



Memorandum

To: All NSW Train Crew

Re: **Proposed Qube Logistics (Rail) Train Crew NSW Enterprise Agreement
2023**

Bargaining update

Date: 12 July 2023

From: Dan Coulton – General Manager

NSW EBA negotiation update

Earlier today, in an effort to resolve more than 12 months of negotiation on a revised NSW EBA, Qube advised the Fair Work Commission and the RTBU of a **fresh offer** that remains on the table until Friday 14 July.

Qube has proposed wage increases of 7% (back-paid to 1 April 2023), 5%, and 5% for the proposed 2023 enterprise agreement.

We are prepared to act on this offer immediately, but we require the RTBU to agree to the entirety of the proposed 2023 EBA which includes amendments to address the RTBU's recently disclosed position against Qube in its Federal Court claim.

In the alternative, Qube proposes a wage offer including increases of 4%, 4%, and 4% for the proposed 2023 enterprise agreement. The RTBU will be able to pursue its Federal Court claim against Qube and we will vigorously defend the action.

Background

As you know, the RTBU used an 11th hour legal tactic to undermine the generous in-principle wage offer it had reached with Qube on Monday 26 June 2023 for a 6% (with back pay), 5%, 5% pay increase over the next 3 years.

This followed more than 12 months of negotiations in good faith by Qube at the bargaining table on your new EBA.

As we advised in our last update, the RTBU undermined this generous wage offer by deciding to serve legal action in the Federal Court only **after** reaching the in-principle wage offer.

This legal action dates back more than six years and was never detailed during wage negotiations or previously.

Qube is ready to immediately increase your pay by 7%+ back pay

Qube returned to the Fair Work Commission earlier this week to discuss how the RTBU's Federal Court claim can sensibly be dealt with under the new EBA.

Following those discussions, and in an effort to get this issue resolved, we have now proposed a generous new wage offer of 7% (back-paid to 1 April 2023), 5%, and 5% for the proposed 2023 enterprise agreement, with an agreement by the RTBU that any potential additional liability under the proposed 2023 EBA (and its predecessors) ceases to apply (with agreed drafting) based on the RTBU's recently disclosed interpretation in their Federal Court claim.

We want you to have the right to vote on this offer NOW.

We believe the RTBU's Federal Court action is disingenuous. Indeed, the RTBU even invited Qube to "buy out" their legal action on Monday and subsequently decided to mount a new wage claim for an outrageous 6% wage increase upfront in the first year for the proposed 2023 EBA.

Qube simply cannot agree to such an outrageous 16% wage increase

If our generous offer of 7% (plus back pay) is not supported by the RTBU, we are prepared to deal with the RTBU's Federal Court action through the courts for as long as that takes.

We are confident in our position, that the accepted meaning and practice since 2015 (and the predecessor EBAs prior to that) has been that the rolled-up rates we have diligently and correctly paid under the EBAs do not give rise to an additional entitlement for workers to be paid shift penalties, weekend penalties and allowances which are contained within the incorporated Rail Industry Award.

We will vigorously defend the RTBU's Federal Court claim.

Where to from here?

We know that many of you will be frustrated by the RTBU's recent actions, and we are frustrated too.

After 12 months of negotiations, we believe it's time to get this EBA resolved which is why we have now revised our first year offer to 7% (plus backpay). **This would see NSW EA train drivers paid more than 30% above the applicable award.**

We think it is time for you to have your say on this generous pay offer NOW.

We want you to receive the back pay you are entitled to and which has been delayed by the union's actions.

And we want to avoid the supply chain disruptions, consumer impacts and the business and economic disruptions that stringing this dispute out further will inevitably cause.

We urge the RTBU to back this offer, withdraw its Federal Court claim and avoid putting your pay increases and back pay at risk.

We stand ready to continue to bargain with the RTBU in good faith and we look forward to hopefully giving

you the opportunity to vote on your new EBA as soon as possible.

If you have any questions regarding the status of bargaining, Qube's wage offer or the new Federal Court proceedings (all of which affect you equally) please contact me.