

# pn nsw coal ea 2012

## members' information newsletter



## Your Input Required

The RTBU negotiating team met with the PN Coal negotiating team and the General Manager David Mayo and Human Resources Manager, Chris Elston yesterday.

After a couple of weeks break from meetings, correspondence was exchanged between the parties on a number of outstanding items, today's meeting was a last ditch bid to establish if the parties could reach agreement. Progress was made on a number of items however a number remain outstanding with negotiations at an impasse.

A list of all clauses and their status is provided as an attachment to this newsletter for member's information.

The RTBU will shortly be arranging Depot meetings at all depots to report back to members on progress, and to seek feedback and direction.

At this weeks meeting agreement was reached on;

- Public Holidays, PN have now dropped their claim to exclude new employees from DIL day entitlements.
- Wongawilli train crewing – Agreed 9 hour shift lengths.
- A new clause in the Consultation Clause regarding direct appointment of support staff affected by a restructure.

The following items were progressed as follows:

**Scope** - PN recently advised that they would require any employee appointed to the New Operations Supervisor Role, to sign an appointment Agreement, thereby removing themselves from the Enterprise Agreement. The RTBU have a differing view in that it believes any current employee that falls within the scope of the agreement has the right to remain covered by the agreement should they be appointed to a Supervisory role and they chose to remain under the agreement. On that Basis, and so as to move ahead, the parties have agreed to keep the same scope clause as is current, and to seek arbitration through Fair Work Australia on the definition of the clause.

**Aggregate inclusion in the base wage**, PN have proposed to defer this matter to be discussed over the life of the next agreement through a consultative process. The RTBU have indicated it will seek member's views on this proposal.

### Your EA Negotiating Team

Allan Nutley  
Wayne Pallant  
Greg Brooking  
Dale Walsham  
Greg Cameron  
Bob Hayden  
Steve Wright  
John Curley

### Proposed Meetings

DATE	VENUE
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Nil

**Are Your Details Up To Date**  
Members are reminded that it is vitally important that your mailing address, phone numbers & email address are up to date – Contact: Steve Wright at

[swright@rtbu-nsw.asn.au](mailto:swright@rtbu-nsw.asn.au) or  
phone: 0418 699 642 to  
ensure everything is correct

Do you want to receive updates sent directly to you? Email your personal email address (no work addresses) to:

[swright@rtbu-nsw.asn.au](mailto:swright@rtbu-nsw.asn.au)

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For Information go to  
[www.locoexpress.com.au](http://www.locoexpress.com.au)  
click on PN EAs

Authorised by Robert Hayden  
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**Superannuation** – The RTBU indicated to PN that it would be prepared to reconsider its 12% claim if PN agreed to no disadvantage to employees on Workers comp. PN indicated they would not change their position.

**Greta Maintainers** – Although having reached in principle agreement previously, the wording supplied to the RTBU surrounding tasks to be performed by the Core Maintainer at Greta were not what we agreed upon. The parties agreed to review documentation as to what was agreed and report back.

**Wage Increase** - PN wage offer is still 4% per year for 3 years, with a one of payment of \$1000 if employees vote the agreement up. The RTBU’s claim remains unchanged.

**Live Run Roster** - PN have offered a 12 month grace period of no change to the roster then any change by consultation. The RTBU have counter proposed to accept this offer on the provision that any change would be upon acceptance of the majority of affected employees. PN are yet to respond on this claim.

**Conclusion** – The RTBU advised PN that it would take PN’s proposals out to members via depot tours and seek their views, then report back within two weeks.

**Meeting Dates are as Follows**

<b>Tuesday</b> <b>9<sup>th</sup> October 2012</b>	<b>Wednesday</b> <b>10<sup>th</sup> October 2012</b>	<b>Thursday</b> <b>11<sup>th</sup> October 2012</b>
Hunter Valley Depot	Hunter Valley Depot	Antiene
Newcastle Tennis Club Broadmeadow	Newcastle Tennis Club Broadmeadow	Antiene Depot Meal Room
2.00pm	11.00am	10.00am-1.00pm

<b>Tuesday</b> <b>16<sup>th</sup> October 2012</b>	<b>Wednesday</b> <b>17<sup>th</sup> October 2012</b>	<b>Thursday</b> <b>18<sup>th</sup> October 2012</b>
Inner Harbour	Lithgow	Mudgee
Depot Meal Room	Depot Meal Room	Depot Meal Room
10am – 2pm	10am- 2pm	10am- 12pm

<b>Friday</b> <b>19<sup>th</sup> October 2012</b>
Gunnedah
Depot Meal Room
9am – 12pm.

