



# RTBU NSW Loco Division NEWSFLASH

February 26, 2024

## AURIZON COAL – LEAVE ENTITLEMENTS

### Don't be Intimidated

The RTBU Locomotive, recently became aware of Aurizon implementing intimidatory tactics across its NSW Coal workforce in regards to Employees *personal carers leave* (Sick Leave) entitlements. Members contacted us after they had been called in to explain their absences and provided with a warning letter (referred to by the company as Appendix C) about any future leave and also having a number of reporting conditions placed on them.

The RTBU wrote to Aurizon management last week and asked them to clarify their position on this matter. The General manager has since written back and explained the circumstances around the use of "appendix c" letters and their generic relevant standard, however has not addressed the real issue, and that being that employees have a clear entitlement under the agreement, a clear reporting process and a clear way of dealing with any misuse of sick leave and that the use of such a form and process is in conflict to the Enterprise Agreement provisions.

While we do not dispute Aurizon has a right to pursue employees regarding cases of non genuine leave, however in order to do this, Aurizon MUST (under clause 43.9.2) provide the employee with a letter outlining the allegations and must give the employee 24 hours' notice before any meeting as per clause 12, Discipline. They do not have a right to issue letters containing demands nor impose conditions on employees that are clearly outside the confines of the enterprise agreement. Doing so can be considered as adverse action under the Fair Work Act and is a serious offence.

As we understand many employees have been issued letters and had reporting demands placed on them. Any member who has been issued one of these letters or directives should directly email this office at [newcastle@rtbu-nsw.asn.au](mailto:newcastle@rtbu-nsw.asn.au). Members should explain their situation and include a copy of their letter/s.

All members should make themselves familiar with clause 43 in regards to the agreement. ***If you have followed the process set out in the agreement, then you have met the reporting requirements of the agreement. You are not required to ring managers and then supervisors and have multiple meetings with them etc.***

Your delegates and Officials will be lodging a formal dispute with Aurizon on this matter and asking that all letters be immediately withdrawn.

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