

Membership Newsletter

February 2020
Volume 2 Issue 1



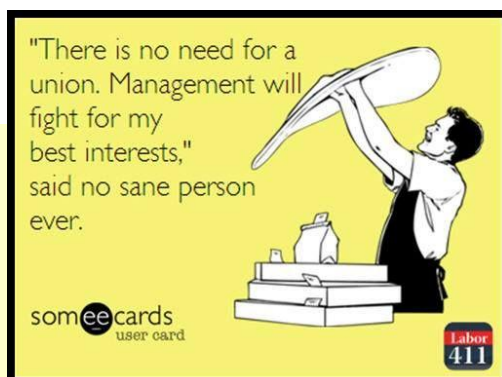
RTBU WA PTA BRANCH UPDATE



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UNION MEME!



Secretary's Address

By Joshua Dekuyer

In one of the most challenging times for Australian unions, our Union has decided to internally review itself. The review is to ensure we are fit for purpose in a new environment where much of what use to be taken for granted can no longer be so and where new challenges seem to arise daily.

On the upside our Union carries with it a proud history - it and its predecessor unions have long occupied a cornerstone role in the movement and this needs to continue. It also has successfully coped with technological change in our industries. And as climate change increasingly threatens the world as we know it, rail, tram, road coach and buses are all uniquely placed to be the transport modes of the future.

On the downside, our Union has not been immune from what faces the movement more generally - outrageous anti-worker legislation, aggressive employers, privatisation and commercialisation, globalisation and employer capture of automation. Our Union undoubtedly faces challenges, so the review is most timely. It sets the scene for ongoing change within our Union at all levels. The review is merely the start. The challenge now moves to leadership at all levels to do the right thing.

In Unity!

A Quote with Relevance

"If you don't respect us, you will fear us." - Mark Diamond

Out on Track

By Joshua Dekuyer



Below are just some of the recent and current issues/matters attended to by our Union:

- Assisting numerous members in addressing payment queries which have resulted in a number of back payments and recrediting of leave entitlements
- Ensuring suitable drafting of the Transit Officers EBA before lodgement with the WAIRC
- Actively recruiting new members to strengthen our Union and visiting members on site
- Finalising the integration of the ARI payment into the base wages of N&I Linespersons to generate new aggregated wage rates through continued pressure on DMIRS
- Analysing, particularising and providing feedback to progress and positively change Rostering Instructions for Rail Car Drivers, Transit Officers and Customer Service staff
- Attending bargaining meetings, management meetings and joint working group meetings (with and on behalf of members) for all divisions
- Pursuing minor grievances, clarifying queries, lodging disputes and ensuring EBA compliance
- Attending meetings with the Transport Minister's office and other politicians pushing for progress in the best interest of the membership
- Pursuing a new and improved website and membership database system, and continuing to improve our office policies and procedures to improve service and increase efficiency
- Supporting members throughout their discipline process by assisting in the formulation of responses, reviewing footage and attending interviews
- Obtaining backpay from Spotless for 32 effected Rail Car Cleaners/Detailers in addition to ensuring correct pay and conditions moving forward
- Corresponding with our various utilised lawyers to provide guidance to members individual disciplinary, criminal, family, workers compensation and criminal compensations matters
- Strategising with our employment lawyer to create a 2020 plan for our Union to address several big-ticket items including Spotless, Delron, OSH representatives, increasing political engagement and running a double manning campaign for staff safety
- Creating a 'Log of Claims' and working with Customer Relations representatives to prepare for upcoming negotiations

“Pursuing a new and improved website and membership database system, and continuing to improve our office policies and procedures to improve service and increase efficiency”

THE POWER OF UNION

Protect the Pay Packet

Recently several members have approached our Union seeking assistance when they find themselves with a **non-work-related illness/injury** and unfortunately without the leave entitlements to ensure an income. Whilst many of us automatically possess Salary Continuance Insurance (SCI) through our individual superannuation providers, the payments are often set to commence after lengthy default waiting periods of 90 days and provide a fraction of one's 'salary'.

As an employer has no legal obligation to provide an employee alternative duties in these circumstances our ability to assist becomes limited. In order to try and prevent these occurrences in the future, consideration to obtaining income protection through providers such as All Risk Protection Pty Ltd, who have specifically designed income protection options for rail industry employees, or speaking directly with your superannuation fund, should be given. Of course, it is always recommended to seek independent financial advice before making/changing any arrangements.

For more information on All Risk Protection Pty Ltd please visit



Stand Up Fight Back!

By Joshua Dekuyer

Under the Fair Work Act 2009, an enterprise agreement continues to apply past its nominal expiry date unless it is either replaced or terminated. In instances where these 'zombie agreements' are neither replaced nor terminated, the FW Act only protects ordinary hours rates and allows employers to pay less than the Modern Award for night shift, overtime hours, weekends and Public Holidays.

