



# RTBU NSW LOCO DIVISION NEWSFLASH

January 28, 2021

## PN COAL – DISPUTE UPDATES

### Meal Allowance Dispute

It is unfortunate that we have to report to members on a dispute regarding meal allowances that has originated from the Mudgee Depot.

Some months back, without proper consultation, PN started rostering crews to Barracks with a return Job shown as “Relief x Rest”. This being in direct contradiction to clauses, C12.3, C12.7, C14.3 and C14.4 of the enterprise agreement.

Obviously the reasoning behind this was to get even more flexibility out of crew by putting them on standby in case they were needed, rather than if there was no clear work, rostering the crew home passenger, as has been custom and practice for many years.

After putting this process in place, when PN did not utilise the crew/s and sent them home passenger, they denied paying members the additional meal allowance due under clause A14.5 of the agreement. PN is of the view that a job has not been cancelled, inferring that because they had only put “*Relief x Rest*” instead of a Train Number a task had not been cancelled.

Since the dispute was raised, PN have now gone back to rostering home pass (for Mudgee depot only) however they have now raised that they may still want to utilise crews that are rostered home pass. The Locomotive Division has made it clear to PN that this type of work can only occur in an emergency and have also agreed to discuss the matter with management and delegates at next month’s ERC meeting.

As the dispute is regarding the non-payment of allowance entitlements, in the interim to sorting out the operational issues, we have progressed the dispute to the General Manager level.



One thing that members need to be aware of is that there are provisions in the Rail Safety National Law Regulations (*schedule 2*) around travelling passenger home from barracks. Members can read the full legislation at the following link,

[Rail Safety National Law National Regulations 2012 - NSW Legislation](#)

## **Compassionate Leave Dispute**

Recently a member claimed the 5 days compassionate leave available under the enterprise agreement. To the member's surprise Pacific National advised that they only provide two days compassionate leave as per the National Employment Standard, and the other three days is to be debited from sick leave.

The Locomotive Division has reviewed this and have progressed a dispute on the member's behalf. We believe the provision for the additional 3 days paid leave is a standalone provision that PN agreed to pay when negotiating the EA but now wants to take it from sick pay.

This is a new low from Pacific National. So much for the rhetoric we hear from them about wanting to be an employer of choice and everyone being part of the PN family/team. Actions speak louder than words.

We will keep you updated as the disputes progress. Any questions or concerns please speak with your local Delegate or Organiser.