



April 29, 2022

PN BULK EA - UPDATE 12 - MORE DELAYING TACTICS

This week your Negotiating team met in Newcastle to progress negotiations. The agenda was to further work through how both the Coal and Bulk Train crew sections of the EA could be merged.

After the last meeting PN were to come back to us and provide extra detail on how their extra 13 RDO proposal would work.

PN presented a proposal of providing a continuous repeating roster pattern of "6 Shifts on and 3 days off" with 121 RDO's per year but based on their original proposal **that included things like removing RDO and Weekend Protections and having lift up and lay back of two and four hours respectively.**

There was heated debate around this, and Delegates pointed out that this proposal would **see all members worse off**, as the first and third rostered day off would mostly be pajama days or DFPs / NR, that would have next to no protections.

As the first day continued, counter proposals were put forward and discussed but with each, the company's response was one of how things can't work "*or I don't understand how that could work*". Shortly before the day ended PN stated they would consider our latest proposal overnight and provide a formal presentation in the morning on Day two (Thursday).

Day Two.

Day two opened with the RTBU reflecting on International Workers Memorial Day and workers who have lost their lives at work.

PN reflected on negotiations to this point and advised how they cannot see how any proposals put forward could work. They referenced an impasse in the 2017 negotiations, highlighted customer, and shareholders' expectations, made sweeping and unsupported statements seeking to undermine Union and Member solidarity and then went on to state that they intend to lodge a S240 (Bargaining Dispute) Application with the Fair Work Commission. This means that bargaining negotiations will now be influenced and overseen by a member of the Fair Work Commission. It is very disappointing that Pacific National, instead of bargaining directly with its employees, has sought to include an external party.

Bargaining negotiations are always difficult, but this does not mean that Pacific National should go to the Fair Work Commission for help when the going gets tough.

You may note that your union bargaining team predicted Pacific National's approach some time back when we reported that it appeared PN had no intention of trying to reach agreement on merging classifications and conditions, but rather kept quoting million dollar amounts of what things would cost and providing very few proposals on how things could work / merge.

What does this all mean?

Your enterprise agreement is about to expire on 4th of May. This means that after that date, members can take legal protected industrial action. Your Union believes Pacific National want to seek intervention by the Fair Work Commission in bargaining to try and stop or stall Your Legal Right to take industrial action

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RTBU NSW LOCO DIVISION NEWSFLASH

The reality is that Pacific National have over the past years consistently used every trick in the book to attack workers' conditions and reduce their rights and conditions. One only needs to look at the recent Queensland coal negotiations, the refusal to include IPS workers in agreements and historic issues such as not paying labour hire the same as PN employees and refusing to include arbitration in any of their Enterprise Agreements.

The RTBU will of course continue to try to bargain in good faith with Pacific National, however, it is very disappointing that Pacific National have sought to take bargaining to the Fair Work Commission instead of speaking directly with their workers and their representatives. We are also clearly hearing member feedback that they want improvements to their conditions that will improve work life balance, as well as a pay rise to cope with the increasing cost of living. Considering Pacific National's position and their track record on negotiations, it appears that the only way to get PN to listen is through Protected Industrial Action which is still available to members regardless of Pacific National's application to the Fair Work Commission.

Your Union will shortly commence steps to lodge an application with the Fair Work Commission to conduct a ballot of members to take Protected Industrial Action. The lodgment and ballot process can take a few weeks however we will endeavor to have it processed as soon as possible. In the interim your delegates from the negotiating team will be holding meetings at your depots and or electronically to explain the situation and answer members questions.

In the interim members should take every opportunity to ask their managers some questions as to why PN are taking this approach such as:

- Why have PN asked that the Fair Work Commission be involved in bargaining instead of negotiating directly with their employees?
- Why they delayed your negotiations for 9 months only to now delay them further?
- Why won't they agree to arbitration in their agreements when it costs nothing?
- Why don't they pay equal pay to Labour Hire Employees or directly employ them?
- Why are IPS employees treated differently? Why shouldn't they have an EA?
- Why additional hours worked shouldn't receive additional RDOs?
- How does attacking wages and conditions and treating employees differently meet PN's so called PNA?
- Why have they refused to discuss any part A matter or claim put forward?

Members will be kept up to date through further updates and Locoexpress.

REMEMBER - DON'T BE FOOLED BY PN SPIN. Management will be out there trying to make out they are giving you extra RDO's when in fact what they are offering will make you worse off, as the so called RDO's and weekends will have no protections.



Not a Member? Only members of the RTBU can take Protected Action! Join today!