Our Union recently came across a non-Union, WorkChoices-era agreement covering train cleaners employed by the company Spotless (also known as Berkeley Railcar Services). This zombie agreement has seen workers significantly underpaid over many years.

After a successful application to the Fair Work Commission to have the agreement terminated the termination came into effect on 17 December 2019.

As a result, our members secured:

- An increase of \$3.23 per hour when working night shifts, Saturdays and Sundays;
- A \$24.77 per hour increase when working public holidays;
- A leading hand allowance for Supervisors of over \$1.00 per hour;
- An increase in overtime rates;
- A paid meal break;
- For the first time, annual leave loading, which resulted in one of our members receiving approximately \$800 more in his fortnightly pay packet; and
- Much more!

I wish to pay tribute to the workers who took a stand against the underpayment. If it wasn't for RTBU members who had the courage to speak up, the 'zombie' agreement could have remained in place for years, and people would have missed out on money they could have earned under the current Rail Industry Award.

Our members work tirelessly to ensure train passengers enjoy a safe, clean and reliable journey, and railcar cleaners play a crucial role in making this happen.

We have sent a loud and clear message to employers right across the rail industry: our Union will not let you get away with this sort of behaviour any longer.

In the words of one of our Spotless members: "We knew the only way we could make any changes was for us all to join the Union. We did and now the employer knows we're serious."

What happened with Spotless shows us why it's so important we continue fighting to stop all forms of privatisation in the rail, tram and bus industries. The win our members secured shows us why we must continue to organise and mobilise, even when privatisation occurs.

In Solidarity!



Spotless Members!

THE POWER OF UNION

"We knew the only way we could make any changes was for us all to join the Union. We did and now the employer knows we're serious."



RTBU



Never Ending *By Joshua Dekuyer*

With the Transit Officers' Industrial Agreement being registered on the 17th of February 2020, our Union has been preparing for the Customer Relations and the Network & Infrastructure Agreements which both set to expire in late May.

Bargaining unfortunately continues to be hindered by the Government's restrictive State Wages Policy. Recently we have seen the West Australian Police knock back 4 EBA offers, with the 5th now at ballot, and despite all efforts, the \$1000 pay cap has held strong. The Police Union, despite the inevitable outcome, should be commended on their persistence in demanding fairness rather than begging for favours.

No later than negotiations for our Customer Relations and N&I members ends does the negotiation period for Urban Rail members begin.

We are in a constant cycle of bargaining, a cycle that never ends. But that is what unions do, our Union is not immune, fighting for better pay and conditions, and to ensure the pay and conditions we have today are not eroded, is a never-ending battle.

Luckily it is not a battle we are fighting alone, we have each other. Hopefully others will join us, and together we will ensure if the employer does not respect us, they will fear us.

Mental Health Training

Recently I wrote to the PTA regarding mental health training. Dealing with passengers who have mental health disorders is a common, if not an everyday occurrence for our members. Several members have raised concerns with me about a lack of training in this area, concerns I assure you did not fall on deaf ears. 'Mental Health First Aid' courses are far more accessible these days, and my request to the PTA was to begin including such courses in initial and refresher training. The PTA are now exploring this topic in terms of providing information/training to frontline staff and consideration is currently being given by the PTA's Learning and Development Branch. I am hopeful employers such as the PTA will not only see the benefit to the public but also the benefit to their own employees, who themselves are not immune to experiencing the effects of mental health disorders.



Mental Health first aid is just as important as Physical Health first aid!

Saliva Testing

Times are changing, the archaic AOD testing method of urinating in a cup should be replaced. With numerous inexcusable 'hiccups' occurring in the TransWA area it is no wonder TransWA members have come to me with their concerns. After making enquiries with other state RTBU branches on how their membership have AOD testing conducted I became confident in approaching the PTA to pursue their position on, and provide encouragement for, the switch to saliva testing. A 'paper' has been provided to the PTA's Safety Managers group for review and discussion on the topic. A recommendation will be made and sent through the PTA's Executive group as appropriate. I am now awaiting the outcome of these meetings and will update you all in due course.



Time to make the switch to saliva?

Long Term Sick

Recently we had a significant win with an Urban Rail (Rail Car Driver) member who was off 'long term' sick. His Depot Manager decided that future rosters not yet posted would be changed to reflect Monday to Friday work (despite being on the Guide Roster that wouldn't reflect as such). This resulted in the loss of weekend penalties that would have otherwise been applied to his sick leave application. In my opinion this was an incorrect application of the Agreement and after a little tussle with the PTA we had the method overturned and back payment was made regarding the loss of his penalties. Learning this was common practice, we are now requesting an audit of the last 6 years take place to see if any other driver has been affected.



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