

pn nsw coal ea 2012

members' information newsletter



No Agreement in Sight!

The RTBU met with senior management from PN Coal this morning in an effort to progress your enterprise agreement. Unfortunately little progress was made on a number of outstanding items. PN did advise that on the five outstanding policy matters, they would be prepared to accept the recommendation that was made by Fair Work Australia on the same items with PN Rail. RTBU advised PN that this would be discussed with delegates before any decision to change our position was made.

The remaining outstanding items are;

- 1) **Wage Claim, APM and Aggregate allowance** – In an effort to reach agreement the RTBU suggested members may consider a wage offer of 7% + 5% + 5% with the aggregate allowance included in the base salary and dropping our additional APM claim. PN refused this compromise and stands by its offer of 3 x 4% increments with an initial cash incentive to vote yes. They suggested that if agreement could be reached on the outstanding items they could increase the cash incentive but would not increase their wage offer.
- 2) **Live Run Roster re 12 hour shifts** – PN still refuse to accept RTBU position of a majority support to change from 12 hour shifts
- 3) **Tahmoor crew configuration** – The Company verbally agreed with the RTBU claim regarding this item, but we are yet to see the words.
- 4) **Duties and progression of maintainers at Greta** – The parties could not agree on the maximum time period that a level 4 maintainer would progress to level 6 once their training in the additional level 6 competencies had started.

5) Policy Matters - Fair Work outcomes.

Last Friday the RTBU had a Fair Work Conciliation with Pacific National Rail (Intermodal and Bulk) about the 5 outstanding Part A matters of:

1. Fatigue Management;
2. Drug & Alcohol;
3. Discipline;
4. Health and Safety Representation;
5. and Communications Monitoring.

Senior Deputy President Hamberger has made a recommendation on each of these 5 items (see attached for the complete recommendations). Neither the company nor the RTBU are obliged to follow these recommendations.

Your EA Negotiating Team

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

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 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

For Information go to
www.locoexpress.com.au
click on PN EAs

Authorised by Robert Hayden
Locomotive Divisional Secretary NSW Branch
Level 4, 321 Pitt Street Sydney NSW 2000

Fatigue

- That PN establish a Fatigue Management Forum with 3 management and 3 employee representatives to meet on a quarterly basis.
- This is essentially our clause, it just won't go into the Agreement, as such this outcome fulfils our original claim

Drug and Alcohol

- Over the next two years PN review its policy in consultation with the RTBU
- This should include the review of drug testing requirements, especially for swab testing
- While this recommendation does not satisfy our full claim it does recognise the most important part of our claim that the parties conduct a review of the drug testing regime, including whether to move to the use of oral fluid testing

Discipline

- This recommendation failed to meet our claim, however our primary issue was the abuse and inconsistent use of the current disciplinary procedure in the current Agreement
- However the recommendation provides for the monitoring of any patterns of inappropriate use of the discipline process; and
- That employees use the dispute resolution procedure in the current clause if they feel unfairly treated

Health and Safety representation

- The recommendation picks up on our concerns about the training of our reps and the additional sentence guarantees relevant training, resources and information

Communications Monitoring

- PN needs to develop their Communications Monitoring policy (they currently don't have one) and take on board the concerns our clause raises
- It was interesting that in questioning on this matter the company and their lawyers were not prepared to answer many of the concerns we raised about in-cab audio and video recording. That is to say, we still don't really know what their intentions are with developing and implementing communications technology for "safety" purposes.

Whilst all PN Business Groups including Coal have agreed to accept Fair Work's recommendations, your Union is conducting teleconferences with the delegates from each business division before we advise the company of our position.

PN made it clear that if no agreement was reached they would be taking the agreement out to a vote. The RTBU made clear, it will not support the agreement and will strongly recommend a No vote to members. They said if the ballot failed, it would be back to square one.

It is not expected that any compromise will be reached on the other outstanding issues.

In the interim if PN send their document out for a vote, you can expect a slightly higher incentive to get you to vote yes, however based on the overwhelming feedback and comment from Members it is clear that Members will VOTE NO.

