



FOOTPLATE

NEW SOUTH WALES BRANCH / LOCOMOTIVE DIVISION

ISSUE 1: January 2020

NSW Trains NIF Update

Members will be aware of the recent NSW Trains NIF update which contains information regarding NIF train testing and the so called “proposed” pay offer for drivers dropped on our desk in November 2019.

In the communications, NSW Trains state that “consultation...is ongoing” about the “proposed pay and conditions”. Nothing could be further from the truth. NSW Trains have never consulted about the pay and conditions contained in the booklet of 28 November 2019. The pay and conditions were never intended to be subject to consultation. To misrepresent this process as a period of consultation with members is disingenuous and typical of NSW Trains contempt for its workforce throughout this process.

The so called pay offer was rejected and disputed on the same day it was delivered and several dispute meetings have occurred since then, the most recent at Step 3 with Unions NSW facilitating on 22 January 2020.

NSW Trains remains of the view that they can unilaterally change driver’s conditions of employment via a change to driver’s classification title and offer a made up wage offer for that change under its right of “managerial prerogative”.

The Loco Division obviously has a different position and is of the view that the only mechanism for changes to wages and conditions of employment is through Clause 12 of the 2018 Enterprise Agreement and has legal advice which supports that position. We have also retained legal counsel to represent the Divisions affected by the proposed changes.

The dispute remains in place and will be conciliated in line with the Dispute Settlement Procedure with the Fair Work Commission (FWC) in the first half of February.

Members are further advised that the NSW Trains NIF Update contains misleading information regarding consultation occurring with the RTBU over this matter.

For clarity, NSW Trains have been informed that the Loco Division will not be consulting over the pay offer and no further action is to be taken until the fundamental issue of Clause 12 is resolved in the FWC.