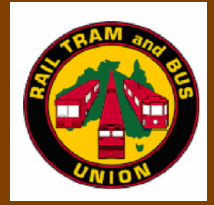


pn nsw coal ea 2012

members' information newsletter



Please find below a number of questions and answers for the information of members in regards to Enterprise Agreement negotiations.

Q1. For the benefit of Management - What was the result of PN's non Union Agreement again?

A. 84.82% of those who voted, rejected PN's offer! PN seems to have forgotten this in their latest correspondence and offers. It again proves how out of touch PN are with their employees.

Q2. When does the protected action ballot close and when will we be advised of the result?

A. The ballot closes at 1000 am on Friday 18th January 2013. The result will be advised by the AEC as soon as is possible. (This may not be until Monday 21st January.)

Q3. Should the ballot be successful, When can we take industrial Action?

A. After the ballot result is declared the union is required to give PN & FWA 72 hours notice of its intention to take industrial Action, as approved by the membership.

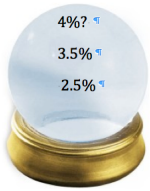
Q4. What was the undertaking by PN Coal at the conference convened before Senior Deputy President Hamberger, FWA on 5 December 2012, with regards to policy matters and why does the RTBU believe these recommendations would not be in member's best interests?

A. Fair Work made non-binding recommendations in relation to these matters, which gave PN Coal flexibility in their timeframes and scope for implementation. This is contrary to the intent of the original claim, which sought fairness and certainty for critical safety issues like drug and alcohol, HSRs and fatigue. The membership has made it clear that they do not accept these recommendations and intend to continue to negotiate these matters.

Q5. Why would consent Arbitration not be in member's best interests?

A. It seems strange that PN is suddenly interested in arbitration, when they have historically and consistently rejected any suggestion by Your Union to go down this path. As mentioned in Q4, members have made it clear they do not agree with recommendations made by FWA on the policy issue. Although PN are having trouble finding money for a pay rise, they never seem to have any trouble finding money for lawyers. The RTBU on the other hand is mindful of how it spends your fees and does not want to waste funds on drawn out wasteful court cases, especially where it seems inconsistent with their PN's past practice. Under the The Fair Work Act, there is a provision, when a dispute has run its course, for compulsory arbitration, but we have not reached this point.

Q6. Is PN Coal's recent Q&A response to their staged and scaled back pay offers credible?



A. No. They stated *“Therefore, while it can be interpreted that the wages offer is going backwards, the reality is the revised wages offer must take into account the economic environment in which Pacific National Coal NSW is operating.”*, which suggests that the economic environment has suddenly changed from when they made their original offer. They have not provided any evidence to prove this. Not only does this backwards step lack credibility, but it seems erratic.

Q7. What's happening with the ongoing negotiation process?

A. Since PN sent their EA out for you to vote on, the RTBU heard nothing from PN until 11th January when PN sent the RTBU a similar letter to what was sent to their employees. This letter concluded *“When you would like to discuss the above position or work further together to progress to resolve these outstanding matters through Fair Work Australia, please contact me and I will convene a meeting of the parties.”*

As indicated in newsflash 30 the RTBU have no intention of being intimidated into arbitration. Yesterday PN wrote to the RTBU and supplied an updated copy of their EA and suggested the parties meet. The RTBU have today written to PN and requested a meeting next Wednesday morning at 9am between the negotiating teams to discuss outstanding bargaining issues and a timeline for further negotiations.

What's next?

The RTBU will continue to send out Newsflashes to your email address as events occur. Your local Organiser and Delegates can be contacted to answer any question or provide information. You can also access the RTBU loco express page, which also has information about the process: www.locoexpress.com.au

As members were previously advised PN has an issue with your delegates using the Asciano email system. This issue has still not been resolved. If you have not already done so please supply your home email address to Steve or your local delegate.

The RTBU will continue to represent your views. This is your agreement and any outcome will and must be owned by the membership. Your Union is committed to a membership owned Agreement.

Authorised by Robert Hayden
Locomotive Divisional Secretary NSW Branch
Level 4, 321 Pitt Street Sydney NSW 2000