



# RTBU NSW LOCO DIVISION

## NEWSFLASH

February 24, 2023

## RAILTRAIN NSW OPERATIONS EA – UPDATE

Enterprise Agreement negotiations have resumed after the Christmas break, with the latest round of bargaining taking place on Monday 6, 16 & 17 February 2023. At these negotiations, both parties discussed the outstanding and unagreed items, and further meetings are planned to attempt to reach an outcome.

Each party's position on the outstanding items is set out in the table below. We encourage all members to express their views and provide any feedback that they may have. Unfortunately, the company still refuses to pay the wages of any employee who has shown interest in negotiating on behalf of their peers. The company has suggested that if anyone wishes to participate in bargaining, they would have to do so on a voluntary basis. This is, of course, very disappointing and inhibits the ability of Railtrain members to effectively express their views and bargain with their own employer.

Railtrain provided a proposed EA package to your representatives on Thursday 16 February. This was in preparation of bargaining meeting on Friday 17 February. At the 17 February meeting, your bargaining team raised a number of concerns regarding the proposed package. However, **the company decided to ignore these discussions and sent the package out to staff.** We do not think that the package effectively communicated the different positions of the parties to employees. Please see the table below with details of each party's position, noting that Railtrain is yet to provide its proposed pay rates. As you can see, there are a number of outstanding and unresolved items.

### Clauses

### Position

Item	RTBU Position	Railtrain Position	Status
Agreement Term	3 Year agreement.	4 Year Agreement.	<b>3 Year EA Agreed</b>
Wages	4% per year or Consumer Price Index (CPI), whichever is greater.	% increases aligned with Wage Price Index (WPI).	<b>Not Agreed</b>
Sunset Clause	2% increase on the nominal expiry date of the Agreement if a replacement EA is not finalized before then.	Negotiations to commence 6 months prior to expiry.	<b>Not Agreed</b>

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# RTBU NSW

## NEWSFLASH

LOCO DIVISION

Contract of Employment	38 hour duty cycle for Full Time Employees. No Averaging of Hours. 7.6 Minimum Shift length of 6 Hours for full time / Part time employees. 7.6 Part time employees to have minimum number of hours per week.	Averaging of hours over an 8 week duty cycle	<b>Not Agreed</b>
	6 hour minimum shift length for Full Time and Part Time Employees	No position provided	
	Minimum weekly hours to for Part Time Employees to be agreed between the worker and company in writing. All time over the agreed minimum to be paid at Overtime.	No position provided	
	4 hour minimum shift length for casual employees	2 hour minimum shift length for casual employees for training	<b>4 hours minimum casual employee shift length for operational shifts. 2 hours for training.</b>
Probation Period	3 months	6 months	<b>Agreed to 3 months</b>
Stand Down	Union to be notified in writing of reason for stand down at same time as employee	To consider	<b>Pending</b>
Health Assessments	Employer to pay for all medical tests prior to the "Determination", and for all Blood Glucose and Stress ECG Tests regardless of when they take place. Include Fatigue management Guidelines	To consider	<b>Pending</b>
	Include Fatigue Management Guidelines in the Agreement	To consider	<b>Pending</b>



# RTBU NSW

## NEWSFLASH

LOCO DIVISION

Classification Structure	Include Levels 1 to 6 for each classification to reflect pay rates applicable for easy reference.	To consider	Pending
	Include Yard Controller in T/O level 5	Company position is that the Yard coordinator role is within the second person role	Not Agreed
Permanent Night Shift	Remove clause allowing Employer to direct employees to work nightshifts on a permanent basis.	Include Company can direct employee to work permanent Night work	Agreed to remove relevant clause
Rostering Principles	Include wording in the Agreement regarding RDO protections, Weekends off Duty, Barracks Working, Barracks Detention, Shift Lengths and LU/LB.	Further Discussions required	Ongoing
Overtime & Penalty Rates	Improve the wording of clause 18.1 (Overtime)	18.11 company propose the Wording of working so much overtime and no getting minimum interval between shifts	Not agreed to remove
Annual Leave	Annual leave loading to be paid at time of annual leave.	Include annual leave loading in base rate of pay	Not agreed
	Include a definition of shift worker in the Agreement, with shift workers to receive 5 weeks' annual leave per the NES – Mandatory	Company considering	Pending
Trauma Leave	5 days paid leave per occasion	2 days paid leave per occasion	Not agreed
Public Holidays	Inclusion of Easter Saturday, Easter Sunday, and Labour Day as recognized Public Holidays.	To consider	Pending



