



21 June 2024

Nominated Bargaining Representatives (via email)

Ian Braithwaite, Regional Organiser CPSU
Raymond Yeung, Applications Manager
Brooke Heterick, Group Lead, Operational Excellence & Compliance
Farhana Islam, Medical Officer
Ama Somaratna, Industrial Officer NSWNMA
Helen Sparke, Registered Nurse
Rebecca Parkes, Health Improvement Advisor
Marc Grayson, Education Manager
Cassandra Wisley, Registered Nurse

Dear Bargaining Representatives,

RE: Response to Nominated Bargaining Representatives Log of Claims

As discussed in the meeting held on 5 June 2024, Coal Services Pty Limited (Coal Services) provides the following responses to the log of claims presented by nominated bargaining representatives, noting the NSWNMA log of claims will be provided post their members meetings of 12 June 2024 and responded to thereafter.

CPSU Log of Claims – 31 May 2024

Item One – Agreement Length & Operation – Partially Accepted

- Coal Services accepts that the length of the agreement will be three (3) years, however, may propose the length be changed to four (4) years depending on the salary increases agreed upon, and will be discussed further at the meeting of 27 June 2024. Further, Coal Services rejects that the agreement will operate from the 1 July 2024 to 30 June 2027 on the basis that the agreement will be operational seven days after approval by the Fair Work Commission, pursuant to the Fair Work Act 2009 (Cth).
- Coal Services rejects the inclusion of back pay from 1 July 2024 and proposes that any increases to salaries will be paid 7 days after the agreement is approved by the Fair Work Commission and annually on that date thereafter.

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Item Two: Pay Increases & Allowances – Rejected

- Coal Services rejects the claim of increases to salary and allowances of 5% per annum or CPI (whichever is greater).
- Coal Services will provide a counter proposal on salary increases in the meeting of 27 June 2024.

Item Three: Three-Tiered Pay Scale – Rejected

- Coal Services rejects the claim to introduce a three-tiered pay scale on the basis that it rewards length of service rather than promoting career development.

Item Four: Opt Out Clause for TRP – Rejected

- Coal Services rejects the claim to introduce an opt out clause for those on TRP to revert to the Agreement conditions.
- Coal Services has proposed that TRP only be applied to employees classified under Technical and Management levels, ensuring allowances and other benefits not afforded to employees on TRP are provided for employees classified as levels 1-5.

Item Five: Superannuation Increases to be paid in addition to TRP - Rejected

- Coal Services rejects the claim to pay superannuation increases in addition to TRP due to the cost this would impose on the business.

Item Six: Superannuation to be paid on maternity leave – Partially Accepted

- Coal Services rejects the claim to pay superannuation on paid and unpaid maternity leave.
- Coal Services proposes that superannuation be paid on paid parental leave.

Item Seven: Payment of Personal Leave Accrual – Rejected

- Coal Services rejects the claim to pay out personal leave accruals upon employees leaving the company in line with Mines Rescue Agreements. Coal Services rejects this claim on the basis this entitlement is unique to the mining industry and as it may incentivise employees to work when they are unwell.

Item Eight: Full Coverage of Costs associated with Professional Registrations – Partially Accepted

- Coal Services accepts the claim to provide cost reimbursement of professional registration fees where required for the employee to undertake their role.
- Coal Services proposes however that employees must provide a statutory declaration confirming that Coal Services is their primary employer.

Item Nine: Introduction of FBT Benefits Clause – Under Consideration

- Coal Services agrees to investigate FBT Benefits in line with the Australian Government “Remote Area FBT Concessions” to assess whether this can be provided to employees.
- Coal Services rejects the inclusion of a clause in the enterprise agreement and proposes that if feasible, Coal Services may offer same as a salary packaging option provided as part of Coal Services Total Benefits (Employee Value Proposition).

Item Ten: Right to include Further Claims – Accepted

- Coal Services accepts the CPSU’s right to further claims that may come to light during negotiations.

Allied Health Log of Claims – 30 May 2024

Clause 4.8: CS Health Professionals – Rejected

- Coal Services rejects the claim to include wording to exclude the position of Allied Health Assistant in the definition of Health Professional.
- Coal Services rejects this claim as the position is already not included in this definition as this position is not defined as a health professional.

Clause 10: Payment of Salaries and Increases – Rejected

- Refer to response to Item 2 above.

Clause 12.2 Superannuation – Rejected

- Refer to response to Item 5 above.

Clause 13.1 Additional Employer Contributions: Superannuation - Rejected

- Coal Services rejects the claim to remove clause 13.1 to apply additional superannuation contributions to all employees covered by the enterprise agreement.
- Refer to reasons in response to Item 5 above.

Clause 61.2 Professional Memberships, Registrations and Accreditations - Rejected

- Refer to response to Item 8 above.

IT Log of Claims – 3 June 2024

Item One: Standby Allowance – Further Information Required

- Coal Services asks that further information is provided to justify the allowance and asks that an amount and application of allowance is provided for consideration.

Item Two: Salary Increases

- Refer to response to Item 2 above.

Marc Grayson Log of Claims – 6 May 2024

Item One: Clause 2.4 – Rejected

- Coal Services rejects the claim to include a statement that employees who form part of the General Management Team are not covered by the agreement.
- This is rejected on the basis that these positions are not listed in the agreement as being covered by the agreement.

Item Two: Clause 4.9 – Rejected

- Refer to response to above Item One- Clause 2.4.

Item Three: Clause 9.1 Probationary Employment – Rejected

- Coal Services rejects the claim to extend the probationary period for new employees to six months with the option to further extend by an additional three months.
- Coal Services rejects this claim as the current clause provides Coal Services to extend probation out from three to six months.
- Coal Services rejects the claim to extend probation as six months is the maximum amount of time an employee can be subject to a qualifying period.

Item Four: Clause 10.3 Salary Increases – Rejected

- Coal Services rejects the claim to structure salary increases based on performance review targets being met.
- Coal Services is currently looking at how it can improve the performance review process to drive better performance outcomes, however, has no desire at this point in time to link performance to salary increases.
- Coal Services also provides a provision in its current enterprise agreement to which employees can be provided with a merit-based increase.

Item Five: ATO Meal Allowances – Accepted

- Coal Services can confirm that it pays meal allowances in line with the salary bracketed meal allowances provided by the ATO and there is the option to select the appropriate allowance when employees submit their timesheet.

Item Six: 41.1 Company Holiday – Rejected

- Coal Services rejects to alter this clause to create alignment between when Mines Rescue and other Coal Services employees.
- Coal Services does not feel this causes any significant disruption to the business.

Item Six: 61.2 Parental Leave – Rejected

- Coal Services rejects the claim to increase partner parental leave from 3 weeks to 12 weeks.
- Coal Services rejects this claim as its parental leave policy does not discriminate between genders and allows either partner to access 12 weeks paid parental leave. It is up to the individual and their partner as to who takes on the primary carer role and who accesses the primary career leave component of parental leave.

Item Seven: 70.1 Classifications – Accepted

- Coal Services accepts the claim to remove titles that are no longer roles in the business and update titles that have changed.

Medical Officers Log of Claims – 31 May 2024

As advised in the negotiation meeting held on 5 June 2024 the claims provided by Medical Officers align with the claims made by the CPSU. Please refer to the response provided to the CPSU Log of Claims for response to Medical Officers Log of Claims.

On behalf of Coal Services,

Yours sincerely



Wayne Green
Chief Operating Officer