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Combined Unions ARTC NSW Enterprise Agreement Negotiations Newsletter

Outcome of Fair Work Conference

On Monday 16 May 2016 the Fair Work Commission held a Conference as the first step in the Combined Unions' case to address ARTC's failure to bargain in good faith, failure to address the Combined Unions' log of claims and failure to provide formal confirmation that ARTC are legally bound to apply the Federal Government's "Workplace Bargaining Policy" (WBP).

The purpose of the Conference was to see if the Combined Unions and ARTC could come to an agreement on the matter. Unfortunately, although both parties put forward their arguments neither made any concessions and an agreement was not possible.

Is ARTC Bound by the Government's Workplace Bargaining Policy (WBP)?

After months of questions during bargaining and one appearance in the Fair Work Commission, **ARTC have still not provided the legal basis for their reliance on the WBP.** The Combined Unions maintain our position that legally ARTC is not obliged to apply it to their workplace and is incorrectly referring to it during bargaining.

Whether ARTC is bound by the WBP is a legal question as recognised by Deputy President Sams who presided over the Conference. In order to get a definitive answer the matter needs to be progressed to a Hearing at which the Commission has the power to provide bargaining orders including around whether the WBP applies. The Combined Unions are preparing to take the case to Hearing; this is a lengthy process that will take months.

The Combined Unions are now preparing to progress negotiations through Protected Industrial Action. We have given ARTC every opportunity to do the right thing. The Combined Unions will continue to bargain in good faith, however it is clear that the bargaining is not going anywhere and it looks like ARTC are just wasting time. Please talk to your delegates or officials for more information. Look out for a further newsletter update on the next steps.

Please note that only union members can be involved in the vote on protected industrial action or in taking protected industrial action. If some of your colleagues are not members, please encourage them to sign up now.

ARTC's Note to Employees dated 16 May 2016

ARTC sent employees a note dated 16 May 2016 regarding the content of the Conference and the alleged position of Deputy President Sams. The Combined Unions utterly reject the Company's assertions. The Combined Unions attended the Commission and, based on our observations, the note was factually incorrect and a clear misrepresentation of the Deputy President's words and the powers of the Commission during that Conference..

We consider ARTC's actions to be a serious breach and on this basis we have asked the Commission to deal with the matter.

Are you Informed? Involved?

It's time to get involved at ARTC to get a better outcome in your NSW EA. Join your union, talk to your delegates about getting involved, talk to your colleagues. It's time to take action to get a better deal!

It's time to step up and get involved - with strong member involvement we can make a change for the better.

Authorised: **Alex Claassens**, NSW Secretary, Rail Tram and Bus Union, Level 4,321 Pitt Street Sydney, NSW 2000, On behalf of the combined unions

Not a member? Don't delay - join your union and get involved now! Join online at:

www.rtbu-new.asn.au

www.etunsw.asn.au

www.professionalsaustralia.org.au

www.asumembers.org.au