



Member Update

As you would be aware, Your Negotiating Team agreed to meet with Pacific National Coal NSW on Wednesday 23rd January 2013 (*following their preference for a meeting in their correspondence dated 16/01/2013*) in an effort to resolve the outstanding matters for the proposed EA.

In good faith the RTBU put forward a proposal to have 48 hours of intense negotiations in an effort to reach a position which could be taken to members.

The various quotes from correspondence below gave the Union, Your Negotiating Team and members the impression that the Company was looking to resolve the matters amicably and in a timely fashion. That is why Your Negotiating Team made the offer to meet for 2 days as soon as possible, even suggesting Thursday and Friday of this week.

Your Negotiating Team respects the decision of members to reject the Company Agreement. It is inconceivable for the company to think that Your Negotiating Team would accept an Agreement which has already been voted against by employees by a huge margin.

The representatives of the company present said they could not make the decision about our offer of a 48 hour meeting but would need to speak to their managers. When they returned they stated they would not move from their 11 January offer of a slightly modified rejected agreement or consent arbitration. Your Negotiating Team could not agree and ended the meeting.

Contrast some of the quotes below with the company's hardline in the meeting yesterday and it would seem that their claims below about concern for *"their people and their families, our customers and our business"* and their desire to come to a compromised outcome is just empty rhetoric.

Letter to RTBU dated 11/01/2013

"Whilst Pacific National Coal NSW has outlined the above position regarding our bargaining position, as previously stated, our preferred approach is to have this matter settled amicably, in a timely fashion and with no detrimental impact to.." and "Within this context, Pacific National Coal NSW is comfortable with an approach where these outstanding matters between the parties can be brought to a conclusion with a minimum of disruption..."

Negotiation Not *Intimidation*

Letter to RTBU dated 16/01/2013

“The PN Coal representatives will make themselves available to meet at a mutually agreeable time”

Employee Q&A dated 18/01/2013

“our preferred approach is to have this matter settled amicably, in a timely fashion”

Employee Update dated 21/01/2013

“I will continue to work tirelessly to see the negotiations end in good faith with minimal disruption to our people and their families, our customers and our business”

Employee Update 22/01/2013

“I want to reiterate that Pacific National Coal NSW is fully committed to good faith bargaining and reaching a speedy and mutually beneficial conclusion to these negotiations in the best interest of our people, our customers and business.”

As a result of the above you negotiating team are currently discussing all the options available and will advise members in the very near future.

Don't be Bullied by Management. Know Your Rights.

Prepared by the National Office for the information of members following numerous members contacting their Union expressing concern about the recent actions of the Company

Bullying and intimidation by management is illegal and you have rights under law to protect you.

If a depot manager approaches you about entering into a separate agreement with a 4 per cent pay rise or they offer you a day out if you don't participate in industrial action, you have the right to say no.

In fact, they are committing an offence under the Fair Work Act.

The Fair Work Act protects you from what it calls adverse action, which can include treating an employee differently to others.

Your Union will not hesitate in taking Pacific National to the Federal Court if it attempts this kind of bullying and intimidation.

Negotiation Not *Intimidation*

The General Business Update sent to employees by Dave Mayo on 22 January is seen as adverse action by your Union and we have asked that his offer be withdrawn - or the RTBU will take the company to court.

If you are approached by anyone from the company about your participation in industrial action please let your delegate or organiser know immediately.

Don't be bullied by management. We deserve better.

Members are advised further information can be found at the loco express web address; locoexpress.com.au. Click on the following logo under "Latest Campaigns" for all newsflash's.



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Negotiation Not *Intimidation*