



Annual Leave know your rights!

To: All RTBU Members – MTS

The RTBU heard from many of you that are upset and worried about an email that went out regarding Annual Leave.

The RTBU immediately contacted MTS, and they have agreed to meet early next week.

Your delegates and Organiser met today and agreed to put off notifying a formal dispute as MTS have asked for an opportunity to fix this.

Members should be aware of their rights around Annual Leave – here are a few facts

Your MTS Enterprise Agreement states *'The taking of annual leave will be at a time **mutually agreed** between the Company and the Employee and will be subject to operational requirements and business needs.'*

Your Enterprise Agreement is also read in conjunction with the National Employment Standards.

The National Employment Standards are contained in the Fair Work Act which states – *An Employer can only refuse an employee's request for Annual Leave if the refusal is reasonable* – for example not everyone can take leave at the same time, or an employee hasn't given enough notice.

The Employer cannot direct an Employee to take leave except in the case of MTS where an Employee has accrued more than 8 weeks Annual Leave, or they have a Christmas/New Year shutdown.

You cannot be directed to take Annual Leave that you don't have, it is an employee's choice if they wish to take leave without pay.

If you have been allocated leave you don't want, you are able to let Workforce Planning know in writing – for example:

"My Annual Leave allocation was not allocated in accordance with Clause 11.5 of the Metro Trains Sydney Automated Passenger Services Agreement 2023.

The dates allocated to me were not “mutually agreed.” I would like to request a change to my annual leave allocation to a mutually agreed date. The following is requested.

Remove my Annual Leave from (date to date) and allocate me (dates – may be multiple weeks and multiple start dates)

If the above request cannot be accommodated, I would like to cancel my Annual Leave until we can find an acceptable mutually agreed date.”

The RTBU is confident this issue can be resolved so please keep an eye out for updates.

Authorised by:
Toby Warnes
Branch Secretary