



NEWSFLASH

RTBU ISSUE NO.30 PN NSW Bulk Rail EA November 1, 2017

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Update: PN EA Negotiations

Actions to Date

On 18 October 2017, Pacific National wrote to employees proposing to commence bargaining for two separate Enterprise Agreements, rather than a single Enterprise Agreement comprising both Bulk and Coal conditions. After several months bargaining for a new Enterprise Agreement, RTBU members were not prepared to accept this and asked for the assistance of the Fair Work Commission ('FWC') to get negotiations back on track.

FWC Recommendation

On 25 October 2017, the RTBU and Pacific National attended conciliation at the FWC, whereby the FWC recommended that:

1. The negotiations are divided into 3 groups as to bargain more efficiently. These groups will meet either simultaneously or as close together as possible; and
2. No further protected industrial action is taken over the next three weeks to ensure efficient bargaining (including the 48-hour stoppage beginning Saturday 28 October 2017).

After consulting with members, your RTBU negotiating team (consisting of delegates and organisers) was not able to accept the recommendation as members were not prepared to cancel the planned stoppage. Whilst we were not able to agree to drop the 48-hour stoppage, your RTBU negotiating team believed that the process recommended by the FWC was the most efficient way to progress negotiations towards a single agreement.

A Way Forward

Following on from a FWC conference and last weekend's 48-hour stoppage, Pacific National and the RTBU met to discuss a way forward. This meeting resulted in a proposed way forward, consistent with the FWC recommendation to get negotiations back on track. This proposal has now been endorsed unanimously by your RTBU negotiating team (consisting of delegates and organisers).

Your RTBU negotiating team and Pacific National will meet for negotiations on 08/09 November 2017. The parties will then meet for two days per week over the following further two weeks,

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and will relist the matter in the FWC for conference on 24 November 2017 to be used if there are outstanding issues.

The format of negotiations will be:

- Group A: This group will comprise of up to 4 RTBU representatives (including 2 RTBU delegates) and 2 representatives from PN, and will focus on the outstanding matters to be dealt with in Part A of the EA. Group A will also focus on issues pertaining to Administrative and Salaried employees.
- Group B: This will comprise of the 4 Bulk delegates, an RTBU representative and the PN Bulk bargain team, and will focus on important issues specific to Bulk employees (whilst utilising the current Bulk EA as the starting point for negotiations).
- Group C: This group will comprise of the 4 Coal delegates, the PN Coal bargain team and an RTBU representatives, who will focus on issues specific to Coal employees (and will utilise the current Coal EA as the starting point for discussions).
- There will be a daily report-back by all groups.

Consistent with the FWC recommendation, your RTBU delegate team has agreed to suspend any further industrial action until the FWC conference (which is planned to be on the 24 November 2017) as a sign of good faith and commitment to reaching a positive outcome.

The issue of whether there will be one EA or two (scope) remains outstanding. It is imperative that both parties continue to negotiate and this is why we are negotiating issues of EA content while the scope of the EA continues to be bargained on.

If agreement cannot be reached during the upcoming 3 week period then members and delegates retain the ability to take action in the future. Should action be required, then the actions available to you will be limited to any actions you have already taken (an overtime ban, a ban on lift-up and lay-back, and 48-hour stoppages).

Your RTBU negotiating team congratulates all RTBU members and delegates on the hard work, perseverance and solidarity that you have shown throughout the bargaining process – keep it up!

For more information or to have your questions answered, please contact your RTBU delegate.

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