



# RTBU NSW LOCO DIVISION NEWSFLASH

June 6, 2018

## GWA – FREIGHTLINER COAL SHIFT CHANGE DISPUTE UPDATE

Members are advised that, following conciliation in the Fair Work Commission (FWC) last week, the dispute concerning lift up and lay back/shift change has been resolved.

Members would be aware that the RTBU issued a notice of dispute over GWA's interpretation of the Enterprise Agreement in light of the FWC decision from last year concerning lift up, lay back and advice periods (in which it was decided that GWA could lift up or lay back an employee outside of the advice periods). GWA then decided, almost a year after the initial decision, that the company had the ability to shift change employees during the advice period by *more* than two or four hours *without the consent of the employee*. The RTBU argued that this was in breach of Clause 36.2 of the Enterprise Agreement, which states that '*any shift change in the advice which is outside the parameters of lift up and lay backs hours can only take place by agreement between the company and the individual employee*'. GWA's argument was that a shift change could be more than two or four hours *without consent*. The RTBU rejected this position.

GWA ultimately disagreed with the RTBU's interpretation, and as a result the RTBU filed an application to have the matter heard in the FWC. At the FWC, GWA attempted to argue that various sections of the Enterprise Agreement gave rise to an interpretation that meant that GWA can alter the sign-on time of a shift by as many hours as they want, without consent. The Commissioner heard the arguments of the RTBU and GWA, and GWA have since accepted that they can only lift up or lay back employees outside of the parameters of lift up or lay back hours with consent.

This means that GWA cannot change the original sign-on time of your next shift in the advice period outside the parameters of lift up and lay back hours unless they first ask you and you agree to do it.

If you have any further issues concerning this matter, please do not hesitate to contact your local delegate or the RTBU on (02) 9264 3400.

**AUTHORISED: R Hayden Locomotive Divisional Secretary**

Level 4, 321 Pitt St Sydney.NSW 2000