



RTBU NSW Loco Division NEWSFLASH

July 19, 2023

QUBE MEMBERS ON STRIKE from 0001hrs!

In an embarrassing own goal, earlier today QUBE sent a notice stating that it would not pay or accept work from its employees that are undertaking the RTBU Protected Industrial Action that was notified to begin at 12:01am tonight. Such a notice can be legally made by QUBE under section 471(4)(c) of the *Fair Work Act*.

QUBE, in a memorandum at all Train Crew in NSW dated 19 July 2023, said it “*refuses to accept the performance of any work on any day during the ban period by you until you are prepared to perform all of your normal duties*”. This is effectively a lock out where QUBE will pick and choose who to target.

QUBE needs to know that underhanded tactics will be met by members head on. QUBE have played the wrong hand and it will be met with strategic, united and effective action.

QUBE probably didn't realise, that such a notice has consequences, and that because they have taken this step, all QUBE employees (members and non-members) are legally entitled, under section 471(4A) of the *Fair Work Act*, to take retaliatory Protected Industrial Action without notice by simply not attending for work.

On that basis, we recommend that from 0001 hours tomorrow morning all QUBE employees covered by this Enterprise Agreement do not attend work for an indefinite period, i.e. You withdraw your labour and DO NOT ATTEND WORK – IT'S A SNAP STRIKE.

Importantly, employees have NO OBLIGATION to notify QUBE that you will not be attending work and you are NOT OBLIGED to accept calls from managers.

You do not need to be an RTBU member to participate in the snap strike, if you received QUBE's memorandum of 19 July 2023 that was sent to all Train Crew in NSW, you are entitled to not turn up for work with zero notice.

Receipt of the 19 July 2023 memorandum is the only thing required to make your participation in the strike FULLY PROTECTED. Even if your rostered shift isn't affected by the work bans, you're still entitled to go on strike without notice.

This is **LAWFUL PROTECTED INDUSTRIAL ACTION**, and QUBE is prevented from taking any action against you on the basis that you refuse to attend for work. We will fully support any employee against any retaliation received from QUBE for engaging in this strike.

QUBE did not need to order a lock-out – they're gambling with your future and dignity.

The strike will be implemented as follows:

1. If your shift starts before 0001 tonight, at 0001 you advise QUBE that you will be participating in the strike and that QUBE needs to find a location to allow you to safely stop the train;

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2. If you are at Barracks at 0001, QUBE has an obligation to get you home safely, you may either insist on going home pass, or otherwise work a train home if it is the only option and start the strike when you are at your home depot;
3. Any shift starting after 0001hr tonight, no matter what the shift, is no longer compulsory and we recommend not attending;
4. From 0001hrs, stop answering any calls from QUBE management – you have no obligation to them whilst on strike;
5. Keep an eye on Loco Express for updates from the Union, with a strike of this nature the matter is now out of the hands of QUBE and the bargaining will shortly be resolved by the industrial umpire because of the effect on supply-chain logistics.
6. Call your mates and encourage them to join the action, members and non-members alike are legally entitled to strike on this rare occasion.

Clearly enough, you won't be paid if you are on strike but QUBE's shortsightedness has presented a huge opportunity for all QUBE employees to hold management to account for their dodgy bargaining tactics and achieve a far better outcome that will have benefits for years to come. Stay tuned as the Union will be organising conferences to speak to members tomorrow during the strike.

Not a Member, Join Now

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

