



# RTBU NSW

## NEWSFLASH

LOCO DIVISION

September 22, 2023

## QUBE – Enterprise Agreement Update

Members, by now you would have all seen the “Enterprise Bargaining Update” that QUBE put out to all employees on 13 September 2023.

In that memorandum, QUBE stated:

- That they “*were disappointed that the RTBU used this forum to take the idea of a ‘Global Settlement off the table’ and*
- “*to be very clear with you, QUBE has never agreed to take the Global Settlement off the table and last week’s Newsflash is wrong*” and
- “*Because of this change in approach from the RTBU, we are now further from a resolution to this dispute than we have been for some time. And workers are further away from a pay rise*”.

**Let us be very clear**, QUBE arranged the FWC meeting, QUBE were the first and only party to make a proposal for bargaining, and QUBE’s proposal was to stop negotiating for a global settlement. We agreed with this proposal and then everyone left as QUBE weren’t prepared to make any new offers at that time. It was brief and bizarre and could have been dealt with by email.

**Why would we agree to this?** QUBE’s idea of a global settlement was impossible for the Union to accept. It included terms such as agreeing to things that were **legally impossible**. Putting aside the illegal terms of QUBE’s proposal, QUBE also wanted the Union to indemnify it against any losses should anyone (in certain circumstances) sue it for the same underpayments the Union is currently pursuing– a risk of 10’s of millions of dollars that the Union simply could not accept.

**What are the current offers?** We don’t know what QUBE’s current offer is, or even if it has one, or what strings may be attached. If there is one, we’re happy to hear it. We won’t be entertaining any offers not made in good faith that seek to renegotiate claims that have already been settled in bargaining. The Union’s standing offer is the in-principle agreement reached with QUBE in June 2023.

**When is the next bargaining meeting?** A bargaining meeting before the Fair Work Commission is currently scheduled for 26 September 2023, where QUBE was scheduled to elaborate on their proposal for moving away from a Global Settlement. Due to QUBE’s



misleading memorandum, the Union has asked that this meeting be vacated, as we do not have any confidence that anything discussed in these forums will be honoured or fairly represented by QUBE. Offers can be communicated in writing to remove any opportunity for misrepresentation. We understand QUBE will be making some sort of offer in writing soon.

Members will forgive us for not having faith in QUBE's ability to honour what happens in the Commission, but remember we had an in-principle agreement with QUBE for a new Enterprise Agreement, which was committed to ink ***in the Fair Work Commission building before a Commissioner***, and were getting ready to take it out for a vote before QUBE management decided to throw all their toys out of the cot and renege on the agreement and then locked employees out. Now at our latest meeting, QUBE seems intent on misrepresenting what happened to score some cheap points.

To accuse us of delaying this process is laughable - we had finished bargaining in June!

**What's happened in Court?** QUBE's EA Variation application looks like it will be heard in December 2023, with a decision most likely being made by the Commission in early 2024. The Commission decided our strikeout application was premature and our arguments for dismissing QUBE's variation application should be made at the final hearing. The Federal Court underpayment claim is next listed on 6 October 2023, but it will not be determined before the Variation application.

**What next for bargaining?** An intractable bargaining application is available to be made in just over 2 months. This will allow the Commission to step in and give members a replacement agreement that is fair, but importantly it will not be on the basis of a *global settlement*. In the meantime, the parties are free to make offers in bargaining.

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