

15 June 2010

Federal Court finds QR breached Agreements in its Rush towards Privatisation

Rail Unions united to put a case to the Federal Court that QR had failed to properly consult with workers over the changes to the business ahead of the float.

If you read today's missive update from QR about the decision you could be mistaken in thinking they actually won the matter. The fact is they didn't and the judgment is pretty clear about it.

It says in one passage that QR "had failed utterly" to honour its own consultation clauses in agreements. Then later the judgement says that "Benign dictatorship is not to be equated with consultation" in reference to the way QR set about breaking up the business and allocating people to each.

The key point from today's decision is that QR had clear obligations to consult with their staff over what has always been a massive change. Importantly and contrary to QR's view – that consultation does not simply mean sending a letter to everyone letting them know what they have decided. They should have given people a real chance to understand and have a say in their future.

When faced with the State Government making the outrageous decision to not only sell QR but do it in a blind hurry Management had some choices. They could have owned up to their responsibilities to consult with their staff and reported they just didn't have the time given the extraordinary rush. Instead they "dogged" it.

They took the easy way out, sat in a bunker and divvied up one of the finest organisations in QLD like it was a piece of meat at a butchers shop. They issued some missives from on high and thought they would get away with calling it consultation. It clearly wasn't and the Federal Court made it clear that QR had failed in it's obligations to consult with it's employees over this major change.

QR knew that it couldn't meet the timetable set for the share float later in 2010 – but it took shortcuts determining that breaking the law was worth the risk in their determination to support the Bligh Government's unhealthy sprint to privatise Queenslanders' railways.

QR should have told the government that there was no way to meet the share float timetable.

It's another example of QR rushing into a decision for their own benefit, and ignoring workers and their rights. This judgement not only goes to the fact workers rights have been trampled but adds yet another reason to halt the sale of QR.

This decision highlights the critical need to review the current consultation clause in the negotiation for you new Enterprise Agreements.

While the case has been determined the only thing remaining is for the Court to hear submissions from the Unions and QR as to what the appropriate penalty is. QR could face federal fines of up to \$660,000 for breaching workplace agreements.

Intent on wasting more money, QR has publicly indicated that they intend on appealing this decision.

Please contact your local union offices for further information.

