



RTBU

RAIL, TRAM & BUS UNION AUSTRALIA

PN MEMBERS' EA INTERMODAL UPDATE NO.12

There have been some developments for the negotiation process over the last fortnight, with outcomes from Fair Work Australia on the 5 outstanding Part A matters. Further, this Newsflash provides an overview of the major outstanding items for Intermodal Train Crew negotiations.

Fair Work outcomes

Last Friday we had our Fair Work Conciliation with Pacific National 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.

Present from the PN Rail was Matt Tamplin, Andrew Simpson, Michael Brown and Bernadette Obeid.

Allan Barden, Thomas Costa and Jessica Robertson attended for the RTBU.

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.

■ 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



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■ 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.

While PN has 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.

Intermodal outstanding issues

Linehaul overtime/duty cycle

- The RTBU is seeking to have a 16 week duty cycle **with** linehaul overtime paid out and cleared each four weeks.
- PN are seeking 28 and 24 week duty cycles with the **possibility** of linehaul overtime to be paid out each four weeks. This will, **however**, be subject to any shortfall hours which will offset any linehaul overtime. This has the potential for any shortfall hours to be carried over until the end of the 28 or 24 week cycle, **with no linehaul hours paid out**.

Barracks detention

- As advised in Newsflash no.10, an in-principal agreement was reached about the payment of barracks detention
- However the company insists on the following off sets, which are unacceptable to the union:
 - Relay relief working for Port Augusta
 - An increase in the maximum cab noise decibels for DOO locomotives

Wage claim

- The Union's claim remains 5%, 5% and 5%
- The company's claim is 4%, 4% and 4%

We also note that the Coal division have now agreed to pay superannuation on Workers Compensation, making this the division's policy.

In a letter to the union on 10 October they said:

"It should be noted that one of the Values within the organisation is that of Safety and that is embodied in the Home Safely Every Day belief. Therefore, it is the stated desire of PN Coal that our employees do not suffer any injury that would mean that they went off on Workers Compensation for any length of time. Equally as important if an employee is on Workers Compensation then the objective of PN Coal is to return that employee back to work as soon as practicable."

It is against that backdrop that your union's claim was extensively discussed within PN Coal. After careful consideration the decision has been made that as of 1 November 2012, it is our intention to pay employer contributions while an employee is on Workers Compensation. This decision will only apply to new claims made after that date."

At this stage PN Rail (Intermodal and Bulk) have refused to offer the same entitlement to their employees.

The RTBU is seeking one final meeting with the company and your negotiating team in one last attempt to reach agreement.

We are coming close to end of this negotiation process, one way or another. Your Union will keep you up to date about any further developments.

In solidarity,
Your negotiating team