

# AUSTRALIAN FEDERATED UNION OF LOCOMOTIVE EMPLOYEES

Circular: 25/21  
Ref: PN Intermodal  
29/04/2021



## AFULE - Pacific National Intermodal Arbitration Outcome

Dear members,

Last year the AFULE entered into dispute with Pacific National due to a rostering matter that arose at the Moolabin depot. In November, the AFULE (including a local Moolabin member), with the assistance of Maurice Blackburn Lawyers attended the Fair Work Commission for an Arbitration hearing.

The AFULE asserted that once the 10 Day working roster was posted, drivers shifts could be altered under the following clauses;

24. Cancellation of Rostered Workings

3.5 Minor changes

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7. Lift Up and Lay Back

Our belief was that the *next turn of duty* clause still has its place within the business however, it is subject to adhering to the above-mentioned clauses. It is ultimately our position that there are contradictory and "motherhood" clauses within the Enterprise Agreement that muddies interpretation and that the Lift Up and Lay Back clause was explicit and clear.

Unfortunately, Commissioner Spencer has not shared the same view as the AFULE. The Commissioner ruled the following;

**281]** *For the reasons set out, the questions for arbitration are answered as follows:*

*1. By the shift change, did the Respondent act contrary to the Roster Code at Schedule 2 of the Pacific National (Qld) Intermodal Train Crew Enterprise Agreement 2018? I find the answer is No.*

*2. Based on the answer to the above, was Pacific National entitled to change Mr Watson's shift on 12 March 2020 in the manner that it did? I find the answer is Yes.*

Although a disappointing outcome, it has highlighted to the company that the AFULE has major concerns with the construction and wording held within the 2019 PN Intermodal Enterprise Agreement. It also highlights to PN that we do not shy away from backing our members.

Your current EA expires in just under 12 months, there is a lot of work needed to be done to achieve a clear and fair EA for Pacific National Intermodal Traincrew. The AFULE is incredibly eager to do that work. In the lead up to the expiry of your EA, we will release circulars calling for claims which will be followed with member surveys.

In Solidarity,

Mick McKitrick,  
State Secretary