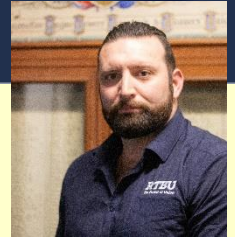


Membership Newsletter

December 2020
Volume 2 Issue 6



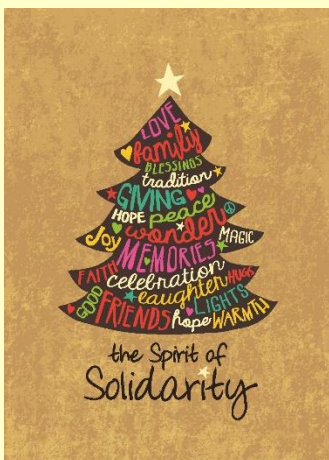
RTBU WA PTA BRANCH UPDATE



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Solidarity Tree!



Secretary's Address

2020 has been an extraordinary year, and one that has presented our Union with immense challenges. Many of us have been deeply affected by the global pandemic and the resulting economic crisis. For the courageous and dedicated members of our Union, the emotional toll of this year has been particularly tough.

I owe you all gratitude and thanks for your incredible efforts in 2020. One of the greatest gifts to any Union is dedicated members like you all. I wanted to take this time to express appreciation for you.

Now, as the year finally draws to a close, we have an opportunity to reflect on everything we have been through, and to look forward to some better times ahead.

With Christmas just around the corner, the RTBU team and I wish you and your family a Merry Christmas! But there is a reason that Christmas time is called the "silly season". It is a time of joy and celebration, a time when the long year of work (for most) finally draws to a close, friends and family unite, and everyone is in the mood to party and go a little over the top. So please, stay safe over the holiday season.

Please note that I will be taking leave from December 31st to January 5th. My first bout of annual leave in over 2 years (and long overdue!).

Finally, I would like to take this opportunity to pay tribute to Piers McCarney, who resigned from the PTA at the beginning of December. Piers has made an outstanding contribution to our Union (and our industry) in several roles, including Branch President. We wish him well.

In Solidarity!

A Quote with Relevance

"Solidarity is based on the principle that we are willing to put ourselves at risk to protect each other." – Starhawk

Out on Track

by Joshua Dekuyer



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

- Attended meetings with the Transport Minister’s office and DMIRS to discuss our expectation around the FAL tunnels.
- Supported numerous members through discipline investigations, including drafting responses to allegations, attending interviews, and viewing CCTV of incidents.
- Continued our push to see ‘critical incident’ leave rolled out to other relevant divisions within the PTA with positive progress to date.
- Attended bargaining meetings for TransWA, EDI and TTO Driver negotiations.
- Reviewed the PTA’s 6-year audit of Transit Officer’s personal leave, as demanded by our Union, with around \$14,000 (400 hours) in owed leave to be paid out soon.
- Attended numerous different meetings with DMIRS, Public Sector Union leaders, UnionsWA and the Labor Party to discuss wages policy, election asks, and alike.
- Provided feedback, input, and direction on the upcoming transition of our Delron members into TransWA.
- Conducted numerous site visits at stations, lines, and depots to meet with members.
- Uploaded updates to the ‘News’ section of our new website to ensure members are kept informed.
- Ensured TTO rolled out the Cert IV RPL program for our railcar driver members.
- Referred and managed members interaction with industrial, family, and workers/criminal compensation lawyers.
- Attended Consultative Committee meetings to help address, raise, assist with, and progress workplace matters/issues.
- Assist a member in their unfair dismissal application to the WAIRC.
- Responded to emails, filtered calls, and provided advice daily to countless members on a range of workplace topics and issues.
- Attended several member’s workplace Christmas gatherings and parties.
- Participated in several rallies in support of workers fighting for better pay.
- Reviewed and gave feedback on the PTA’s updated Network Rules and Procedures.