## Newsflash 19 Attachment - Status Sheet as at 2<sup>nd</sup> October

Clause	Agreed in Principle	Not Agreed	Comment
Title	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Parties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Scope	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The parties remain divided over the application of the current agreement in regards to those people who are covered by the enterprise agreement still being covered should they be promoted / appointed to a Supervisory Role that's major and substantive task is supervising employees.</p> <p>To overcome this impasse both parties have agreed to have the matter arbitrated by Fairwork Australia.</p>
Term	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wording agreed actual term (3 or 4 years) subject to final negotiation result
Relationship to Award and National Employment Standards (NES)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New clause - PN clause that references the National Employment Standards
Glossary of terms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Currently being reviewed to reflect Agreed clauses
Contract of Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Probationary Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Recruitment Selection and Induction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Hours of Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clause has been re written to better reflect actual
Higher Duties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Now includes reference to acting for extended period and defines APM requirement.
Stand Down	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Improved clarification
Superannuation and Salary Sacrifice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RTBU have proposed, no disadvantage to employees on workers comp and a 12% employer contribution.
Discipline	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>RTBU have proposed a revised clause that it believes is fairer to employees.</p> <p>PN considers this clause a policy matter. They have proposed the same clause as the current agreement with minor clarifications.</p>
Termination of Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Abandonment of Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change

Redundancy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Annual Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Small change to have the ability to accumulate up to 1.5 years leave entitlement.
Public Holidays	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New format that includes a table to define entitlements. DIL'S may now be cleared with Annual leave, hours versus shift issue corrected, For train crew DIL's will now be credited to the duty cycle
Long Service Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PN will now advise within two weeks of making an application for LSL. New provision to clear LSL at half rate in certain circumstances related to family and illness..
Personal Carers leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New provision for employees not to be disadvantaged when waiting for a PN initiated medical examination
Unpaid carers Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Trauma Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Compassionate Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Parental Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Leave Without Pay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Jury Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Special Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Consultation and change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New provision regarding process for support staff when a restructure has been implemented by PN
Resolution of Disputes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Changes to position titles. Any dispute notice is now to be responded to in writing at the initial lodgement.
Transfer of Existing Employees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Only change is regarding Freightcorp Drivers Coal Bonus. Now anyone on this bonus shall retain their bonus if they transfer to a different depot covered by this ea.
Temporary Transfer to another Home Base	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimal change - rates increased
Employee Travel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	An enhanced clause that now covers "Operational Relief Work Arrangements" (for a single day) "Training and Conference Attendance Arrangements" "Provisions not Covered in the Agreement"  Existing or new allowances have been included to cover these situations.
Home base and Sign on Sign off Provisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clause has been amalgamated from classification specific clauses and will now sit in Part A. Home base may have sign-on locations within 10km's radius. No payment for travel between home base and sign-on point. Work cover code of practice "Managing the Work Environment and Facilities" has been inserted into the agreement regarding facility standards.

Salary Maintenance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Uniforms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Representatives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Workplace Relations Training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Individual Flexibility Arrangement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No change
Health and Safety Representation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RTBU have proposed a revised clause that it believes is fairer to employees. PN considers this clause a policy matter. They have proposed the same clause as the current agreement with minor clarifications.
Medical Assessments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clarification with an example and an increase to the meal allowance.
Payment of Wages	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Wage Increase	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PN wage offer is still 4% per year for 3 years with a one of payment of \$1000 if employees vote the agreement up.  RTBU have proposed a claim of 6% per year for three years subject to agreement of proposal regarding APM and Aggregate allowances. RTBU propose that all classifications aggregate allowance (excluding Support) be rolled into the base rate and that the Night shift APM of 1.18 now apply from 1400 to 0600 on weekdays.  Aggregate wage - PN have proposed wording in the agreement for the parties to develop this proposal and identify all issues during the life of the new EA and if / once agreement is reached a vote will take place by those employees affected by the proposal which will be included in the next EA.
Internal transfer of Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Picnic Day	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Travel Pass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Alcohol and Drugs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RTBU have proposed a revised clause that it believes is fairer to employees. PN considers this clause a policy matter. They have proposed the same clause as the current agreement with minor clarifications.
Managing Fatigue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	New RTBU proposed clause. PN considers this issue a policy matter that they do not want included in the agreement.
Communication Monitoring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	New RTBU proposed clause. PN considers this issue a policy matter that they do not want included in the agreement.

