



RTBU NSW Loco Division NEWSFLASH

August 12, 2024

QUBE BARGAINING UPDATE

CONCLUSION OF MEETINGS BEFORE DP SAUNDERS

A final supervised bargaining meeting occurred before DP Saunders in Newcastle last Friday 9 August 2024. This meeting followed Qube's latest loss in the Variation Proceedings and the company made the most movement it had made since June 2023 in response to that humiliating loss before the Full Bench.

Although there was some progress on wages, the parties ended up as far apart as ever at the conclusion of this meeting.

Despite this, Qube advised it intended to put its final offer to a vote of employees.

What will the offer look like? – Qube has committed to putting an offer out to employees shortly. The RTBU does not support the proposal, for the following reasons:

- No Backpay
- Below inflation pay rises
- Dodgy Deed
- Not catching up with Industry Standards
- No Penalty Rates

We will wait until we see the proposed enterprise agreement before offering detailed commentary and release our detailed modelling, but we can surmise the follow elements of the deal as being substandard.

- Firstly, Qube's deal has no backpay. This is simply unacceptable in circumstances where members have borne the brunt of 13.5% of inflation since their last pay rise on 1 April 2022 – **nearly 2 and half years ago!**
- Secondly, Qube is proposing to increase rates of pay by only 24% for the 6-year period that covers the period from your last pay rise on 1 April 2022 to sometime towards the end of 2028

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when the proposed agreement expires. Current RBA forecasts imply over 26% inflation over the same period.

- Thirdly, Qube is proposing that *if the vote is successful*, they will approach individuals to settle the penalty rates underpayment claim one-by-one for \$15,000 each for a level 4/5 and \$7,000 for a Level 3. Putting aside the red flags that arise from signing individual Deeds prepared by Qube without getting your own legal advice (advice which would likely exceed the \$9,000 or so after taxation that you would receive from the deal) \$15,000 is woefully inadequate when.
 - The FWC has already shot down Qube's entire factual case.
 - some members are well on their way to receive \$100,000's of dollars in backpay.
 - The RTBU's case will be going ahead whether or not employees agree individually to settle for cents on the dollar.
- Fourthly, even if Qube were not proposing to amend the enterprise agreement to delete penalty rates (effectively lowering the payable rate by up to \$50ph for some shifts) this proposal would still be a bad deal that would see members fail to keep up with industry standards – for example the gap between Qube and the lowest paid depot PN Bulk Driver hardly changes from \$6.84ph in 2022 to \$6.35ph in 2027 – **Qube should be trying to close this gap!**
- Finally, Qube's proposed enterprise agreement will get rid of penalty rates. It is self-evident that Qube is finally accepting the strength of the Union's case for penalty rates – why else are they suddenly prepared to offer \$15,000 to buy claims from individuals? They won't save any legal fees because such individual settlements won't stop the Union from prosecuting its case in Court.

Where to next in the underpayment claim? – We have written to the Federal Court advising of our view that the case should be prepared for a hearing due to Qube's latest loss in the variation proceedings. The matter is next listed for this Friday.

Where to next in bargaining? – After this vote, if the agreement is voted down, we expect the matter will be declared intractable, owing to the fundamental disagreement between the parties surrounding the underpayment claim.

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