



January 25, 2023

## QUBE Members Enterprise Agreement Update

Last week, we received a copy of a QUBE's "*Enterprise Agreement Bargaining – Communication Update #1*" dated 13 January 2023, which was sent out to all Employees.

Let us set the record straight, QUBE did not put their pay claim to your bargaining representatives at the meeting of 14 December 2022, or at any bargaining meeting. This claim is pure fiction.

In response to QUBE's "Communication Update", the Locomotive Division has written formally to QUBE Management expressing our concerns. Our correspondence can be seen below.

QUBE also continues to talk of "flexibility and meeting client demands" instead of moving on important member claims to improve rostering and work/life balance. While management continue to reject important claims, members are preparing to take action to achieve a fair replacement agreement.

Our next bargaining meeting will be held 27 January 2023. Members will continue to be advised of any and all developments as they occur.

Members are reminded that the RTBU Locomotive Division will be out on tour in early February. We hope to see as many members as possible to tell you the truth about the Enterprise Agreement negotiations so far.

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



**From:** Kevin Pryor  
**Sent:** Monday, 16 January 2023 2:00 PM  
**To:** Dan Coulton; Steve Ellem; Emily Link  
**Cc:** Josh Leddin; Cameron Wood; Rodney Rich; Paul Kenny; Greg Woods  
**Subject:** QUBE NSW TRAIN CREW EA

Afternoon Dan and Steve,

The RTBU has become aware that bargaining representatives for QUBE have caused a memorandum titled "Communication Update #1" and dated 13 January 2023 to be sent to QUBE's NSW Train Crew Employees.

The 13 January 2023 memorandum states that on the 14 December 2022, that QUBE put the following on the table for consideration and discussion:

1. April 2023 – 4% increase,
2. April 2024 – 4% increase, and
3. April 2025 – 4% increase.

Despite the content of this communication, at no stage was the employers pay claim articulated at the bargaining meeting on 14 December 2022, or at any bargaining meeting, nor has the RTBU otherwise been advised of this claim.

As such, we believe the effect of this correspondence is:

1. Plainly misleading as to the status of bargaining,
2. Represents a failure to disclose information in a timely manner,
3. Represents a failure to recognise bargaining representatives,
4. Has a tendency to unfairly undermine collective bargaining due to its misleading nature, and
5. Represents an inappropriate way to articulate bargaining claims that doesn't facilitate genuine consideration of claims or provide an opportunity for bargaining representatives to respond to claims.

As such, we now believe that QUBE is not meeting its Good Faith Bargaining obligations under s 228 the *Fair Work Act 2009*.

To remedy this failure, we are requesting that QUBE undertake the following steps within 14 days:

1. Convene an EA Bargaining Meeting, with relevant bargaining representatives to discuss this new pay claim, and
2. Send to affected employees "Communication Update" correcting the record, specifically noting that QUBE's pay claim was not provided to the bargaining representatives at the 14 December 2022 meeting.

We look forward to your early response to the issues raised in this letter.

Regards



**Kevin Pryor**

Freight Organiser – Locomotive Division

**Rail, Tram & Bus Union (NSW Branch)**

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