



# RTBU NSW LOCO DIVISION NEWSFLASH

July 14, 2023

## Bargaining with QUBE – Talking Sense to Bullies

Yesterday, your EA Delegate Team met to discuss QUBE's pair of woeful offers. It comes as no surprise to witness Dan Coulton resorting to his usual bullying tactics in an attempt to influence the ongoing **Federal Court** matter. QUBE has proposed two options to members, both options being an agreement on the exact same terms as the in-principal agreement of 26 June 2023, and differing only on wages depending on whether the underpayment matter continues.

QUBE's first offer slashes the payrates from **6%, 5%, and 5%** to **4%, 4%, and 4%**, but leaves the **Federal Court** case to run its course.

QUBE's alternative offer suggests wage increases of **7%, 5%, and 5%**, but is contingent upon dropping the **Federal Court** underpayment case. Essentially, members are being offered a mere 1% extra in exchange for forfeiting their right to claim tens of thousands of dollars annually.

In an attempt to find a resolution to the wage dispute, your EA Delegate Team presented the following offer to QUBE Management yesterday afternoon.

Both QUBE proposals are rejected, and we offer the following counter proposals:

1. *The parties honour the in-principal agreement reached on 26 June 2023; or*
2. *An enterprise agreement largely in the same terms as what was agreed on 26 June 2023, but amending the pay-rises to 8% each anniversary and amend the overtime rate from 1.6x to 1.7x, and with respect to the penalty rate dispute.*
  - a. *Agree to a definition of an 'all up rate' in the terms proposed by QUBE to be included in the new EA;*
  - b. *The RTBU will discontinue the Federal Court proceedings; and*
  - c. *The RTBU will consent to an application to vary any previous iterations of the enterprise agreement QUBE proposes to vary retrospectively to apply an 'all up rate'.*

**AUTHORISED: Farren Campbell Locomotive Divisional Secretary**

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In addition, your EA Delegate Team concluded that with the backing of 85% of members supporting Protected Industrial Action, the time has come to initiate this process. It is undeniably frustrating that it has come to this point, but QUBE's consistent display of cowardly reversals, bullying tactics, deceit, and unreasonable conduct has left us with no choice but to cease playing their silly games.

QUBE was notified this morning of the following Protected Industrial Actions.

1. Nature of action: An indefinite ban on RTBU members covered by the Orders operating a train of more than 12 wagons during any local or shuttle working.  
Day on which action commences: 12:01am on Thursday, 20 July 2023, continuing indefinitely.
2. Nature of action: An indefinite ban on RTBU members covered by the Orders accepting Lift-up or Lay-back changes to their start times.  
Day on which action commences: 12:01am on Thursday, 20 July 2023, continuing indefinitely.
3. Nature of action: An indefinite ban on RTBU members covered by the Orders shunting more than 12 wagons at a time.  
Day on which action commences: 12:01am on Thursday, 20 July 2023, continuing indefinitely.
4. Nature of action: An indefinite ban on RTBU members covered by the Orders on any form of mainline working except Single Locomotive Working.  
Day on which action commences: 12:01am on Thursday, 20 July 2023, continuing indefinitely.

All the actions above are Protected Industrial Actions, and you are protected under the Fair Work Act. If any member partaking in these actions is bullied, intimidated, or singled out, please contact the RTBU Head Office on 02 9264 3400 immediately.

## **History of How we got to this position.**

- Negotiations started last year in May 2022.
- QUBE has rejected 99% of your Log of Claims during many EA Meetings.
- January 2023, QUBE changed Clause 4 of your EA without consultation with your EA Team. This is where it was considered by your EA Team that QUBE were not paying penalties such as weekend rates and shift penalties as per the award and your Enterprise Agreement.

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- 28<sup>th</sup> February 2023, the RTBU applied to the Fair Work Commission for a Bargaining Order to fix up Clause 4.
- 2<sup>nd</sup> March 2023 – Fair Work Hearing. QUBE agreed to reverted Clause 4.2 back to the original in the 2019 Enterprise Agreement.
- March 2023 – QUBE sent out the EA for you to vote on. QUBE again changed Clause 4.2 after it was agreed by the Fair Work Commission. EA voted down.
- April 2023 – QUBE proposed an “all-up rate” which got too hard for QUBE, so they dropped this claim. This is another way of changing Clause 4.2 without anyone noticing it. Dan Coulton also stated “QUBE need to change this as other Divisions within QUBE are claiming penalties and weekend rates as it’s not in their EA”.
- June 2023 – QUBE again sent out their EA, without agreement from your EA Team. This time QUBE made changes to the Definition “Hourly Rate”. QUBE again trying to undermine the payment of any penalties and weekend rates.

This is where we are up to. As you can see, QUBE has made many attempts to wiggle out of paying you 10's of thousands of dollars and we as your Union will not fall for it. We will also stand up and fight for every cent you are owed.

Remember, only RTBU members will benefit from a settlement of the Federal Court underpayment claim – so if you're not a member you might miss out on thousands.

## Not a Member, Join Now

**If you have any questions about joining,  
please contact the RTBU Head Office on (02) 9264 2511.**

