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# Combined Unions ARTC NSW Enterprise Agreement Negotiations Newsletter 27

## **Fair Work Commission Considers ARTC NSW EA**

The Fair Work Commission today conducted a preliminary hearing on whether the ARTC NSW Enterprise Agreement (EA) should be approved. On the basis of today's hearing, the Commission cannot approve the EA until on or after 16 September 2016. The Combined Unions have, however, contacted ARTC to try to find a way to have the EA approved sooner.

The Combined Unions recognise that a majority of EA-covered employees have voted in favour of the EA, and that it should be approved quickly so employees can receive their pay rise. There are, however, concerns that some EA clauses do not meet the minimum standards required by the *Fair Work Act 2009*, and concerns over the process used by ARTC. The Combined Unions are obliged by law to bring these issues to the Commission's attention in the approval process.

In relation to the content of the EA, there are concerns that the clauses providing for access to unpaid carer's leave and consultation on changes to rosters, and the make-up of the Network Controllers' annualised salaries, do not meet the minimum standards.

On this basis, Deputy President Sams of the Fair Work Commission has required both ARTC and the Combined Unions to file further written submissions over the next four weeks before he will consider the approval of the EA.

In the interests of avoiding further delays to the approval of the EA, the Combined Unions have written to ARTC seeking that the company provide legally-binding undertakings to the Fair Work Commission about the three issues of unpaid carer's leave, consultation and Network Controllers' annualised salaries. The undertakings would require ARTC to raise those conditions to the level of the minimum standard, to ensure ARTC employees are not disadvantaged. Should ARTC decide to provide the undertakings, the process for approving the EA can then be substantially accelerated.

We are hopeful that in the interests of finalising the EA quickly, ARTC will agree to provide guarantees that the EA meets the minimum standard, as requested. If ARTC refuse, however, this will of course delay the approval of the EA while the Commission then considers the content and process issues. We will update members as the matter progresses.

### **Privatisation Commitment**

Again the Combined Unions Call upon ARTC and the federal Government to do the right thing and commit to protecting their employees conditions of employment when the company is put up for sale. Provide an assurance that those employment matters that fall under company policy will not be stripped away from employees in an effort to fatten the cash cow. Show some concern for employees, they are concerned! *234 of them voted No!*

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On behalf of the Combined Unions

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