



# RTBU

RAIL, TRAM & BUS UNION AUSTRALIA

# GENERAL NEWSFLASH NO.5

## Impasse reached on the 5 outstanding RTBU Part A claims

**As indicated in General Newsflash no.4, senior RTBU Officials began negotiating the 5 outstanding RTBU Part A claims some months back. These matters have been negotiated at the General Managers' level, and are what the company call "policy matters". The 5 proposed RTBU clauses are on:**

- Drug and Alcohol
- Fatigue Management
- Discipline
- Health and Safety Representation
- Communications Monitoring

The RTBU has been negotiating with the General Managers for some months on these matters (with the Coal Division negotiating separately to the Bulk and Intermodal Divisions).

After a number of meetings, as it became clearer and clearer that the company would never accept the 5 matters in the EA, the RTBU offered an alternative. We proposed a consultation clause that said that if any issue arose around one of these matters, then the company and the union would have to seek agreement on the outcome. If an agreement could not be reached then the matter would be arbitrated by Fair Work Australia.

It is our view that an impasse has been reached as the company refuses to include these clauses, or accept our alternate clause.

The Coal Division quickly said no to this proposal, the Bulk Division shortly after, but we waited for a month for the Intermodal Division to respond. They did this last Friday (5 October) and suggested that although they could not agree to our clause they would be prepared for independent mediation to further explore the matter.

The RTBU advised that, given Management would not agree to having the word "Agreement" in a clause or the ability to have either party seek to arbitrate one of the 5 matters that are in disagreement, before Fair Work Australia then there was no value to seek mediation to explore the issues whilst the Company refuses those two fundamental points.

Clearly there is no prospect for agreement on these fundamental union issues, and all divisions of the company have made it clear that these 5 matters must remain in policy where they have more control and flexibility to deal with them.

In late breaking news, the RTBU has been contacted by both PN Intermodal and PN Bulk about these matters. Their correspondence was to inform us that they intend to take us to Fair Work Australia to force us to conciliate on these 5 outstanding issues. The irony of the company taking us to the Commission to force us to conciliate over a clause to which their key objection is conciliation and arbitration is not lost on anyone.

We will keep you posted.

**Allan Barden and Bob Hayden**  
Negotiating coordinators