



RTBU NSW LOCO DIVISION NEWSFLASH

30 September 2021

MEMBERS – Railtrain - Shuttle Services

EA Negotiations Update

12 November 2021 Update: This article was original published on 30 September 2021 with a number of factual inaccuracies that have been corrected below. Members will note the comments in bold font regarding the corrections made.

Rail Shuttle Services, which is part of the Railtrain group, advised the NSW RTBU Locomotive Division yesterday that they believe that Good Faith Bargaining has been exhausted.

Your Locomotive Division EA Negotiation Team don't believe that this is the case and are still willing to sit down and negotiate an Enterprise Agreement that you are all happy with. We have made some progress over the last 2 meetings but there remain outstanding items which still need to be discussed.

In yesterday's email to the NSW Locomotive Division, RSS advised that they have made the decision to take their latest draft of the Enterprise Agreement out to vote without the support of your EA Delegate negotiating Team, which is very disappointing. This is a known tactic of Railtrain in pushing for sub-standard Enterprise Agreements which see Train Crew working alongside each other on different pay rates and conditions. Some of these pay rates are just above the Modern Award.

The proposed Enterprise Agreement remains largely based on the minimum legal entitlements prescribed by the National Employment Standards and the Rail Industry Modern Award. RSS continue to only provide the National Employment Standard minimums across a wide range of conditions, including – Long Service Leave, Redundancy, Unpaid Community Service Leave, Unpaid Defense Service Leave, Unpaid Domestic Violence Leave and the inclusion of Compassionate Leave with Personal/Career's Leave.

The Agreement is still missing necessary rostering conditions to bring it in line with NSW industry standards. For example, RDOs are only 30hrs from sign off, meaning you could finish a shift at 0005hrs today and be back on at 0605hrs tomorrow. Getting up at 3 or 4 in the morning to go to work, is not a full night in bed, nor a complete day with your family. Rostering conditions are what Train Crew and Terminal Operators live and breathe in the rail industry, and you deserve better than what's been offered by Rail Shuttle Services.

There is also no minimum shift payment for Fulltime employees and where a Fulltime employee elects the different rate of pay (All Up rate), overtime is calculated at 30% and

AUTHORISED: Farren Campbell Locomotive Divisional Secretary

Level 4, 321 Pitt St Sydney. NSW 2000



RTBU NSW

NEWSFLASH

LOCO DIVISION

working a public holiday only attracts an additional 50%. These rates are the lowest paid in a NSW Rail Operations Agreement.

12/11 Note: The information originally presented in the above paragraph was incorrect, the overtime and public holiday rates were originally described as 0.3% and 0.5% respectfully, instead of 30% and 50%.

Base rates of pay - Classification weekly rate and hourly rate. At our last meeting, we were advised that a 20% Annual Leave Loading has been built into the proposed RSS rate. RSS has told us that a level 1 worker is similar in duties to a level 2 worker under the award. Leave loading is not payable on the Proposed RSS Rate, as the Proposed RSS Rate incorporates annual leave loading to provide a higher flat rate that doesn't change between periods of annual leave and ordinary hours of work. Over a nominal year, employees are 1.4 cents per hour better off under the RSS proposed flat-rate when compared to the award.

12/11 Note: The information originally presented in the above paragraph was incomplete, and did not note the differences in the rates of pay and that the rate of pay proposed by RSS satisfies the base rate of pay requirements set out in the Award and the annual leave loading entitlements

Classification	Equivalent Award rate	Proposed RSS EA rate
RSS Level 1 Rail Worker	\$21.62	\$22.05

If this Enterprise Agreement is voted in and certified, it will run for 3 years with the lowest paid wage increase within any certified Rail Operations Agreement within New South Wales. In past years, the cost of living has increased more than the WPI increase that RSS is offering.

12/11 Note: The information originally presented in the above paragraph was incorrect, this article originally stated there was a possibility of no wage increases, but a wage increase of the greater of WPI or 1.5% is guaranteed for the first three years.

The issue of training bonds is also a major concern for you and your Union and as such we have asked on numerous occasions that the terms of any bonds effecting RSS employees be included in your Enterprise Agreement. RSS have indicated their position that the matter of Training Bonds is not appropriate for inclusion in your EA.

In the case of RSS and Railtrain, a training bond requires employees (who sign them) to work for Railtrain, and reside in the local area to perform that work, for a certain period of time after they receive training. Employees who resign within the period specified in the Training Bond must pay to their employer an amount between \$2,500 and \$10,000 - depending on the circumstances and the training provided in their employment.

The Union's concern is that some employees may sign Training Bonds, receive training, and begin casual work with Railtrain where they are only rostered for one or two shifts per week and are earning as little as \$200pw. These employees may not have enough money to live on, and if they want to resign or move away from the area because there's no work available, they will have to pay a large amount of money to Railtrain to facilitate this. It is impossible, in

AUTHORISED: Farren Campbell Locomotive Divisional Secretary

Level 4, 321 Pitt St Sydney. NSW 2000



RTBU NSW LOCO DIVISION NEWSFLASH

these circumstances, to save the money required to quit your job, as the amount of the Bond may exceed what RSS has paid in wages. On top of that, these employees would be looking at beginning a period of unemployment with a large debt to their former employer.

To expect an employee, working only a few hours per week in the above circumstances, to survive and save enough to pay back a Training Bond when they resign within the period in the bond, is in the Union's opinion not only morally bankrupt but an indication that RSS is purely focused on their bottom line.

12/11 Note: The information originally presented in the above paragraph was incomplete, further details surrounding the Union's training bonds concerns have been added.

The Company has advised that they have distributed the required material for the access period to commence and that the vote will be held on 7 and 8 October. The vote will be conducted via an external independent 3rd party. This EA is the document that sets out your pay and conditions for the next three years and represents the base that any future agreements will be built upon. Your Union believes the pay and conditions on offer are woefully inadequate and cannot support RSS' Agreement. We encourage all RSS employees to vote no and bring RSS back to the negotiating table.

YOUR NSW RTBU Locomotive Division Delegate Enterprise Agreement bargaining team does not support the proposed substandard agreement. We are therefore encouraging all members and employees to VOTE NO to the Companies proposed Enterprise Agreement so bargaining can continue for better pay and conditions.

If you require any assistance in voting or wish to discuss the proposed EA, please call Kevin Pryor on 0417 105 356 – kpryor@rtbu-nsw.asn.au