

pn nsw coal ea 2012

members' information newsletter



Meeting Number 16

This week we again met to progress negotiations with progress being made on a number of items, a number remain outstanding and a further meeting is scheduled next Tuesday. To give members a basic idea on progress we have attached a status sheet that outlines basic changes made to current conditions so far.

As previously advised there are five items PN consider policy matters that the RTBU have been negotiating at an executive level to have included in the agreement. PN have continually refused inclusion. In an attempt to reach some form of agreement the RTBU have proposed a consultative arrangement to be included in the agreement on these five matters so that where agreement is not reached Fair-work Australia can conciliate or arbitrate on these matters. PN are considering and a further meeting is proposed for the 11th September.

Throughout the negotiations the RTBU has been seeking an all inclusive wage for train drivers plus double time for all overtime. PN have continually stated that for this to be considered the additional cost would need to be deducted from any wage increase as the cost would be prohibitive to the business. ie. they are offering four percent per year and the cost of these proposals combined they claim would exceed the 4% per year being offered. The RTBU sought documentation on these figures that has now been provided. After consideration of the costs and the fact that not all Train Drivers would benefit from the proposal, the team has put another proposal to management that we believe is very reasonable (and a huge move from our original claim) that will benefit all members. We also advised management this was our bottom line remuneration claim. The proposal is, all classifications aggregate allowance (excluding Support) be rolled into the base rate and that the night shift APM of 1.18% now apply from 1400 to 0600 on weekdays. This would improve base rates modestly and provide a shift penalty payment from 2pm to 6pm on a weekday where there currently is none. PN are costing and considering.

Support staff issues remain a concern. Although agreement was reached some weeks ago to keep the current scope and work during the life of this agreement towards a new class structure, PN have at this stage still failed to provide written clarification on a number of questions put to them regarding the current supervisor restructure and issuing of appointment agreements (individual contracts). As most would be aware, the RTBU have sought to include a new provision in the ea regarding restructures in the Support Area. This is to cover such instances as the Port Kembla

Your EA Negotiating Team

Allan Nutley
Wayne Pallant
Greg Brooking
Dale Walsham
Greg Cameron
Bob Hayden
Steve Wright
John Curley

Proposed Meetings

DATE	VENUE
4 th September	Newcastle

Are Your Details Up To Date
Members are reminded that it is vitally important that your mailing address, phone numbers & email address are up to date – Contact: Steve Wright at

swright@rtbu-nsw.asn.au or phone: 0418 699 642 to ensure everything is correct

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swright@rtbu-nsw.asn.au

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restructure that we previously reported on where PN done a spill and fill to get rid of the people they didn't want and replace them for no good reason. The RTBU believe it is reasonable that competent and good people remain in their role and not be tossed out on a whim of a new manager because he or she does not want that person there or they want to replace them with one of their mates. In response to this claim PN responded the redundancy clause covers this if it were to happen. We responded that this would be after the event and is not good enough. PN are also still refusing to include the Live Run roster in the agreement. This week they offered alternate wording that essentially was no different to what is in the current agreement. The RTBU responded that this was not acceptable. The parties remain apart on this issue. It was again reiterated to PN that the Live Run Team are not prepared to concede this claim.

Members will be Kept informed through future circulars. Any questions please contact us.

Status Sheet

Clause	Agreed	Not Agreed	Comment
Title	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Parties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Scope	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Agreed in principle subject to PN providing written advice on some support classification issues.
Term	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wording agreed actual term (3 or 4 years) subject to final negotiation result
Relationship to Award and National Employment Standards (NES)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New clause
Glossary of terms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Currently being reviewed to reflect Agreed clauses
Contract of Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Probationary Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Recruitment Selection and Induction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Hours of Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clause has been re written to better reflect actual
Higher Duties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Now includes reference to acting for extended period and defines APM requirement.
Stand Down	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Improved clarification
Superannuation and Salary Sacrifice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RTBU have proposed, no disadvantage to employees on workers comp and a 12% employer contribution.
Discipline	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PN have considered this clause one of five policy matter that they do not want included in the agreement. High level discussions are continuing with the RTBU now proposing a consultative arrangement on these five matters so that where agreement is not reached Fair-work Australia can conciliate or arbitrate on these matters.
Termination of Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Abandonment of Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Redundancy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change

Annual Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Small change to have the ability to accumulate up to 1.5 years leave entitlement.
Public Holidays	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Although previously agreed in principle PN are again disputing how a DIL is treated when cleared by train crew on blank-line rosters. After again explaining it to managers (for about the 15 th time) PN are again reviewing their position. Having said that a lot of progress has been made in other areas of this clause.
Long Service Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PN will now advise within two weeks of making an application for LSL. New provision to clear LSL at half rate in certain circumstances related to family and illness..
Personal Carers leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimal change
Unpaid carers Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Trauma Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Compassionate Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Parental Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Leave Without Pay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Jury Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Special Leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Consultation and change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Resolution of Disputes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Changes to position titles. Any dispute notice is now to be responded to in writing at the initial lodgement.
Transfer of Existing Employees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Only change is regarding Freightcorp Drivers Coal Bonus. Now anyone on this bonus shall retain their bonus if they transfer to a different depot covered by this ea.
Temporary Transfer to another Home Base	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimal change - rates increased
Employee Travel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	An enhanced clause that now covers "Operational Relief Work Arrangements" (for a single day) "Training and Conference Attendance Arrangements" "Provisions not Covered in the Agreement" Existing or new allowances have been included to cover these situations.
Home base and Sign on Sign off Provisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clause has been amalgamated from classification specific clauses and will now sit in Part A. Agreement has been reached to include reference to Work cover code of practice ???
Salary Maintenance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Uniforms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Representatives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change

