



RTBU NSW LOCO DIVISION NEWSFLASH

No 39 / 19

Thursday, November 7, 2019

Aurizon Dispute Fair Work Commission Update

As members would be aware a Notification of Dispute was issued to Aurizon Coal NSW on the failure to adhere to the provisions of the Enterprise Agreement specifically: Clause 38 Annual leave, Clause 53 Workplace Representative Rights & Appendix 6 – Workplace Privacy, Employee Surveillance & Communications Monitoring.

The original dispute was lodged in March 2019 only 3 months after Aurizon committed to begin implementing the clauses of the EA and only days after the Fair Work Commission had certified the Enterprise Agreement. Failing to resolve the dispute it was lodged with FWC for conciliation with the application being submitted on 10th April 2019. The conciliation hearing occurred in FWC Newcastle on 6th May 2019 and with the substantive nature of the dispute another day was required and this was 21st May 2019.

Following the conciliation hearing and not being able to reach a resolution this matter was referred to FWC for arbitration with the 1st hearing taking place on 20th August 2019 in FWC Sydney for the Workplace Representative Rights. The 2nd hearing took place on 29th & 30th October 2019 at FWC Newcastle for the Annual leave and Appendix 6 disputes.

Both sides put witness statements and comprehensive supporting documents forward to support each case and we are now finalizing our final written submissions supporting our position. This will be finalised by around the 15th November 2019 for the commissioner to deliberate prior to making his decision. We are optimistic this may be made prior to Christmas but we will have to wait and see.

As soon more information comes to hand we will send it out.

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