



RTBU NSW Loco Division NEWSFLASH

October 14, 2021

TROJAN RAIL

Fair Work Commission MSD Update

Today FWC Deputy President Bull facilitated a conciliation conference concerning our application for a Majority Support Determination (MSD) to begin bargaining for an enterprise agreement to cover employees of Trojan Rail in NSW.

Prior to the hearing Trojan continued to object to an enterprise agreement, and in response to our application claimed;

- Our petition for a MSD was inaccurate
- Trojan Employees do not want an enterprise agreement
- The majority of employees do not want to collectively bargain for anything.

Trojan claimed this on the basis that they had conducted their own survey and their employees were happy.

The RTBU locomotive division conducted the MSD petition as allowed for under the Fair Work Act and clearly there were many employees who sensibly indicated they want an EA and want the right to collectively bargain for higher wages, better conditions, and job security.

At the FWC conference Trojan engaged lawyers to argue against your petition, still claiming the petition was flawed, no one wanted an Enterprise Agreement, and they requested a secret ballot.

Trojan's initial position was that the RTBU should pay for the ballot, yet when the RTBU agreed to this request, and said there was no objection to an electronic ballot through an independent ballot company, Trojan then said they would actually rather use the AEC and they would pay for it. Any independent ballot company is exactly that *independent*. Why Trojan would infer that it wasn't is difficult to comprehend.

The RTBU raised concerns that the AEC may take several weeks to conduct an election to which Trojan claimed it should only be two weeks. In good faith the RTBU agreed that if an election can be conducted in two weeks by the AEC then we would agree to that course.

The Deputy President adjourned the matter to be relisted in the near future while Trojan check with the AEC about timeframes to conduct a vote, and report back.



The RTBU locomotive division will support a vote through the AEC if it can be conducted and concluded quickly, if not we will ask the Deputy President to consider directing the parties to use an expedient independent ballot agent.

While the matter was not completely resolved today, a ballot means employees will shortly be given the opportunity to decide if they want a collective Enterprise Agreement in a completely confidential nature – neither the Union or Trojan will know how individual employees have voted.

A confidential and secret ballot is a fair and just way to determine what all Trojan Rail employees really think about improving their working conditions. Trojan Rail employees should remember they are under no obligation to tell their boss or anyone else how they intend to vote.

Members get prepared and get ready, your opportunity to negotiate better wages and conditions is only a “yes” vote away.

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