Workplace Relations Training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Individual Flexibility Arrangement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Health and Safety Representation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PN have considered this clause one of five policy matter that they do not want included in the agreement. High level discussions are continuing with the RTBU now proposing a consultative arrangement on these five matters so that where agreement is not reached Fair-work Australia can conciliate or arbitrate on these matters.
Medical Assessments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clarification with example and increased meal allowance.
Payment of Wages	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Wage Increase	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PN wage offer is still 4% per year for 3 years. RTBU have proposed a new reduced claim of 6% per year for three years subject to agreement of proposal regarding APM and Aggregate allowances. RTBU propose that all classifications aggregate allowance (excluding Support) be rolled into the base rate and that the Night shift APM of 1.18 now apply from 1400 to 0600 on weekdays. RTBU have advised PN this is our bottom line claim.
Internal transfer of Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Picnic Day	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Travel Pass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Alcohol and Drugs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PN have considered this clause one of five policy matter that they do not want included in the agreement. High level discussions are continuing with the RTBU now proposing a consultative arrangement on these five matters so that where agreement is not reached Fair-work Australia can conciliate or arbitrate on these matters.
Managing Fatigue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PN have considered this clause one of five policy matter that they do not want included in the agreement. High level discussions are continuing with the RTBU now proposing a consultative arrangement on these five matters so that where agreement is not reached Fair-work Australia can conciliate or arbitrate on these matters.
Communication Monitoring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PN have considered this clause one of five policy matter that they do not want included in the agreement. High level discussions are continuing with the RTBU now proposing a consultative arrangement on these five matters so that where agreement is not reached Fair-work Australia can conciliate or arbitrate on these matters.

Driving Company Vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New clause to focus on safe driving
Roster Committees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New Clause to clarify how committees work
Part B - Scope	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Classifications and Pay Levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Some tidying up of stream and progression. A new level for Driver Trainer
Training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Changes to reflect current arrangements and some tidying up.
Management of hours of Work	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See wage Claim
Remuneration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See wage Claim
Rostering Principles (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimal Change
Meal Breaks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Change for Main Line Drivers - Break to be taken after the third hour and before the completion of the sixth hour (e.g; to start before 5.30 hours on duty)
Leave relief Lines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New PN clause. A new provision to enhance leave clearance
Roster Development and Changes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Roster Changes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Working Roster - Changes to allowance when a shift is cancelled
Roster Suspension	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change

Rostered Days Off (RDO's) (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Changes as follows</p> <p>For blank line working where shift lengths are rostered up to 11 hours, there will be no sign on after 1200 on the day prior to the RDO.</p> <p>For blank line working where shift lengths are up to 9 hours, there will be no sign on after 1400 on the day prior to the RDO.</p> <p>During the development of a forecast working roster, subclause (d) and (e) will be taken into consideration.</p> <p>If an RDO is infringed between the hours of 00:00 and 01:59 an additional stand alone payment of 2 hours at the rate of 1.7 of the Employee's hourly base pay rate will be made for infringing the RDO.</p> <p>Weekends off duty</p> <p>For blank line working where shift lengths are up to 11 hours, there will be no sign on after 0800 on the day prior to the weekend off duty.</p> <p>For blank line working where shift lengths are up to 9 hours, there will be no sign on after 1000 on the day prior to the weekend off duty.</p> <p>During the development of a forecast working roster, subclause (d) and (e) will be taken into consideration.</p> <p>If the weekend off duty is infringed between the hours of 20:00 and 21:59 an additional stand alone payment of 2 hours at rate of 1.7 of the Employees hourly base pay rate will be made for infringing the RDO.</p> <p>If the first RDO of the weekend is infringed by 2 hours or more an Employee shall be able to nominate one substitute RDO</p> <p>Weekends off Duty 1 in 3 off</p>
Shift Lengths (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Specific Shift lengths in depot specific attachment.
Interval between Shifts (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Mandatory rest Period (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Confirming Next Turn of Duty (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Included the posting of the roster.
Lay Back (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Barracks Working / resting Away (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change

Commencing and Returning from Leave (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New provision to cover safety when returning from leave.
Wake Up call (Train Crew)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
Depot Specific Rostering Requirements (Train Crew)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Terminal Operators Rostering Principles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No or minimal change
DOO Appendix (PN New position in Document)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Scope Part C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Agreed in principle subject to PN providing written advice on some support classification issues.
Classifications and Pay Levels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RTBU have Proposed the following addition to current wording. “In a restructure scenario, where a new position is essentially the position an employee has been performing the incumbent employee shall be direct appointed to that role. PN refuse to accept this proposal claiming its already covered. RTBU strongly disagree.”
Support Classification Structure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimal Change
Management of Hours of Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Remuneration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See wage Claim
Rostering Guideleines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Shift Lengths	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Interval Between Shifts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Working Rostering Changes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Additional Provisions – Live Run Rosters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	New Clause tabled by the RTBU to include Live Run Roster in the EA, PN refuse to accept this proposal.
Meal Break	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Scope – Part D	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Change
Classification Structure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In principle agreement. New position for Greta Maintainer. Pay Level to be equivalent to Specialist Maintainer. Still waiting on PN to supply revised document.
Hours of Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct omissions (errors) from last agreement.
Meal Breaks/ Rest Breaks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Increase in rate
Remuneration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See wage Claim
General Rostering Provisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct omissions (errors) from last agreement.

Maintainers – rostering Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct omissions (errors) from last agreement.
Maintainers Competency Table	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct omissions (errors) from last agreement.