

23rd October 2012

Dear Member

Newsletter 3: Notice of Dispute Issued on QRN Infrastructure

With reference to my previous newsletter,

As a result of your Union issuing a notice of Dispute around a serious lack of consultation with your Union and the workforce about major roster and structural changes in infrastructure and following on from meetings in Depots last week, a meeting was convened this morning and at the meeting your Union put forward the following points:

- there is a lot of resistance in the workplace to moving to shift work
- the idea that all Depots must work the same roster is causing issues
- the concern that people working ERPs that were set up on non-shift working arrangements will be disadvantaged
- the proposed current roster is contrary to QRNs commitment to work life balance and family friendly work environment
- QRN has responded to a few of the issues
- that all negotiated ERPs in a non-shift working environment will be reviewed if the employee is working shift work
- a lot of quality feedback and suggestions have been received and will be looked at the QRN around better rosters

The biggest issue no doubt is the fundamental argument about clause 54.2 in the Trackside Systems Enterprise Agreement 2010.

Spread of hours

54.2 The spread of hours for which ordinary hours are to be worked will be from 0600 to 1800 hours. All work outside of the spread of ordinary hours will be paid at overtime rates.

By agreement between an employee or group of employees and the company, the spread of hours may be amended to alter the times at which penalties or other payments may apply.

QRN believe that this clause will form a vehicle for them to ask those NON ERP employees, mostly apprentices and trainees, to alter the spread of hours and the remuneration that is paid, and further that they are not seeking an amendment to the agreement and as such will only be balloting those employees who are NOT on ERPs.

See below when this question was put to QRN, it should be noted that QRN reaffirmed that it is not their intention to rescind any ERPs at this point.

Q: *If as you say QRN are not seeking to change the Enterprise Agreement, how (under what industrial instrument or section of the current instrument) do you intend to pay the shift loading you have offered?*

A: *Clause 54.2 of the QRNational Network Services Trackside Systems Enterprise Agreement 2012 ('the Trackside Systems EA') states that: "By agreement between an employee or group of employees and the company, the spread of hours may be amended to alter the times at which penalties or other payments may apply". QRNational proposes to seek agreement with employees under this clause to amend the spread of ordinary hours and in so doing alter the times at which penalties or other payments (i.e. the proposed loadings) apply.*

Q: *The voting system: who do you intend to ballot and how do you intend for this ballot to be organised?*

A: *QRNational intends to issue relevant employees with a ballot paper next week. The ballot paper will require the employee to tick a box indicating whether they AGREE or DON'T AGREE to the proposal. The employees will then be required to submit that ballot paper to their supervisor (in person or via email or fax) no later than COB Friday 2 November.*

Relevant employees for the purpose of this ballot will be employees within Asset Maintenance who are paid in accordance with the Trackside Systems EA. This excludes employees covered by the Trackside Systems EA who have entered into an Enhanced Remuneration Package (ERP) because their ERP operates such that the 'Hours of Work' and 'Rosters' provisions (et al) of the EA do not apply to them.

Q: *If an employee under the Trackside Systems Agreement "hands back" their ERP, what would be the process if that employee is working shifts?*

A: *If an employee covered by the Trackside Systems EA provided QRNational with notice of termination of his or her ERP then at the time the ERP terminates, all provisions of the Trackside Systems EA would apply to that employee. Consequently, QRNational would be required to seek that employee's agreement to the amended spread of hours and associated payments in order for that employee to continue working the 'Day, Afternoon and Night' rotating roster.*

Q: *If the employer rescinds the ERP what would be the process if that employee is working shifts?*

A: *If QR National provided an employee covered by the Trackside Systems EA with notice of termination of his or her ERP then at the time the ERP terminates, all provisions of the Trackside Systems EA would apply to that employee. Consequently, QRNational would be required to seek that employee's agreement to the amended spread of hours and associated payments in order for that employee to continue working the 'Day, Afternoon and Night' rotating roster.*

YOUR UNION FUNDAMENTALLY DISSAGREES with this course of action by QRN, your Union sees this as QRN simply trying to undermine the Enterprise Agreement.

QRN have said that there may not be a business need to put NON ERP workers on shift work and this "MAY" be the response if your Union continues with the dispute.

Your Union is currently considering several different responses to this and will keep members informed.

Rosters

Your Union put forward a proposal that a meeting is convened with roster representatives from all Depots in an effort to gain consensus on a roster moving forward, QRN have resisted this, claiming that they are trying to achieve this outcome with the current consultation process.

Where to from here?

According to Step 3 in the dispute settling process QRN will formally respond to our dispute in writing. In the meantime your Union's industrial team are considering all possible responses, not excluding seeking assistance from Fair Work Australia on the interpretation of clause 54.2.

As well, with the extended consultation period in place, members should be involved at Depot level in proposing rosters and sending your feedback as discussed.

We will keep you informed as this issue progresses.

Unity is Strength



Bruce Mackie
QLD State President/Central Division Organiser
Sarina