



# RTBU NSW LOCO DIVISION

## NEWSFLASH

Thursday June 16, 2022

## Pacific National BULK NSW EA MEMBER UPDATE -18

### PN MANAGEMENT IN A SPIN OVER PIA ACTION

You may have seen correspondence from Pacific National regarding your protected industrial action (PIA), particularly about Pacific National deducting 30 minutes pay from members that stop work for a 30-minute break, where it is safe to do so, after having worked 5 hours.

Pacific National claims that it is required by law to deduct this amount due to the Fair Work Act's "Strike Pay Provisions". **This is incorrect.** Pacific National is not required to deduct pay for the 30-minute break, because the break is only a Partial Work Ban.

Instead, Pacific National can choose to pay you in full OR reduce your payment based on the 30-minute break. The fact that Pacific National has chosen the **hardline approach** of deducting 30 minutes pay where members only take a 30-minute meal break as per the PIA just goes to show how worried they are about this action, and the potential impact it may have.

Members should keep in mind that the more inconvenience the PIA causes, the more effective it is against Pacific National and the stronger your position in bargaining. Per the PIA, you may stop your train, including on a mainline, to take your 30-minute break if it is safe to do so and network control has confirmed this. You must ensure that you comply with all network rules when doing so.

Whilst Pacific National is not obliged under the Fair Work Act to deduct pay for the 30-minute break, the fact that Pacific National have chosen this approach means that members should expect 30 minutes pay to be deducted if they stop the train (where safe to do so) without Pacific National's authorisation and take a 30-minute meal break, after having worked 5 hours.

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This is because the PIA is different to your entitlement to a meal break under the EA. The EA says that employees can take a 30-minute meal break if the break does not interfere with the efficient running of the business including the operation of the network. The PIA says that members will **ONLY** not stop to take their 30-minute break after the 5<sup>th</sup> hour of duty **if it is not safe to do so** – it does not matter if it impacts the efficient running of Pacific National's business or causes inconvenience.

Again, this means that you can stop your train on the mainline if it is safe to do so. The fact that members must resort to relying on PIA to take a meal break, and then get their pay deducted from Pacific National for doing so, just goes to highlight Pacific National's unfair treatment of its own employees.

As stated in Pacific National's correspondence, you will not receive a deduction in pay if you take the meal break per the terms of the EA. Therefore, if you request a 30-minute meal break after the 3<sup>rd</sup> hour of duty and before the completion of the 6<sup>th</sup> hour of duty, and Pacific National complies with this request, then you will be able to take your meal break and you will not receive a deduction in pay.

Pacific National has had over a week to prepare for the PIA and obviously did nothing. All employees should be able to receive their meal break. The RTBU sees no reason why Pacific National cannot/should not ensure that all members receive their meal break per the EA.

**Only members of the RTBU Employed by PN and covered by the BULK NSW EA can take Protected Action starting today 16.6.22 at 8am.**

**Not a member? Then Join Today!**



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