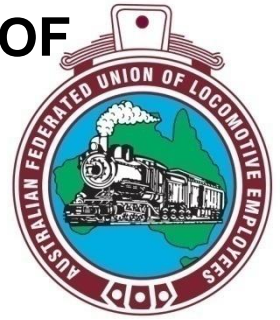


AUSTRALIAN FEDERATED UNION OF LOCOMOTIVE EMPLOYEES



Circular: 31/17

Ref: TCA Update

21/03/2017

Passenger TCA Update

Dear Members

Please find below correspondence from the Fair work Commission to Queensland Rail.

RE: AG2017/387 - Application for the approval of the Queensland Rail Traincrew Enterprise Agreement 2017

I refer to the abovementioned application which has been allocated to Commissioner Wilson for consideration.

Upon review of the application the Commissioner raised the following concerns:

- 1. Australian Federated Union of Locomotive Employees*
- 2. National Employment Standards*

One: Australian Federated Union of Locomotive Employees

Upon review of the Form F18 lodged by the Australian Federated Union of Locomotive Employees (AFULE), the Commissioner has noted the concerns of the union in regards to the state registered union being referenced in the Agreement, rather than the federally registered union. The Commissioner has requested an undertaking be provided to correct the references to the AFULE in the Agreement.

Two: National Employment Standards

The Commissioner has also raised a concern as Clause 23 of the Agreement provides that employees are to work 40 hours per week. The Fair Work Act specifies that an employer must not request or require a full-time employee to work more than 38 hours in a week, unless the additional hours are reasonable (section 62 of the Act). The Commissioner therefore requests an undertaking be provided to address this concern.

If an undertaking is to be provided, please ensure that it is:

- provided in a form that can be published with the Agreement (for example, as a standalone document separate to any response given to these preliminary findings); and*
- signed in accordance with the Fair Work Regulations 2009, in particular, regulation 2.07, which states: "For subsection 190(5) of the Act, an undertaking relating to an enterprise agreement must be signed by each employer who gives the undertaking."*

Furthermore, the Commissioner asks that you seek the views of all bargaining representatives, if any, regarding any proposed undertakings. Any objections to the proposed undertakings should be raised with the Commission prior to the approval of the agreement.

*Could a response to the above be provided as soon as possible, **but no later than close of business on Wednesday 23 March 2017.***

Traincrew representing Traincrew

Kind Regards,

Christina Candiloro
Agreement Assessor
Member Support Research Team

Fair Work Commission
T: (03) 8656 4804

Once these amendments are made by Queensland Rail the agreement should be certified.

If you require any further information, please contact 3257 1151 or statesecretary@afule.org.au

Yours fraternally

A handwritten signature in black ink, appearing to read 'G. Smith', is written over a solid black horizontal line.

Greg Smith
State Secretary