



RTBU NSW LOCO DIVISION NEWSFLASH

July 17, 2023

QUBE'S PROTECTED INDUSTRIAL ACTION

QUBE employees will have received another memorandum from Dan Coulton on 14 July 2023. Again, this memorandum was a publication so full of inaccuracies that it warrants a direct response.

Did we give our members a say?

Your delegates were consulted as to whether either of QUBE's offers should be accepted, or whether we should hold them to the deal reached on 26 June 2023. The majority position reached was to hold QUBE to the bargain they struck, and if they wanted to change the deal to do away with the Federal Court case, it was going to take more than 1%. We appreciate there are different views in each Depot. However, over 80% of QUBE members voted in favour of Industrial Action.

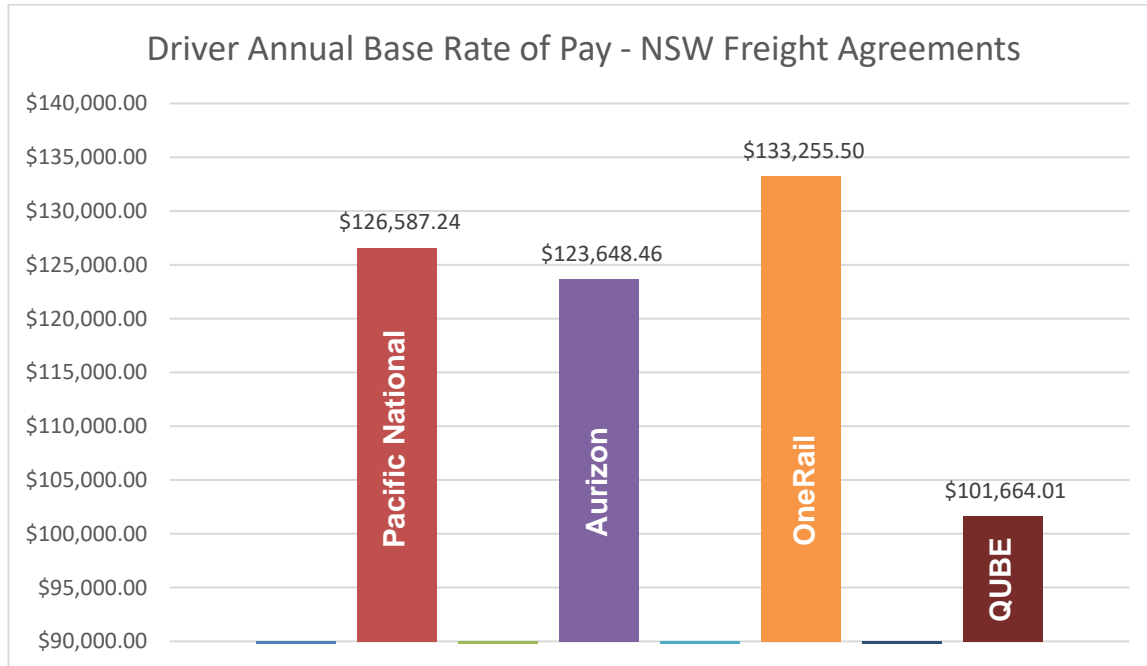
At the end of day, only QUBE can put an agreement out to a vote of employees, and they can do this anytime they like. They don't need our permission, but the RTBU won't support a yes campaign for an agreement that is worse than the agreement we already reached.

Apparently QUBE were not willing to let their employees have a say without hiding behind the support of your Union.

Is QUBE's current offer GENEROUS?

No.

Despite QUBE using the word 'generous' on average 5 times per memorandum, the deal put forward is far from it. QUBE is far behind the other rail operators it competes with on wages and the Federal Court claim would actually bring members into line with industry standards.



Pay during Industrial Action

Possibly the most egregious misrepresentation in the memorandum is the assertion that QUBE members won't be paid during Industrial Action. Let us make this clear, **if you work a shift, you will be paid**. The only occasion on which members won't be paid for participating in industrial action is if they **don't do any work at all**.

You can confirm this by a simple email to any QUBE management seeking clarification. Remember any response or information you receive from QUBE that is not in writing is probably a lie, so you must insist on a written response. It is an offence under the *Fair Work Act* for QUBE to lie to you in the context of your right to take Industrial Action.

"Dear sir/madam,

Will I be paid if I work a shift observing the restrictions in place due to Protected Industrial Action?

Please provide a yes or no response in writing.

Regards"

The response has to be 'yes'.

AUTHORISED: Farren Campbell Locomotive Divisional Secretary

Level 4, 321 Pitt St Sydney. NSW 2000



Will the Industrial Campaign be ‘prolonged’?

Not particularly. Whilst bargaining should have been over on 26 June 2023, the absolute maximum amount of time bargaining will continue from here is only a few months before the Fair Work Commission can intervene to resolve any outstanding dispute – which is not a lot of time in a bargain that’s already been underway for over a year.

In any case, the Union expects and plans for bargaining to be over much sooner than that.

Will the Federal Court case be ‘protracted’?

Unlikely, the case is listed this Friday to be prepared for hearing and the core issues in dispute are relatively limited. Also, the conduct of the case is irrelevant to the conduct of bargaining. If QUBE were actually confident in their position in the case, they would honour the 26 June 2023 agreement, and everyone could move on with their life.

Is the Federal Court case a ‘gamble’?

Of course, there are no certainties in litigation, and the idea of thinking about the case as a gamble is a good one. QUBE members of 6 years service or more are looking at perhaps \$150,000 each in back pay, and then \$30,000 per year going forward, if they are successful. QUBE are offering 1% (or about \$1000) to give that up.

Even if you accept the odds are 50:50, \$150,000 is a pretty good return on a \$1000 punt. Especially where the Union is paying all the Court, Legal, and Barristers Fees to run the case.

What the Federal Court Case is all about – we are claiming that RTBU Members haven’t been paid double time on Sunday, time and half for working Saturday, Early Morning Shift, Afternoon Shift and Night Shift allowances. All of these can be accessed by looking up the Rail Industry Award 2020 which is incorporated into your Enterprise Agreement.

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.**

AUTHORISED: Farren Campbell Locomotive Divisional Secretary

Level 4, 321 Pitt St Sydney. NSW 2000



RTBU NSW LOCO DIVISION NEWSFLASH



AUTHORISED: Farren Campbell Locomotive Divisional Secretary

Level 4, 321 Pitt St Sydney. NSW 2000