



RTBU NSW LOCO DIVISION NEWSFLASH

October 25, 2021



TROJAN RAIL UPDATE - MSD

Trojan Employees Bargaining

Trojan employees will vote next Wednesday indicating whether they want to bargain for an Enterprise Agreement or not. Trojan employees should refer to our previous newsflash to find further details of how the vote will be conducted and some Enterprise Agreement FAQs.

As to keep the vote entirely confidential, an Independent Ballot Agent has been approved to undertake the vote, they are called Vero Voting.

Who is Vero Voting?

Vero Voting is one of the largest independent voting agents active in Australia. They have been approved by the Fair Work Commission on numerous occasions as a fit and proper person, entrusted to deal with confidential information, to conform with the law, and to observe privacy requirements.

As such Vero has been entrusted to perform Enterprise Agreement related ballots for all manner of organisations including the Reserve Bank of Australia, numerous local councils, and Trojan's direct competitor Railtrain.

Vero has never had a privacy breach.

Employees can rest assured that Vero will keep their data and votes completely confidential from both Trojan and the Union – no one will know how you have voted.

Recent Trojan Communications

Trojan employees will have received an email from Trojan Rail recently providing the company's perspective of the Enterprise Agreement vote and a response to recent RTBU Locomotive Division communications.

It's interesting that Trojan is willing to provide advice on Enterprise Agreements, even though they have never had or negotiated one. Employees would be well-advised to cast a critical eye over this email.

We believe it is necessary to provide a response to a number of the issues that Trojan claim they have with Enterprise Agreements to allow employees to make up their own mind as to the benefits.



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“Trojan already pays significantly higher rates of pay in comparison to the Award”

If this is the case, commit to those *higher rates* and put them in an Enterprise Agreement.

The reality is, without an Enterprise Agreement and as a Casual, employees on higher rates may find themselves with less work compared to new employees who are employed at lower award rates. If Trojan has no intention to stop paying employees at rates higher than the award, there should be no issue with putting in place an Enterprise Agreement to commit to those *higher rates*.

“Yearly pay increases may be guaranteed but the amount remains to be agreed and where agreed – will be capped at a percentage defined by the enterprise agreement”

Trojan at anytime can pay you more than the rates in the proposed Enterprise Agreement but cannot pay you less. The percentage of annual pay increases is a minimum, not a cap.

“an enterprise agreement cannot provide job security in circumstances where the nature of our business is that we are a labour hire provider.”

This is not true. Many labour hire companies make commitments in their Enterprise Agreements to using full-time employees.

Similarly, job security can be improved with clauses addressed to other factors as well, such as making a transparent and fair disciplinary process to ensure you are not sacked arbitrarily, putting in place a process for redeployment following a loss of contract, improving rules for standing employees down, and providing trauma leave for casuals to ensure they don't have to quit their jobs to get the help they need after a rail accident.

“we cannot remain competitive and will not be able to pass on those benefits to our employees.”

This not true. Trojan's main competitor Railtrain has had an Enterprise Agreement since 2013 and is currently bargaining for 3 more enterprise agreements in NSW alone. Railtrain has more Rail Operations employees than Trojan in NSW.

“we have the ability to negotiate for higher service fees, meaning higher rates of pay and greater entitlements for our employees”

As to whether Trojan has been *passing on benefits to its employees*, has Trojan ever told you how much Host employers pay Trojan for an hour of your time? Has this rate gone up or down recently and by how much? Employees should ask Trojan to back this claim up.

“The wage increases that we provided in July this year far outweigh the RTBU purported 2.6% wage increase for enterprise agreement covered employees.”

Trojan employees should remember that yearly increases under an Enterprise Agreement have a compounding effect over a number of years, usually 3 or 4.

For example, an employee earning \$80,000 receiving a one-off wage increase of 8% would be on a salary of \$86,400.



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But an employee who receives 4 annual increases of 2.6% would be on \$88,650 by the conclusion of the Enterprise Agreement.

Not only that, pay increases are guaranteed under an Enterprise Agreement and not simply at the whim of management.

“pay our employees significantly higher than the Rail Industry Award 2020”

Trojan pays well below industry standards observed by other Rail Operations employers.

“pay entitlements and allowances to our employees which are otherwise not payable under the Award”

These entitlements and allowances should be included in an Enterprise Agreement so that they are protected and can not be taken away.

“offer pathways of progression via formal traineeships with our clients to become locomotive drivers”

An Enterprise Agreement can ensure these pathways are offered fairly and transparently.

“It is important to understand that contractual obligations arising under a contract of employment are not replaced with obligations set out in an enterprise agreement.”

This is true, except if pay or conditions in a contract are lower than those in the Enterprise Agreements, the higher Enterprise Agreement conditions will replace the lower contractual conditions.

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.

