

AUSTRALIAN FEDERATED UNION OF LOCOMOTIVE EMPLOYEES



Circular: 80/22
Ref: PN PIA
26/08/2022

Pacific National Intermodal Protected Industrial Action

Dear members,

As you are no doubt aware, this week the AFULE notified Pacific National Intermodal of our intention to exercise our legal, protected right to undertake bans on the working of overtime, bans on the acceptance of lift up & lay back and 26-hour work stoppages across all QLD Intermodal depots as follows:

- **All depots - Indefinite ban on the working of overtime commencing 0001 Monday 29 August**
- **All depots - Indefinite ban on shift alterations – Lift Up & Lay Back commencing at 0001hrs Monday 29 August**
- **Rockhampton depot – 26-hour work stoppage commencing 1700hrs Monday 29th August – 1800hrs Tuesday 30th August**
- **Moolabin & Townsville depots - 26-hour work stoppage commencing 0500hrs Tuesday 30th August – 0600hrs Wednesday 31st August**

Although taking Protected Industrial Action is an obtainable legal right for unionised workers to undertake, it is viewed by the AFULE as a last resort and a tool to have management engage with your workplace bargaining representatives so that a fair resolution can be found.

Yesterday, Intermodals Head of Operations – Nick Macauley, released a memo titled “Information about Industrial Action”. I believe it is the right thing to provide you with some context with what Mr Macauley has stated in his memo including:

In order to reach an equitable outcome, Pacific National has made a number of concessions and in doing so, has put forward two proposals to the AFULE and RTBU in an attempt to drive the bargain forward and enable a proposed Agreement to be considered by the workforce (you). Despite Pacific National's requests for consideration of our proposals and any workable solutions, representatives have maintained their position which bears significant cost and is operationally untenable.

To be clear, the proposal presented to the AFULE by the company came a number of months ago and was a direct attack on your current conditions. The proposal included:

- The ability for the company to bank undertime and to re-roster that undertime (at no cost) during peak periods
- Reducing personal leave to 10 days per year for new employees

Traincrew representing Traincrew

- The introduction of the ability to select individual employees to be stood down when there is partial lull in railings (partial stand down)
- The ability to direct employees to be trained and utilised for terminal work

The concessions made by the company you may ask?

- Depots may nominate 1 driver representative to review master rosters that have been developed by the company
- Words included to state the WIF committee meet once a quarter
- Aligning domestic violence & parental leave to current PN policy
- An additional day's trauma leave
- Ability to cash out Long Service Leave or take Annual Leave at half pay (at managements discretion)
- A meal allowance of \$30 if you are isolated in a barracks location in excess of 16 hours
- A proposed wage increase that I will not insult you by providing here

In return, your representatives have formally provided multiple proposals centred around ensuring the employer still maintains immense flexibility whilst at the same time, increasing members work/life balance (rostering improvements) & recognising that PN Intermodal QLD are the only QLD operator that does not compensate workers whilst away from families for extended periods (Barracks workings).

From day one of bargaining, we have been clear:

- Our PN members deserve better rostering conditions
- Our PN members deserve to be compensated for working away from home
- The current EA wording needs to be tidied up to avoid contradiction of clauses
- We want the business to be successful however, the time has come to do something worthwhile for PN Traincrew.

Further Mr Macauley noted:

As previously communicated to you in your Employee EA update #12, sent on 18 August 2022, actions were taken away by Pacific National for review and consideration which included a rostering concept and a meal allowance

This is true. Indeed, your representatives were informed on Tuesday 16 August that PN had a proposal to share with us relating to rostering and a meal allowance. We requested and it was agreed that this proposal would be provided by close of business Thursday 18 August. As at writing this circular, no new proposal has been received by the AFULE from the company. Perhaps if there were, we would not be in this position.

Another point raised by Mr Macauley:

The next bargaining meeting is scheduled for 30 and 31 August 2022. However, RTBU and AFULE have scheduled industrial action during that same period. This step of scheduling industrial action at the same time as the parties were supposed to meet is disappointing as Pacific National was genuinely hopeful that progress could be maintained during these discussions.

Unfortunately, given the significant disruption to operations during this period of industrial action my lead team will need to be present at site, therefore the bargaining meeting cannot go ahead as planned.

The point of Protected Industrial Action is to progress negotiations. As negotiations progress, Protected Industrial Action is called off. In our view, PN has missed a trick by cancelling next weeks bargaining as now the process only drags on further. The AFULE has notified the company we were ready to meet next week and that indeed we will meet with the company on any dates they provide to move towards a resolution.

I am also aware of depot management/ supervisors contacting individual members via telephone or email requesting that employees advise if you are able and willing to work during the upcoming work stoppages. I am also aware that they have been sounding out individual members as to their availability to complete overtime or shift alterations.

My advice for members is to respond with:

Good morning/ afternoon,

I am a financial member of the AFULE and intend on exercising my protected industrial rights.

A reminder that we are having a member meeting this afternoon at 1700hrs today regarding the upcoming actions. You can join this meeting by clicking this [link](#).

All available members are encouraged to attend where possible.

If you would like more information, please contact your local AFULE representative or your state office on 3844 9163 or traincrew@afule.org.au

In Solidarity,



Mick McKittrick,
State Secretary