Driving Company Vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New clause to focus on safe driving
Roster Committees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New Clause to clarify how committees work
Part B - Scope	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Classifications Principles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Recognition of Current Competency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Train Crew Classification Structure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Some tidying up of stream and progression. A new level for Driver Trainer (Level 9)
Terminal Operator Classification Structure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Changes to reflect current arrangements and some tidying up.
Management of hours of Work	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See wage Claim
Remuneration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See wage Claim

<p>Rostering Principles (Train Crew)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Leave Relief Lines</b> - New PN clause. A new provision to enhance leave clearance</p> <p><b>Roster Changes</b> - Working Roster - Changes to allowance when a shift is cancelled</p> <p><b>Rostered Days Off (RDO's)</b> (Train Crew)  For blank line working where shift lengths are rostered up to 11 hours, there will be no sign on after 1200 on the day prior to the RDO.</p> <p>For blank line working where shift lengths are up to 9 hours, there will be no sign on after 1400 on the day prior to the RDO.</p> <p>If an RDO is infringed between the hours of 00:00 and 01:59 an additional stand alone payment of 2 hours at the rate of 1.7 of the Employee's hourly base pay rate will be made for infringing the RDO.</p> <p><b>Weekends off duty</b>  For blank line working where shift lengths are up to 11 hours, there will be no sign on after 0800 on the day prior to the weekend off duty.</p> <p>For blank line working where shift lengths are up to 9 hours, there will be no sign on after 1000 on the day prior to the weekend off duty.</p> <p>If the weekend off duty is infringed between the hours of 20:00 and 21:59 an additional stand alone payment of 2 hours at rate of 1.7 of the Employees hourly base pay rate will be made for infringing the RDO.</p> <p>If the first RDO of the weekend is infringed by 2 hours or more an Employee shall be able to nominate one substitute RDO</p> <p>Weekends off Duty  1 in 3 off</p>
<p>Meal Breaks</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Change for Main Line Drivers - Break to be taken after the third hour and before the completion of the sixth hour (e.g; to start before 5.30 hours on duty)</p>

Shift Lengths (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	When rostered 9 hours or under six hours minimum shift credit, up to 11 = 8 hours minimum payment. Some descriptors moved to Depot Specific.
Interval between Shifts (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Mandatory rest Period (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Confirming Next Turn of Duty (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimal change
Lay Back (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Barracks Working / resting Away (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimal change
Commencing and Returning from Leave (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New provision to cover safety when returning from leave.
Wake Up call (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Depot Specific Rostering Requirements (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Terminal Operators Rostering Principles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
DOO Appendix	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
<b>Scope Part C</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Classifications and Pay Levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New provision re restructures and direct appointments - To go in Consultation Clause.
Support Classification Structure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimal Change
Management of Hours of Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Remuneration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See wage Claim
Rostering Guideleines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Shift Lengths	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Interval Between Shifts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Working Rostering Changes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Additional Provisions – Live Run Rosters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	New Clause tabled by the RTBU to include Live Run Roster in the EA, PN have offered a 12 month grace period of no change to the roster then by consultation. The RTBU have counter proposed accepting this on the proviso of majority acceptance by affected employees of any proposed roster. PN are yet to respond.
Meal Break	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
<b>Scope – Part D</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Classification Principles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correction from last EA
Recognition of Current Competency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correction from last EA



Classification Progression	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Additions re Greta
Maintainer Classification Structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dispute over agreed position re Core Maintainer at Greta – Parties reviewing documents on what was agreed.
Hours of Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct omissions (errors) from last agreement.
Meal Breaks/ Rest Breaks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Increase in rate
Remuneration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See wage Claim
General Rostering Provisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct omissions (errors) from last agreement.
Roster Consultation Roster Development Shift lengths Intervals Between Shifts Working Roster Changes Maximum Hours of Duty Roster Suspension	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct omissions (errors) from last agreement.  Minimum shift increased to six hours.
Call Out – Service Restoration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Increase to six hours minimum call out at OT rates
On Call Provisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rates Increase as follows 12 Hour Night period only 1800 to 0600 - \$70.00 24 hour period - \$90.00 24 hour Public Holiday coverage - \$140.
Maintainers – rostering Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct omissions (errors) from last agreement.
Maintainers Competency Table	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct omissions (errors) from last agreement.
Maintainer Classification Levels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dispute over agreed position re Core Maintainer at Greta – Parties reviewing documents on what was agreed.
Attachments			
Annual Base Rates	<input checked="" type="checkbox"/>		Rates to be shown in a separate table. Table to include all increase amounts through out life of the agreement.