I am also keen to discuss the Pacific National position on backpay, since we have had three different interpretations as to whether it will or will not be paid. Rest assured, the RTBU will continue to work towards an agreement on pay and conditions, using all means available to it under the Fair Work Act 2009."

I can now advise Members that a meeting has been arranged for the 7th April between Pacific National and the RTBU in an effort to conclude the negotiations and Pacific National have now advised as follow;

“Pacific National confirms that the negotiations for a Part C Operations Services Agreement are continuing and that comments will be provided to the RTBU on the latest draft by early next week. It is not Pacific National's intention to discuss the Operations Services Enterprise Agreement on Wednesday 7th April 2010.

In terms of the additional flexibilities sought in pursuit of a wage claim, as detailed in our letter dated 26th March 2010, Pacific National confirms that resolution of these issues would allow Pacific National to move our current wage offer from 10.5% over 3 years towards 13% over three years.

Pacific National looks forward to continuing negotiations next week in pursuit of an Enterprise Agreement. Pacific National further confirms that the offer of back pay remains in place pursuant to our previous correspondence dated 26th March 2010”

A Campaign Delegate Hook Up will be held early next week following the planned meeting with Pacific National on the 7th to advise Delegates of the outcome.

Additional Newsflashes will be issued as developments occur.

Also it is important that we continue to get information about what the Company has put out and about saying (if anything) on what they are planning for any of the Business Group Agreements.

I ask that any such information be given / advised to your local delegate, State Branch and or emailed / faxed to the RTBU National Office. Copies of company newsletters, notes taken by you or individual members from Company held meetings etc should all be sent in. Even if we get the same information numerous times, that's better than not getting it at all, so you should assume we have not seen it nor do we know about it, and send it through.

Do not assume or expect that someone else has sent it to us.

I ask that you continue to support your Delegate and offer to assist them when needed as they represent you and your Union prior to, during and following the Campaign.

Newsflash!@Home.

If you would like to receive future information to your personal home email please email Bob Hayden at rhayden@rtbu-nat.asn.au with your name, your location, your classification and your email address and you will be added to the email list.

YOUR RIGHTS AT WORK..... WORTH FIGHTING FOR!!

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