We will advise Members of our next steps in the coming days.

Again Members are advised to ensure your details are up to date – Please compile the form below and fax through if you need to advise of any changes.



FAIR WORK
AUSTRALIA

RECOMMENDATION

Fair Work Act 2009

s.240 - Applications to deal with a bargaining dispute

**Pacific National (NSW) Pty Limited (PN); Asciano Services Pty Ltd
(Asciano)**

v

Australian Rail, Tram and Bus Industry Union
(B2012/1701, B2012/1702, B2012/1703, B2012/1704)

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 26 OCTOBER 2012

Applications to deal with bargaining disputes

[1] In the above matters, Fair Work Australia recommends as follows:

1. Pacific National should establish a Fatigue Management Forum composed of three management and three employee representatives to monitor and discuss fatigue management issues. It should meet on a regular basis, such as quarterly. The employee representatives should receive appropriate training in fatigue management issues.
2. Pacific National should, over the course of the next two years, review its drug and alcohol policy, in consultation with employees and the RTBU. This should include, inter alia, a review of the drug testing regime, including whether to move to the use of oral fluid testing.
3. If employees have concerns that they have been treated unfairly under the discipline procedure they should avail themselves of the Dispute Resolution Procedure which can serve as an effective appeal process. The parties should monitor any such disputes and, if a pattern emerges of inappropriate application of the disciplinary procedure, remedial action should be taken; for example a program of management training in the proper application of disciplinary and performance management procedures.
4. An additional sentence should be added to the enterprise agreement clause on health and safety indicating that Pacific National will provide relevant training, resources and information to members of the SHE committees to enable them effectively to fulfil their roles and carry out their responsibilities.
5. Pacific National should consult employees and the RTBU about the development of its Communications Monitoring Policy. It should give serious consideration to the proposals already submitted by the RTBU. The policy should ensure that employee

privacy is respected and any recordings are not used for improper purposes. The Privacy Act must be complied with, and the Privacy Commissioner should be consulted in the development of the policy.

[2] If Pacific National accepts the foregoing recommendations, the RTBU should withdraw its claim for the insertion into the enterprise agreement of the Workplace Matters Clause.



SENIOR DEPUTY PRESIDENT

RTBU CHANGE OF DETAILS FORM



CHANGE OF PERSONAL DETAILS

Surname	Given Name(s)	Gender Male Female
Street Address	Suburb	Post Code
Home Telephone Number	Work Telephone Number	Mobile Number
Date Of Birth	Email (work)	
	Email (home)	
Employer	Employee Number	RTBU Member Number
		Date Commenced
Occupation: Eg Train Driver	Work Location/ Depot	Employment Status Fulltime Part time Casual

CHANGE IN BANKING DETAILS

IMPORTANT Members need to specify the date of their next pay so that when the membership fee debit occurs on a **Friday** there is sufficient money in the account to ensure the transaction is not dishonoured which results in you then being charged an additional fee by your bank.

Next Pay Week

DETAILS OF BANK ACCOUNT TO BE DEBITED

Name of Financial Institution (Bank)	Branch where account is held
Account in the name(s) of	
Bank/State Branch Number: (BSB Six Digits)	Account Number (Maximum of 9 digits)

DETAILS OF CREDIT CARD TO BE DEBITED

Credit Card Type: Eg Visa, MasterCard, AMX	Credit card in the name of
Credit Card Number	
Expiry Date	

//We authorise and request the Rail Tram and Bus Union, until further notice in writing to arrange for my/our account described in this direct debit authority, to be debited with any amounts which the debit user may properly debit or charge me/us through the direct debit system.

//We authorise and request this direct debit authority to remain in force until cancelled, deferred or otherwise altered in accordance with this service agreement.

SIGNATURE	DATE
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SUBMIT

Please **email** your completed form to nswho@rtbu-nsw.asn.au by using the submit button
Post: Level 4, 321 Pitt Street, Sydney NSW 2000 or **Fax:** 02 9261 1342