



RTBU NSW

NEWSFLASH

LOCO DIVISION

November 10, 2023

QUBE – Enterprise Agreement Update

Too little too late

We have been advised that Qube management will be sending out another Enterprise Agreement for you to vote on very shortly.

This is Qube's last ditch effort to get an agreement across the line before legal proceedings are in full swing.

What are the Legal Proceedings?

- We are in the Fair Work Commission on Qube's application to vary both the 2015 and 2019 Enterprise Agreements on the 6th and 7th December 2023. What does this mean? Qube is trying to vary these agreements so that Weekend, On-Call, and other allowances are **not** payable under those two Enterprise Agreements.
- An intractable bargaining application is being prepared and will be filed in December to allow the Commission to step in and give members a replacement agreement that is fair, and contain a pay rise EVERY YEAR, but importantly it will not be based on any "non-permitted matters" for bargaining, claims like indemnities, signing of Deeds, and withdrawal of court proceedings, which includes the removal of the Federal Court underpayment claim.
- Finally, the Federal Court Proceedings regarding the underpayment claim will be heard in the new year.

We have received a draft copy of Qube's proposed Enterprise Agreement and would like to point out some items for your consideration when voting on this Agreement.

- **Rates** – Somehow Rates have gone backwards from Qube's June 2023 proposal, despite Qube's further amendments to the EA that are solely for its own benefit. Remember that in June the rates package was 6%, 5% and 5%, which has now been reduced to 4.5%, 4.5% and 4.5% despite the agreement containing far worse terms than the June 2023 proposal. You would think that if Qube were proposing amendments to reduce its wages



liability it would contain a sweetener from what was previously agreed, but instead has delivered a slap in the face.

- **Clause 4.2** – now includes a “loaded hourly” rate, which means that if this agreement gets voted in, then there will be no entitlement to any loadings, penalties, or allowances under the Rail Industry Modern Award, leaving you 20 to 30 thousand dollars behind other rail operators such as Pacific National, Aurizon, 1 Rail and SSR.
- **Clause 5.2** – the removal of “Award” cuts your right to recognize and access the ongoing benefits and improvements made to the conditions of rail workers in the Rail Industry Award.
- **Definitions** – Changes to the definition of “Hourly or Normal Rate”. Again, this means that if this agreement gets voted in, then there will be no entitlement to any loadings, penalties, or allowances under the Rail Industry Modern Award, leaving you 20 to 30 thousand dollars behind every other rail operator.
- **Term of the Agreement** – if this agreement is voted up as proposed, it will likely come into operation in February 2024 and will not nominally expire until February 2027. Despite this being a long running agreement, the last pay rise provided under the agreement is due on 1 April 2025 – leaving a large gap of no pay rises in this ongoing cost of living crisis. Factoring in a moderate period of bargaining after nominal expiry, realistically it could easily amount to three years without a pay rise.

Despite these amendments largely being directed at introducing loaded rates, Qube have not attempted to provide any information to show how employees will be better off overall on Qube’s proposed loaded rates when compared to the Rail Industry Award.

Depending on your roster, things might get a little close. A current Qube Level 4 is paid \$51.50 per hour for all ordinary hours worked, including Saturdays and Sundays. Under the Award they would be paid \$51 for a Saturday and \$68 for a Sunday. There’s also morning and night shift allowances, on-call allowances and more that boost your wage under the Award. A Qube employee with a lot of weekend and morning/night work may be better off under the award.

Does this sound fair? If your answer is NO, then you have no other option than to **VOTE NO.**

This is your time to have a voice and to **Vote NO.** This agreement is making the financial gap between you and all the other rail operators further apart. Tell Qube Management that any unfair Enterprise Agreement they send out will be voted down overwhelming.



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