



RTBU NSW Loco Division NEWSFLASH

June 9, 2023

QUBE Members Enterprise Agreement Update

Agreement gets Voted DOWN Again.

This morning we received the results for the latest ballot that closed last night at 6pm.

- Total number of Votes 193 (94%)
- Total Yes Votes 68 (35%)
- Total NO Votes (125) 65%

Two thirds of you agree that the proposed Enterprise Agreement is not worth the paper it is printed on. This is now the second time you have voiced your opinion on the Agreement loud and clear.

We would also like to clarify a sneaky and deceitful position by QUBE Management that was in QUBE's correspondence dated 6 June 2023, which was sent to you just before the voting process commenced.

- 1st vote - QUBE changed clause 4 without discussing this with your negotiation team hoping that we would miss it and that you would vote the EA in.
- The RTBU responded and took QUBE to Fair Work and had Clause 4.3 re-instated.
- QUBE management, during the last negotiation meeting held on the 23 May, explained that other divisions within QUBE are now claiming these allowances in EAs just like yours. This includes Leave Loading and any penalties like Saturday and Sunday rates and Shift Penalties payable under the award or the NES for afternoon and night work.
- 2nd vote - QUBE again tries to sneak through the change by changing the meaning of the "Hourly or Ordinary Hours" definition, so that if the EA gets voted in, then QUBE don't have to pay the above entitlements which may be worth up to \$30,000 per year.

QUBE are saying the change in definition has no actual effect and it's just an RTBU scare campaign. This begs the question – why make the change at all if it changes nothing?



Many members thought similarly, and it was frequently asked, if this definition doesn't change anything, why would QUBE change it at all and leave themselves open to the criticism?

Obviously enough, the answer to that is this change is a material change to the Enterprise Agreement and your conditions. QUBE are doing this because they know they should be paying penalty rates on top of the base rates in the agreement.

A Federal Court application for backpay is in the works. Only RTBU members will be eligible to receive compensation through this litigation.

Next Steps

While we wait for QUBE to finishing licking their wounds and making idle threats, we are starting the process for Protected Industrial Action in the Fair Work Commission.

What is a protected Action Ballot (PAB)?

Protected Action Ballots are secret ballots that give RTBU Members the chance to vote on whether or not they want to initiate protected industrial action. It is not a vote to take action, it simply authorises RTBU Members to take various actions later during bargaining.

How long does it take to get approved by the FWC?

The Commission must, as far as practicable, determine an application for a Protected Action Ballot order within two working days after the application is made. This, however, might be extended if QUBE objects to the application. We expect to file our application next week.

What do I need to do to make sure my vote is counted?

Please ensure that your Home Address, Mobile Phone Number, Work Location and Email Address that you have provided to the Union is correct.

The Ballot process requires QUBE to send through a copy of employee's details to the ballot agent. This information will then be compared by the independent ballot agent to the membership list provided by the RTBU. QUBE will not know who RTBU members are. Please make sure your details are updated ASAP.



How long is the voting open?

At the moment, we are proposing a 7-day period in which the vote will be open. However, this is dependent on the Commission issuing orders regarding our ballot. You will receive more information on this once the ballot is approved.

What message does this send to QUBE Management?

Believe it or not, a massive “YES” vote on the Protected Action Ballot is often more powerful than the actions themselves.

A huge return rate on the PAB shows a united, organised, powerful collective of RTBU Members right across QUBE’s NSW Train Crew Operations.

This act of solidarity really tells QUBE Management that all of you believe in getting a decent pay increase and better conditions and will fight for it if necessary.

It will also show that QUBE management’s constant attempts to drive a wedge between members and your Union is not working.

Why are we taking PIA action?

Unfortunately, the RTBU has been forced to take this decision owing to the negotiations reaching a point of stalemate on the advice from you. QUBE will not move above their offer of 6%,4%,4% and they have now removed all the Back Pay. They have included a definition of ‘hourly rate’ that will leave you worse off and there has been little improvement to Members conditions.

There was little to no movement on any of your claims, with QUBE management refusing to even discuss these claims prior to rejecting them, then accusing your EA negotiating team of not bargaining in good faith.

The RTBU maintains the view that QUBE has benefits from the productivities they are demanding in this agreement and should compensate their employees for the massive profits QUBE has achieved over the last couple of years off the bent backs of their employees.

Who do I speak to about some ideas I have for some actions at my Depot?

Members should make and maintain regular contact with their local Delegate during this period to understand what actions are occurring, when, where and any ideas they may have regarding actions in their location. Members should look at these actions as a positive way to apply pressure on QUBE to change their current attitude towards this EA



and participate in all actions to achieve the same. QUBE appears to be of the view that RTBU Members do not support their EA bargaining teams position and that most of you believe QUBE's rhetoric - now is your chance to show them otherwise!

Do EA Bargaining Meetings still occur while the PAB is being voted on?

Bargaining meetings can, and should, still occur during this period as we are committed to achieving an outcome and will make every effort required to do so regardless.

Can everyone participate if we take Protected Action?

Only financial RTBU Members are protected to take action without any repercussions from QUBE.

If you're not a member but would like to stand up with the collective and fight for the pay and conditions that you deserve ... JOIN TODAY!

If I have any questions or queries, who do I direct them to?

As always, Members are encouraged to speak with your Depot Delegate, your Divisional Organiser or call the NSW RTBU Office on (02) 9264 3400.

Not a Member, Join Now

**If you have any questions about joining,
please contact the RTBU Head Office on (02) 9264 3400.**

