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RTBU LOCOMOTIVE DIVISION • ENGAGING MEMBERS • ENSURING A FUTURE

MOMENTUM SUPERANNAUTION PAYMENTS

On 20th April 2017, a Locomotive Division member found that the compulsory Superannuation payments for ordinary hours worked had not been paid on Public Holidays and wrote to Momentum (*the Company*) requesting a review of the amount of Superannuation that had been paid.

The Companies response was that *“compulsory Employer Super Contributions are only payable on your normal time hours; any hours paid at penalty rates do not attract the 9.5% super guarantee”*, which the member and Locomotive Division did not agree with.

As this matter kept appearing around every Public Holiday, and no resolution in sight, after 16 months, the member requested the assistance of the Locomotive Division to write to the company in an effort to resolve the matter.

After a number of attempts to get the matter resolved via correspondence with the Company failed we sought the assistance of the RTBU National Office Legal Officer who wrote to the Human Resources Manager on 18th September 2018, requesting a review of the super payments.

On the 22nd May this year we received the following response from the Company acknowledging that incorrect payment calculations had been made and they were now working to identify these and any outstanding contributions lodged with the ATO as soon as possible.

“I have gone back and done some research and re-gathered the information to respond to your letter dated 18 September 2018.

The Superannuation on Public Holidays that would have been part of the employee’s ordinary hours was in fact not being calculated correctly. We had previously had a Superannuation audit conducted by the ATO in April 2017 and our Super Guarantee obligations were found to be in line with the ATO regulations at that time. We have narrowed down the issue to our annual system upgrades implemented in June 2017 to take into account any changes to tax rates, new regulations passed by the ATO and any budget related changes as the possible source of the change that affected the Superannuation calculation.

Our payroll team have been working systematically through our various payroll that we process on a weekly and fortnightly basis to identify which hours are meant to be subjected to Super and will be lodging these contributions to the ATO using the stipulated method prescribed by the ATO. Currently we are undergoing the necessary annual upgrades and changes for FY20 and this is part of our checking process.

They are working to have all outstanding contributions lodged with the ATO as soon as practically possible”.

The Locomotive Division encourages all members to constantly review their pay dockets and highlight any discrepancies with the Company to make sure all entitlements, including the Superannuation Guarantee payments are made correctly.

Authorised: Robert Hayden, Secretary NSW Branch Locomotive Division.
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