



# RTBU NSW LOCO DIVISION NEWSFLASH

April 13, 2022

## Rail Train - Rail Shuttle Services Members St Mary's Depot – Protected Industrial Action

Last Thursday, 7<sup>th</sup> April 2022, a Fair Work Commission hearing took place whereby Railtrain opposed your application for a Protected Industrial Action Ballot. Railtrain engaged lawyers and a barrister and spared no expense in fighting your right to take industrial action.

Railtrain opposed the application on the following grounds.

1. First, the application sought orders to be made regarding matters which are not industrial action as defined by the Act and therefore the application has not been properly made under section 437 of the Act
2. Secondly, the application sought orders for the making of a ballot which contains ballot questions that are ambiguous and lacking in specificity.
3. Thirdly, the application was made in circumstances where there is evidence that the RTBU Locomotive Division is not genuinely trying to reach an agreement with RSS on the terms of an enterprise agreement.

The Fair Work Commission handed down its decision on the 8<sup>th</sup> April 2022. The Fair Work Commission was satisfied that all the requirements of the Fair Work Act have been met, including that the RTBU Locomotive Division has been and is Bargaining in Good Faith and made orders for the Australian Electoral Commission to undertake a ballot of RSS employees.

The decision is available online and can be [downloaded by clicking here](#).

### **What does this mean?**

RSS employees who are members of the RTBU Locomotive Division will be eligible to vote on what types of industrial action they want to take to support their bargaining claims.

Any industrial action that receives a majority “Yes” vote will be approved, meaning the Union can notify RSS that employees will be taking protected industrial action. This will assist members in achieving higher rates of pay and better conditions.

It also means that you should ensure your details are correct and up to date with the RTBU, so that you receive your AEC ballot and get your say.

### **What happens next?**

The RTBU will provide the AEC a list of RSS employees who are union members – it is important your details with the Union are up to date if they have recently changed.

The AEC will also receive a list from RSS of all employees who are employed by them and who will be covered by the proposed enterprise agreement.

The lists will be confidential to the AEC and not publicly available. Your name must be recorded on both lists for you to be placed on the roll of voters and receive a ballot paper.

The AEC will issue a PAB Notice with details of how to confirm your enrollment in the next few days.



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The ballot will open on 22 April 2022 and voting will be open for 30 days.

Members are encouraged to vote "YES" to all ballot questions in support of better wages and conditions.

## What are the Questions?

Soon you will receive a ballot from the AEC with the following 3 questions.

1. Taking protected industrial action in the form of an unlimited number of stoppages of work of 1 minute to 24 hours in duration.  
[yes/no]
2. Bans or limitations on the manner in which work performed by undertaking:
  - a. Bans on operating trains that contain specified containers.
  - b. Bans on operating trains that are longer than a specified length.
  - c. Bans on accepting lift up and lay back directions.
  - d. Bans on accepting any working or shifts that are outside of what is provided on the master roster.
  - e. Bans on accepting overtime.
  - f. Bans on working with employees from the Railtrain Group who are not employed directly by Rail Shuttle Services.  
[yes/no]
3. Changes to the way that work is performed in the following ways:
  - a. Distributing union and/or industrial campaign material by any means.
  - b. Attaching union and industrial campaign material to outgoing mail, emails and adding it to Railtrain and Rail Shuttle Services materials and displays.
  - c. Attaching union and industrial campaign material to Railtrain and Rail Shuttle Services vehicles and assets (that does not impact on safety); and/or
  - d. The provision of any information, in any form, concerning the views of employees about any aspect of the bargaining campaign to any members of the public, including the media  
[yes/no]

Make sure that when you get the AEC Ballot, that you fill it in and return it by the due date. Once again, this is your time to have your say, just like voting on your Enterprise Agreement. Remember that only Union Members can vote and take Protected Industrial Action if the ballot gets voted in. Any RSS employee who is not a member should join now so that they can participate in any industrial action approved by the ballot.

**Does this affect bargaining?** Bargaining continues whilst members are voting on or taking protected industrial action. This Thursday 14<sup>th</sup> April 2022, there is another Enterprise Agreement Bargaining meeting with your EA Delegates, the RTBU Locomotive Division and Railtrain Management. This meeting was initiated by the RTBU Locomotive Division to understand the following.

1. Why Employee pay claims we understood RSS were considering have been rejected outright,
2. Why other non-commercial claims have been refused, and
3. To let RSS explain its latest offer.

**Not a member, then join today or if you have any questions about joining,  
please contact the RTBU Head Office on (02) 9264 3400.**