“Reviewed the PTA’s 6-year audit of Transit Officer’s personal leave, as demanded by our Union, with around \$14,000 (400 hours) in owed leave to be paid out soon.”

THE POWER OF UNION



The Best Defence by Joshua Dekuyer

The best defence against wage theft is an organised workplace, our cleaners at Claisebrook being a prime example. Time and again union members have mobilised and organised against a dodgy boss and taken some big scalps along the way—think George Calombaris and Commonwealth Bank.

Wage theft as a concept has been in the public domain for a relatively short period. It did not appear by accident. The union movement has reframed and changed the narrative on the issue. To eradicate wage theft the issue needs to be tackled on a legislative and workplace level. Not only has the union movement shone a light and taken down some bad bosses we have also had big victories with the new wage theft laws on the horizon in Western Australia. New federal laws are promised.

We need to continue to organise and grow the movement around wage theft. Our Union, in the past 2 years alone, has had around **one million dollars** in pay and conditions returned to workers. What we must strive for though is to collectively eradicate wage theft altogether.

WAGE THEFT IS A CRIME

83% of cleaners are at risk of wage theft

END WAGE THEFT NOW!

COLLECT! PROTECT! ENFORCE!

Better by Change!

In June 2017, the Minister for Industrial Relations announced that a ministerial advisory panel (MAP) would be appointed, with representatives from industry and unions, to advise him on modernising the Workplace Health & Safety Laws in WA.

The MAP met from October 2017 until March 2018. A final report of the deliberations of that panel was released in June 2018. There were 44 recommendations released for a public comment period which extended until 31st August 2018.

Following the close of public submissions, the drafting of the new Act began, and the Minister introduced the *Work Health and Safety Bill 2019 (WHS Bill)* into Parliament on the 27th of November 2019. The Work, Health and Safety Bill passed the Legislative Council on 21st of October 2020 and returned with amendments to the Legislative Assembly which passed the Bill on 3rd of November 2020.

The *Work, Health and Safety Act 2020* is a substantial reform to workplace safety regulation in Western Australia. The *WHS Act* represents a major change to current arrangements, but also include a number of key amendments that are departures from the Model WHS Laws.

The WHS laws has been significantly overhauled in the *WHS Act* with five key elements worth noting:

Financial Penalties

An increase in financial penalties over and above the model laws for breaches of the *WHS Act*.

Industrial Manslaughter (s30A)

The *WHS Act* contains provisions for the offence of Industrial Manslaughter. This offence contains the highest penalties in the *WHS Act* including imprisonment of 20 years and a fine of \$5,000,000 for an individual person conducting a business or undertaking (PCBU), or a fine of \$10,000,000 for a body corporate.

Category 1 Offence Amendments

Unions have long raised concern about the lack of category 1 prosecutions in WHS jurisdictions. A Category 1 offence is now committed where a failure to comply with a health and safety duty causes serious harm to an individual.

Prohibition on Insurance (s272A)

The Act contains a prohibition against employers taking out insurance or indemnities against fines for penalties in the *WHS Act* or Regulations.

Expanded union rights

The *WHS Act* significantly increases union involvement and powers for safety disputes compared to both the current *OSH Act* and the model *WHS Act* which includes:

- Ability to refer dispute to the regulator (s82 and 82A)
- Maintaining WA's superior right of entry regime for safety issues under s49 of the *WA Industrial Relations Act*.
- A new duty of care on the providers of WHS services or providers (s26A)
- Unions defined as an 'eligible person' (s223)
- The right for a worker to cease work if they have a reasonable concern that to carry out the work would expose them to a serious risk to health and safety (s84).
- Improvements to Health and Safety Representative provisions (s72, s69, s76 & s100)

Workplace safety has not got better by chance. It has got better by change. Change that was driven by WA's union movement and achieved through years of chipping away.

Work Health & Safety Legislation Reform

“Workplace safety has not got better by chance. It has got better by change. Change that was driven by the union movement and achieved through years of chipping away.”



