



# RTBU NSW

## NEWSFLASH

LOCO DIVISION

October 20, 2021

## TROJAN RAIL UPDATE

### Trojan employees to vote **“YES”** to begin collective bargaining

Following last weeks' Fair Work Commission appearance, the RTBU and Trojan have agreed to ballot Trojan employees and ask whether they want to negotiate an Enterprise Agreement.

This vote will be undertaken by a third-party ballot agent, to ensure the votes of individual employees remain confidential. The vote will open next Wednesday 27 October 2021 and will be open for a week.

**This vote will be conducted by SMS, which means all Trojan employees should ensure their mobile phone number provided to Trojan is up to date.**

### Eligibility

Employees will be eligible to vote if they:

- Are currently employed by Trojan Rail Pty Ltd; and
- Are employed as Train Crew; and
- Are employed to work in NSW; and
- Have either;
  - worked a shift in the past 8-weeks; or
  - have been on paid leave in the past 8-weeks; or
  - have been on work cover in the past 8 weeks.

If you believe you are eligible to vote, but do not receive a text message from the ballot agent on 27 October 2021, please contact the Union.

### Voting Process

Eligible Trojan employees will receive a text message from the Ballot Agent on 27 October 2021 asking:

***“Do you wish to negotiate an enterprise agreement with your employer, Trojan Rail Pty Ltd (94 604 430 266), to cover all train crew currently employed by your employer in NSW”***



Eligible voters will be asked to respond within a week with either a “YES” or “NO” response.

The vote will be 100% confidential, with only the final number of “yes” and “no” votes revealed. This means the Union and Trojan will never know how any individual has voted.

Please remember you are not required to tell anyone how you have voted or are going to vote.

### Why is this vote occurring now?

The RTBU has listened to its members who have been requesting better conditions, improved job security and fairer pay from Trojan. If a majority of employees in a business want to improve their conditions, they can require their employers to begin bargaining with them collectively.

To determine if a majority existed, the RTBU put a petition out to Trojan employees asking whether they wanted to begin collective bargaining.

The RTBU believed that a majority of Trojan employees had signed the petition and applied to the Fair Work Commission to make a determination beginning the bargaining process.

Trojan submitted to the Commission that it thought most of its employees were happy with their conditions and did not want more pay.

As a compromise, the RTBU and Trojan have agreed to ballot all Trojan Train Crew employees to ensure that all Trojan employees get a say on whether they would like to begin bargaining collectively for better pay and conditions.

### What is an enterprise agreement?

An Enterprise Agreement is an agreement between an employer and its employees concerning base pay and conditions. Usually, an Enterprise Agreement will take the place of the award that would otherwise cover those employees.

An Enterprise Agreement usually covers a large group of employees and is negotiated collectively by those employees with their employer. By bargaining together employees are able to negotiate better terms and conditions than if they were to do it alone.

For an Enterprise Agreement to be approved, it must pass the *Better Off Overall Test*, which means the pay and conditions under an Enterprise Agreement must be better than the pay and conditions if there were no Enterprise Agreement covering those employees.

As a result, Enterprise Agreements are associated with much better pay and conditions than awards or individual agreements. For example, the Federal Government reports that in March 2021 the average annual wage increase enjoyed by employees under an Enterprise Agreement was 2.6%, compared to the 1.5% received by non-Enterprise Agreement employees.

In NSW, all employers of Train Crew have or are negotiating an Enterprise Agreement that covers their employees - except Trojan Rail.



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## FAQ

### ***How will this effect my contract of employment?***

An Enterprise Agreement does not replace a contract of employment, however if any of the conditions under your contract of employment are lower than what is negotiated under the Enterprise Agreement, you will receive the higher entitlements from the Enterprise Agreement for that condition whilst retaining the other benefits under your contract.

### ***Does Trojan already have an Enterprise Agreement?***

No, Trojan does not have an Enterprise Agreement covering NSW Train Crew.

### ***Why didn't Trojan agree to bargain?***

We don't know. Whilst an Enterprise Agreement can be beneficial for businesses as it provides certainty and can help with attracting and retaining talent, it also results in employees being paid more which is a cost some businesses are keen to avoid.

### ***Will I get a say in my Enterprise Agreement?***

If you vote "Yes" and bargaining begins for an Enterprise Agreement, the RTBU will be visiting workplaces where Trojan employees are present to draft a log of claims, and will then present those items for inclusion in the Enterprise Agreement. Once an Enterprise Agreement is drafted, it can only be approved when employees have read the document and a majority have voted to approve it.

### ***What is likely to be included in the RTBU log of claims?***

The RTBU already knows that members employed by Trojan are concerned with current low rates of pay, poor rostering conditions, and inadequate job security. Claims addressing these concerns are guaranteed to feature in the RTBU log of claims.

### ***Could I have worse pay and conditions under an Enterprise Agreement?***

No, an Enterprise Agreement must have better pay and conditions than the award it replaces and will not replace conditions in your contract that are more favorable than those in the Enterprise Agreement.

### ***How should I vote next week?***

Vote **"YES"** – employees have a unique opportunity to secure better pay and conditions, yearly pay increases, and job security. You have everything to gain and absolutely nothing to lose by voting **YES**.

If you have any questions or need to speak about the Trojan Rail ballot, please contact the RTBU on (02) 9264 3400.

**Members get prepared and get ready, your opportunity for better wages and conditions is only a "yes" vote away.**