



# FOOTPLATE

## NEW SOUTH WALES BRANCH / LOCOMOTIVE DIVISION

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### SSR Enterprise Agreement 2017

As members would be aware, Southern Shorthaul Railway Australia (SSR) issued a Notice of Representational Rights (NERR) in May 2016. The purpose of an NERR is to formally commence the bargaining process for a new Enterprise Agreement.

The RTBU Locomotive Division sat down with SSR on several occasions, and put forth our log of claims from RTBU members in September 2016 in order to have better terms and conditions in the Enterprise Agreement for SSR employees. To date, SSR have largely ignored everything that members have requested. Since then, they emailed out a copy of their own Enterprise Agreement which they have stated will go to a vote in early 2017, and they have further stated that they do not intend to enact any changes to the current Enterprise Agreement.

Generally, this is not how the bargaining process does (or should) operate. Parties to an Enterprise Agreement – usually a company and the union that represents the members – will commence bargaining. The RTBU would usually submit a log of claims (which has been done), and the parties that are a part of the bargaining process will then commence to bargain 'in good faith'. Good faith bargaining is a requirement under the *Fair Work Act 2009* and can be described as discussing the terms of any transaction. Discuss means to engage in conversation, examine by argument - to debate. At the most fundamental level, enterprise bargaining is about communication both before and during formal negotiations. Each requirement for good faith bargaining has as its aim *purposeful or meaningful communication*. Clearly, SSR has not engaged with the RTBU in a productive manner so far – SSR received a log of claims and then decided that they were not going to listen to the RTBU or adjust the Enterprise Agreement in any way. As a result, the company will be putting out a version of the Enterprise Agreement that the RTBU does not condone or accept. **When the Enterprise Agreement goes out to a vote, the RTBU Locomotive Division is of the opinion that members should vote NO to the proposed Enterprise Agreement.**

The effect that this will have is as follows: SSR cannot apply to the Fair Work Commission in order to have the proposed Enterprise Agreement approved if a majority of employees vote 'NO' to the Enterprise Agreement. SSR will subsequently be forced to sit back down at the bargaining table with the RTBU and discuss the log of claims more seriously. This in turn will allow for the RTBU to negotiate a better Enterprise Agreement that will benefit everyone – not only in terms of better pay but also better conditions (such as rostering). In the meantime, any attempt by SSR to circumvent the bargaining process or their good faith bargaining requirements will be challenged by the RTBU in the Fair Work Commission or the court system if so required.

It is incredibly important that people look at their Enterprise Agreement and review the log of claims. It is also important to talk to your colleagues about the Enterprise Agreement and gain an understanding of how a better Enterprise Agreement will impact on everyone.

Strength and diligence is key to getting a better Enterprise Agreement, so we must all work together to achieve a positive outcome. The RTBU is determined to fight for your rights and to work towards a more beneficial Enterprise Agreement, but we must work together in order to do this.

If you have any questions regarding the Enterprise Agreement, the log of claims or how the process does (or should) work, please contact the RTBU Locomotive Division on (02) 9264 3400. We will provide any updates regarding the Enterprise Agreement to members as soon as we have any new information ourselves.