



August 13, 2021

## RTBU Member - Aurizon EA Negotiation Update No 3

### Day 4 Meeting

As previously reported, the second day of last week's bargaining was postponed due to the escalating Covid-19 situation. Increased Covid-19 restrictions also meant the scheduled Consultative Committee and Town Hall meetings needed to be postponed which provided an opportunity for Locomotive Division Bargaining Reps to recommence discussions around leave clauses.

#### **Clause 38. Annual Leave Conditions.**

Discussions on this matter have remained extremely brief as, after receiving a presentation and recommendations from Shift Work Solutions, it is obvious that the Company's proposed rostering principles will affect Annual Leave conditions, particularly processes around deduction of leave hours.

Your Union Representatives also put forward an option to consider how single annual leave days could be utilised. The option includes having 5 single days, within your 5 weeks Annual leave entitlement, for use at your discretion. The balance of the remaining Annual Leave may be taken in one 4-week block or two 2-week blocks. This matter remains outstanding with further discussion and consideration required.

#### **Clause 41. Public Holidays.**

Your Union Representatives proposed a draft clause to enable an employee to bank a Public Holiday payment of 7.6 hours to allow for a Day In Lieu (DIL) to be accessed at a later date. Aurizon were accepting of the proposal and will consider our draft for inclusion within the Public Holiday Clause. Aurizon also acknowledged a process would need to be considered for payroll as to how these days will be monitored, banked, and later accessed.

We also proposed some alternate wording for clause 41.2 to better capture the intent of this clause. Aurizon are considering our proposal.

#### **Clause 42. Personal / Carers Leave.**

Discussions occurred regarding Clause 42 with the following changes being proposed.

##### **42.1 Entitlement**

**42.1.1** - Adding the word **Accrue** to now read - "*Full time employees are entitled to **accrue** 13 days Personal / Carers leave per year (pro rata for part-time employees) **agreed.***"

##### **42.4** Unused Personal / Carers Leave will not be paid out upon termination of Employment.

**Your negotiating committee proposed** - "*On cessation of Employment with Aurizon (i.e., Terminated, Retired, Resignation or Redundancy), Employees will be paid their balance of Personal / Carers Leave included in the Termination payment. This will be paid at the Employee's ordinary rate of pay at the date of termination of employment*". **Aurizon are still considering this proposal.**



#### 42.6 Taking paid Personal/ Carers Leave.

Your negotiating committee proposed the inclusion of the words “*Medical Procedure*” *as follows:*

**42.6.2** *Because the employee is not fit to work because of a Personal Illness, Personal injury or **Medical Procedure** affecting the Employee; or*

**42.6.3** *To provide care or support to a member of the employee’s Immediate Family or a member of the employee’s Household, who requires care or support because of a personal illness, personal injury, or a **medical procedure** affecting the member; or an unexpected emergency affecting the member. Addition of the words “*medical procedure*” as outlined above agreed.*

#### 42.10. Evidence Requirements

Discussions were held around our proposal to reduce instances where evidence is required to access Personal/Carers Leave. *The following words were proposed and agreed.*

**42.10.1** *An employee must, if required by the Company, provide evidence that would satisfy a reasonable person that the absence from work is for a reason specified in clause 42.6, only for absences which exceed three consecutive working days.*

**42.10.2.** *When medical certificates are not required:*

*(i) An employee shall not be required to furnish a medical certificate/statutory declaration in respect of any period whilst an in-patient at a registered hospital; or,*

*(ii) Where the employer’s medical examination of an employee indicates unfitness for duty following that medical examination.*

In discussing this clause, we also requested clarification around the Appendix A & B forms and how use is triggered. The company advised these forms were being used as part of the Personal Leave Management process and intended as part of the leader’s handbook. Aurizon viewed the forms and process as a way of asking employees “R U OK”, and, if there is any assistance Aurizon can provide. Your representatives highlighted, that whilst this intention is good, in application the process can be perceived as confronting or potentially a disciplinary tool. Aurizon accepted this feedback and will be reviewing the management’s approach as it was not intended for disciplinary reasons.

#### 43 Compassionate Leave

Your negotiating committee have proposed increasing the entitlement from 3 Days to 5 Days.

Aurizon are considering the proposal, and as a result of further discussions, proposed including wording to capture “extenuating circumstances”, such as travel. *Aurizon are still considering this.*

#### 44 Trauma Leave

Your negotiating committee have proposed increasing the entitlement from 2 days to 5 days is *agreed.*



#### **46 Military Leave**

Your negotiating committee have proposed a process to allow members of the Defence Forces to access the ANZAC DAY Public Holiday to attend the commemorative service without having to swap RDO's or other leave as follows:

**46.1** A member of Australian Defence Forces, past or present, will be granted the ANZAC DAY public holiday to attend the Commemorative Service without having to utilise any other accrued leave or swapping of RDO's upon giving 14 days' notice to the company. **Aurizon are considering this proposal.**

#### **48 Parental Leave**

Discussions continue regarding parental leave, with your negotiating committee in the process of developing a proposal for the Company to consider.

#### **49 Domestic and Family Violence Leave**

**This proposal is agreed**

Members will continue to be advised of developments as bargaining progresses.

If you have any questions, please contact your local rep or your Locomotive Division Organiser via mobile or email.

**If You are not a member? Then join today! Become an RTBU Locomotive Division member. If you have any questions, please contact your local Delegate or the RTBU Head Office on (02) 9264 3400 [www.locoexpress.com.au](http://www.locoexpress.com.au) or [www.rtbu-nsw.asn.au](http://www.rtbu-nsw.asn.au).**