



# RTBU NSW LOCO DIVISION NEWSFLASH

August 20, 2024

## PACIFIC NATIONAL INTERMODAL

### RDO INFRINGEMENT DISPUTE - OFF TO ARBITRATION

After weeks of discussions, meetings and conciliation with Pacific National management, this dispute is being prepared for arbitration at the Fair Work Commission.

The dispute emanated from the Taree Depot with two related issues presenting themselves. The first being where a member was scheduled to commence at 1400 hrs according to his master roster. However, he signed off at 1550 hrs, 1 hour and 50 minutes into his RDO. PN refused to recognise the infringement and refused to pay the appropriate penalty.

On the second occasion the member's start time was laid back from 0211 hrs to 0250 hrs without his agreement, the resulting shift infringed his RDO, which was supposed to start at 1500 hrs per the master roster. He signed off at 1550 hrs, thus infringing his RDO by 50 minutes. The member claimed a day in lieu (DIL) option yet Pacific National refused this.

So far Pacific National have tried every trick in the book to not correct this issue and have used stalling and delaying tactics rather than remedy the situation. So much so, their latest is to contest the Jurisdiction of the Fair Work Commissioner to hear the case as one dispute.

The matter is now listed for mention / directions before Commissioner Crawford at the Sydney Fair Work Commission via Teams at 2pm on Thursday 29 August 2024. From there dates will be set for the matter to be formally heard by the Commission.

The NSW RTBU Locomotive Division are running this case and we are asking the Commission to rule on if all time worked on an RDO is to be paid at 1.7 and if you are lifted up or laid back and your RDO is infringed are you entitled to an additional 1.7 payment for the time infringed or a DIL.

We will keep you posted as the dispute progresses. Members across the business should be wary of local managers making comment and trying to divide depots. This is not an isolated issue at one depot, it affects all members. Any spin from local management should be ignored and met with a question regarding why the company is not recognising all RDO time as your time and why they are not recognising infringements and paying the appropriate EA condition.

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