RTBU

Policy Preparedness

The PTA has numerous policies that are pertinent to certain situations. We have found that many members who have sought our assistance were unaware of policies that pertained to their situation.

Fortunately, we have been able to assist a number of members in obtaining alternative duties, having leave recredited, avoid issues with drug & alcohol testing, resolve workplace grievances and manage their return to work all because of our knowledge of the PTA policies relevant to their situation or inquiry. The privilege that comes with reviewing relevant PTA policies applicable to our members as part of the consultation process.

Strong & Functional

With digital trends that seemingly change every single day, it can be tempting to dismiss the idea of “needing” a strong and functional website for our Union. However, the importance of a good website for members, and for prospective ones, cannot be overstated. Our website has been built by members, for members. Long overdue, but our new website is now live and is just another way we ensure our members are serviced. Visit www.rtbuwa.asn.au to explore ‘The Power of Union’.

Win for Workers!

The RTBU provided its support to the CFMEU’s and the ETU’s maintenance members at Fiona Stanley Hospital whose wages and conditions were being undermined by Serco.

We are proud to announce that those workers won. As of 3 December 2020, they went back in the gate as notice was received that Serco had capitulated to every remaining demand.

To be honest, the CFMEU and the ETU did not expect Serco to move that far that fast. They were bunkering down for a sustained campaign on this issue and we were ready to bunker in with them.

There is no doubt that the speed with which the matter resolved was directly linked to the overwhelming show of solidarity and support for these workers that came from across the West Australian union movement. A demonstration of ‘The Power of Union’.

Sadly, this fight should never have happened in the first place. It was a direct result of the privatisation by stealth of essential public services. Giving contracts to for-profit multinationals has ended up being an unqualified disaster everywhere it has happened. Repeatedly we see it completely fail to deliver services for less and instead just deliver less services.

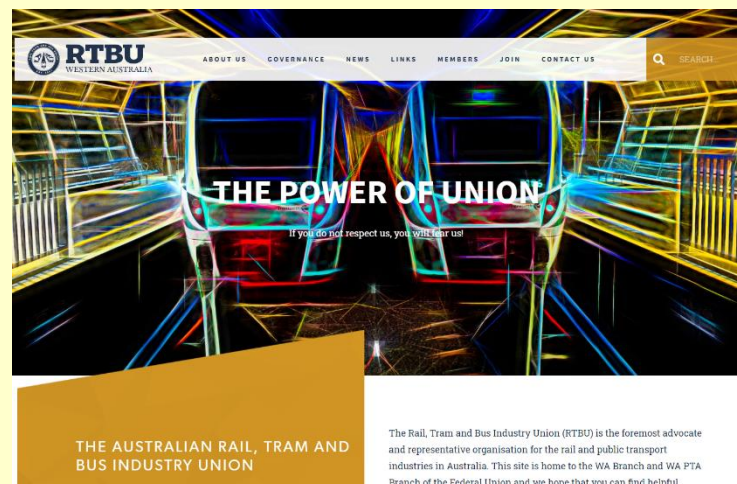
Jobs should not be outsourced, jobs that are should be brought back in-house. Our Union will continue its fight to see workers, especially in the rail industry, remain and return to public hands.

Please visit <https://www.rtbuwa.asn.au/2020/12/03/emphatic-win-for-workers-at-fiona-stanley-hospital/> for more info!

We encourage members to familiarise themselves with the:

- ‘Alcohol and Other Drugs Policy’ - especially if one is being conducted in your workplace.
- ‘Health Management Policy’ - regardless of whether your illness or injury is workplace related.
- ‘Grievance Resolution Policy’ - especially if you have an internal workplace issue with a colleague.
- ‘Workplace Injury Management Policy’ - regardless of whether you already have, or want to make, a worker’s compensation claim.

Knowledge is power, be policy prepared.



New RTBU WA website has gone live!



Stop Work Rally at Fiona Stanley Hospital

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