



September 27, 2023

QUBE – Enterprise Agreement Update

Response to QUBE memorandum of 26 September 2023

Again, in another Memorandum sent to all NSW Train Crew yesterday, QUBE state they want to end this long running EA Bargaining dispute but only if you and Your Union – RTBU NSW Locomotive Division accept a “Global Settlement”.

Before reflecting on what a “Global Settlement” *probably* means, it is worth remembering QUBE can resolve this bargain at any point by making a fair offer to its employees that gets approved by a majority “YES” vote. They don’t need the Union’s consent to do that. So, the question is, why is QUBE so preoccupied with gaining the Union’s consent?

Well, that can probably be explained by the terms of this “offer” and of the so-called “global settlement”, which contain a number of items that are considered “non-permitted matters” for bargaining, claims like indemnities, signing of Deeds, withdrawal of court proceedings, and the like are all not permitted matters. Section 172 of the *Fair Work Act 2009* specifies that Enterprise Agreements can only be made about *permitted matters*.

This is probably why QUBE offered to take this “Global Settlement” off the table less than 4 weeks ago in the Fair Work conference held on 6 September 2023.

QUBE had also published a recommendation from the FWC. Eagle-eyed members will note the date of that recommendation was some 7 weeks ago. Bargaining had moved on and QUBE obviously regrets not accepting that recommendation at that time. More recently on 20 September 2023 the Commission had made another proposal, the logic behind it was to provide employees with a wage increase and QUBE with certainty, pending the outcome of various litigation, and would also allow the parties to immediately revisit bargaining once the outcome and implications of the Court proceedings are known. The Union will respect QUBE’s right to consider that proposal in confidence, but we think it is worth exploring.

In the meantime, and in the absence of a valid bargaining offer, members should tell QUBE to stop mucking around, get serious and put an offer on the table that is reasonable to all, like the in-principal agreement reached on the 26 June 2023 or something along the lines of what the Commission has most recently suggested.

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Your EA Negotiation team calls on QUBE to stop delaying this process and we are always willing to negotiate in good faith whenever they are ready.

If QUBE still continues to play games, then 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*.

Not a Member, Join Now

**If you have any questions about joining,
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