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LOCO DIVISION

# NEWSFLASH

	Additional payment of 7.6 hours stand alone when working on a public holiday.	To consider	<b>Pending</b>
	All time worked on a public holiday to be paid at overtime rates	To consider	<b>Pending</b>
Domestic Violence Leave	10 days paid leave	5 days paid Unpaid leave.	<b>10 days paid leave (per NES)</b>
Individual Flexibility Agreement	Remove the following as matters that can be changed through an IFA (a) Wage Rates (b) Shiftwork	To consider	<b>Wage Rates and Shift Work to be removed from IFA clause. Clause will reflect Modern Award clause.</b>
Meal Allowance	Meal allowances to match ATO rate. FY22-23 = \$33.25	\$28.65	<b>Not agreed</b>
Appendix 1	Annual Wage Salaries: RTBU waiting for this information since October 2022	Will provide by COB 22.2.23	<b>Not agreed</b>

The Union can confirm that it has now received the company's pitiful and deceitful wage offer late on Wednesday Afternoon 22 February 2023.

The so-called 'wage offer' contains wages only fractionally above those contained in the *Rail Industry Award*. But RTS says not to worry, because you are all on IFA's that they *commit* to increasing in line with WPI (currently 3.3% or a 5% wage cut in real terms – not including all those years where no pay rises were offered). **Please see attached Wage Rates Offer.**



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Members should let Railtrain know that the RTS NSW EA is unacceptable and that the rates of pay contained in it are shameful.

Recent changes to the *Fair Work Act* will mean that Members have a better chance of improving their pay and conditions by continuing to bargain – there's even the possibility of RTS members being able to join industry EAs with rates of pay equal to established operators in the near future.

These changes mean it's an incredibly exciting time for all RTBU labour hire members! If you're not a member and you don't want to miss out on these beneficial changes, sign up today by scanning the QR code below.

**If Railtrain put the current package and wage rates to the vote, we would suggest you consider the appalling conditions and VOTE appropriately.**

**If you are not a member and would like to join so you can provide feedback, have input and more importantly have your VOICE & A SAY**

**please Join Now!**

**Scan the QR code or Contact Local Office, Organiser or Head Office**

**(02) 9264 3400**



Operations employees (Permanent employees)

Classification	Base Rate of Pay (per hour)	Saturday 1.5x	Sunday 2x	Public Holiday 2.5x	Early Morning shift (15%)	Afternoon Shift (15%)	Night Shift (25%)
Second Person (Qualified, not experienced)	\$22.90	\$34.35	\$45.80	\$57.25	\$26.34	\$26.34	\$28.63
Second Person (qualified and experienced)	\$27.73	\$41.60	\$55.46	\$69.33	\$31.89	\$31.89	\$34.66
Driver Under Instruction	\$28.93	\$43.40	\$57.86	\$72.33	\$33.27	\$33.27	\$36.16
Train Driver	\$30.37	\$45.56	\$60.74	\$75.93	\$34.93	\$34.93	\$37.96
Tutor Driver	\$32.49	\$48.74	\$64.98	\$81.23	\$37.36	\$37.36	\$40.61

Classification	Base Rate of Pay (per hour)	Saturday	Sunday	Public Holiday	Early Morning shift	Afternoon Shift	Night Shift
Terminal Operator	\$22.90	\$34.35	\$45.80	\$57.25	\$26.34	\$26.34	\$28.63
Experienced Terminal Operator	\$25.29	\$37.94	\$50.58	\$63.23	\$29.08	\$29.08	\$31.61

Operations employees (Casual employees)

Classification	Hourly Rate of Pay (+CL)	Saturday 50%	Sunday 100%	Public Holiday 150%	Early Morning shift (15%)	Afternoon Shift (15%)	Night Shift (25%)
Second Person (Qualified, not experienced)	\$28.62	\$39.79	\$51.52	\$62.97	\$32.06	\$32.06	\$34.35
Second Person (qualified and experienced)	\$34.67	\$48.54	\$62.40	\$76.27	\$38.83	\$38.83	\$41.60
Driver Under Instruction	\$36.16	\$50.63	\$65.09	\$79.56	\$40.50	\$40.50	\$43.39
Train Driver	\$37.97	\$53.16	\$68.34	\$83.53	\$42.53	\$42.53	\$45.56
Tutor Driver	\$40.59	\$56.84	\$73.08	\$89.33	\$45.46	\$45.46	\$48.71

Classification	Hourly Rate of Pay (+CL)	Saturday	Sunday	Public Holiday	Early Morning Shift	Afternoon Shift	Night shift
Terminal Operator	\$28.62	\$39.79	\$51.52	\$62.97	\$32.06	\$32.06	\$34.35
Experienced Terminal Operator	\$31.61	\$44.26	\$56.90	\$69.55	\$35.40	\$35.40	\$37.93