



April 15, 2024

Enterprise Agreement Update

Intractable Bargaining Application Has Been Filed

Late Friday afternoon, the RTBU NSW Locomotive Division filed in the Fair Work Commission an application for Intractable Bargaining. While this has been a long exhausting process, it has become increasingly clear that QUBE is not planning to give you a decent offer anytime soon.

What is Intractable Bargaining? Intractable Bargaining is a process that allows the Fair Work Commission (FWC) to intervene in a deadlock dispute between your EA Delegates and QUBE. Under the new laws, If the Commission makes an intractable bargaining declaration and bargaining representatives still can't resolve the dispute, the Commission must make an **intractable bargaining workplace determination**. This determination establishes the terms and conditions of employment in place of an enterprise agreement, but the FWC will not be able to make any orders that are less favorable than the existing agreement terms and conditions.

QUBE is preparing to send out the EA for another Vote.

While we wait for the Intractable Bargaining Application to have a hearing date, QUBE is trying another last-ditch effort to stop all penalty rates moving forward. There are changes in QUBE's proposed draft EA that are not agreed to by the RTBU or your EA Delegates.

The 2 main changes which QUBE are trying to implement are:

- Clause 4 is now stating that your hourly rate is a loaded rate, as stated in the draft EA. *Clause 4.2 of the Current Agreement has been amended in the Proposed Agreement to confirm and clarify existing practice with respect to the payment of the rates of pay (i.e. that the rates of pay are loaded rates, which are intended to be paid in compensation for any weekend or shift work, annual leave loading or any allowance that is otherwise payable under the Rail Industry Award 2020 (Award)).*
- A new definition of hourly rates - *"means the normal rate specified in the table at clause 27.2, which rate is payable for all Ordinary Hours worked and is inclusive of annual leave loading, any shift/weekend penalties or loadings and any allowances, otherwise payable under the Award."*

What do these 2 items mean – basically it means that if you vote this agreement in, there is no entitlement to any penalties payable under the award, such as Saturday Rates (150%), Sunday Rates (200%), morning, afternoon, and night shift penalties, standby allowance etc. These are



the items that the RTBU is fighting for in the Federal Court on behalf of all RTBU Members. If QUBE believe they have a chance to win this case, why are they making every effort to stop it?

How much is this worth? Depending on how much weekend and shift work you perform, this could be between \$20,000 and \$40,000 per year. The big question to ask yourself, is it worth voting for an agreement that provides an effective **pay decrease**.

When comparing QUBE's proposed rates to those of industry competitors, it's evident that members at QUBE continue to significantly lag behind drivers at other operators. This discrepancy becomes even more concerning when we consider the potential impact of QUBE's inferior loaded rates on superannuation and leave entitlements. QUBE's wage theft practices aren't just affecting your current earnings; they could also have significant repercussions on your future financial security.

Now is your last chance before Intractable Bargaining starts to tell QUBE that you won't accept their inferior "Loaded Rates" offer - **Vote NO**

Not a Member, Join Now

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

