



# RTBU NSW Loco Division NEWSFLASH

September 19, 2024

## QUBE EA GETS THE BIG THUMBS DOWN

As usual, the RTBU had to request the EA vote results from Qube, and to our surprise, they provided the results about 40 minutes after the ballot closed on 11 September at 1800hrs.

This marks the fifth time Qube has pushed an EA without endorsement from the RTBU EA Team. Given the offer presented to members - one of the worst we've seen to date - the outcome of the vote comes as no surprise.

Vote results –

- 198 eligible voters
- 193 voted – 97.5% return
- 44 voted Yes – 22.8%
- 149 voted No – 77.2%

What has occurred since then?

1. At the request of Deputy President Saunders of the Fair Work Commission, Qube was to report back the results of the EA Ballot.
2. Qube sent an email to DP Saunders stating - *“Unfortunately, we were unable to secure a yes vote”*
3. Subsequently, there was a Teams meeting with Delegates across all Depots, where it was agreed that the RTBU will put forward a final offer to Qube.

That offer was the same offer put to Qube in our last supervised bargaining session, as described below,

- a. 18.5% increase when the EA starts
  - b. 6% year 1
  - c. 4% year 2
  - d. 3% year 3
  - e. Also subject to EA drafting as clauses had been changed without agreement.
4. This offer was sent to Qube shortly after the Teams meeting. The offer remained open until 5pm on Monday 16 September 2024.
  5. DP Saunders Chambers sent an email on 13 September asking the parties (Qube and the RTBU) to indicate whether or not they would like the matter listed for a further conference before Deputy President Saunders by no later than 4pm on Friday, 13 September 2024.
  6. The RTBU replied - *The Union has advised Qube that its final offer from the supervised bargaining sessions remains open until 5pm Monday 16 September 2024. As such, we respectfully request until 4pm Tuesday 17 September 2024 to indicate whether or not we would like the matter listed for a further conference.*

**AUTHORISED: F Campbell Locomotive Divisional Secretary**

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7. In a brief telephone conversion with Steve Ellem on the morning of Tuesday 17 September, Qube chose not to accept the RTBU's final offer, after complaining about our member communications.
8. Shortly after that telephone conversion, Qube emailed the FWC stating –
  - a. *The exchange of conversation and newsflash prior to the vote from the RTBU alluded to further unagreed matters in the proposed enterprise agreement, in excess of those discussed in front of the Deputy President at previous conference.*
  - b. *Qube is of the view that a further conference would be of benefit for both parties to ensure clarity on the outstanding matters and see if there is any utility in further rate discussions.*
  - c. *We respectfully request if the Deputy President has availability at short notice, we could make ourselves available accordingly.*
9. In response, the RTBU advised the FWC that there would be no utility in further discussions and that a further hearing would likely be required for the Intractable application. The RTBU advised the FWC as follows:
  - a. *Following our email dated 13 September 2024, we note that Qube has not accepted the Union's final offer from the supervised bargaining sessions. As a result, we believe that further discussions in matter B2023/566 are unlikely to result in an enterprise agreement being made. Accordingly, the Union considers that a further hearing will likely be required.*
10. The FWC then issued a statement regarding the 3 conferences held before DP Saunders. We note 2 paragraphs from this statement. See attached.
  - a. [7] *...The most significant issue between the parties was wages, both past and future wage increases...*
  - b. [14] *I consider that both Qube and the RTBU have participated in the s 240 conferences before me in good faith. They have both made genuine attempts to reach agreement on the terms of a bargaining agreement to be put to employees. No such agreement has been reached to date.*

The matter has now been referred back to Deputy President Wright to proceed with the RTBU's Intractable Bargaining Application. It is likely the matter will go for a final hearing in the near future as Deputy President Wright has requested to meet the parties at the end of this week. Members will be informed as more relevant information becomes available.

**Not a Member, Join Today**



If you have any questions about joining, please contact the RTBU Head Office on (02) 9264 2511

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