



The WorkShops News

RTBU Workshops Division Newsletter



"To Organise Workers In The Transport Industry To Protect And Build Their Rights At Work"

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Use of Contractors

The landscape of the Australian workplace has changed over the last decade. The expansion various businesses, extended hours of business have brought with it the demand of business for a flexible workforce.

Unfortunately, this has also meant there is a huge decline in workers' rights and conditions.

The Rail industry has not been exempt from these new business requirements.

The RTBU have raised concerns on a number of occasions about Sydney Trains' use of contractors. Sydney Trains made the decision to cut staff in the train cleaning area at whilst simultaneously dropped the cleaning standards required.

Due to customer's complaints and the poor results delivered by audits and Independent Verifiers Sydney Trains have had to supplement the number of cleaners by contracting out the work.

This has resulted in a number of additional issues which include;

- Contract cleaners have no experience in this area of work as rail is a much specialised area.
- Concerns about the safety and welfare of the contract cleaners. This is particularly relevant in relation to site inductions. The RTBU believes the inductions are being conducted verbally and not all of the information is being understood and adhered to.

The RTBU has raised this concern with Sydney Trains. The RTBU believes the only solution is for Sydney Trains to directly recruit more cleaners so there is a minimal requirement for contractors.

Cleaner's Uniforms Not Up To Scratch



The RTBU has raised concerns about the uniform that Sydney Trains are currently issuing to employees. The concerns are that the uniform is not suitable for the physical work that cleaners perform which is done in an enclosed environment. This has been made apparent

during the hot weather when cleaners have

reported discomfort associated with wearing such clothing that Sydney Trains are enforcing.

The member's are requesting that they be issued shorts and short sleeve cotton shirts.

Social Media – Think before hitting



Recent decisions in Fair Work Australia have focussed attention on the lines between the relationship of what an employee does during work hours and out of work hours. Fair Work has made it clear that employees cannot use social media to vent or express their dissatisfaction with their employer.

'What might previously have been a grumble about their employer over a coffee or drinks with friends has turned into a posting on a website that may be seen by an unlimited number of people. Posting comments about an employer on a Website (e.g. FaceBook) that can be seen by an uncontrollable number of people is no longer a private matter but a public comment.

It is well accepted that behaviour outside working hours may have an impact on employment to the extent that it can breach an express term of an employee's contract of employment ... a FaceBook post by an employee may be sufficient to warrant dismissal.'

Employers in many public and private sector organisations attempt to extend employee obligations well beyond the workplace, and hold employees responsible for conduct that may be considered to tarnish or impugn the reputation of the organisation.

From the available law it is probably reasonable to assume that a range of employee behaviour out of work hours may come within the scope of company policies and be the subject of disciplinary proceedings.

These could include:

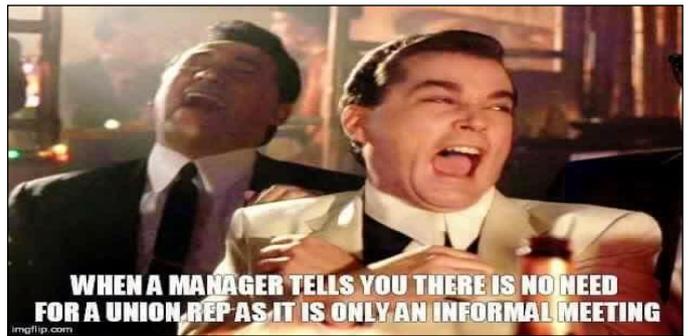
- When an employee identifies themselves as an employee of the company in public forums, media comments or social media outlets
- This may extend to being identified when in company uniform or displaying company logo in some way
- Using work-related photos (of workplace or work colleagues) in emails, publications or social media sites
- Any behaviour that may be considered employment-related or affect the employment relationship. For example, a personal or intimate situation with a co-worker which then flows into the workplace as inappropriate or unacceptable behaviour
- Criminal proceedings or convictions that may directly affect ability to perform employment duties (E.g.: loss of driver's licence), or fitness for employment
- Behaviour which could damage the employer's business or public reputation.

The only sensible advice that can be given to members using FaceBook or other social media is to be extremely careful about what you say and who you say it to.

While you may feel secure communicating on your private computer in the privacy of your own home, you must remain aware that these communications are public and are capable of being scrutinized by other than the intended audience – including your employer.

**If in doubt – don't post it!
It's not worth losing your job
over.**

Managers revisit 'Informal Discussions'



Members have advised that management are increasing their use of 'private chats' or 'informal interviews' within the workplace.

The RTBU advises member's that they need to be aware that 'private chats' aren't usually private nor treated with confidentiality. At the very least, the manager will make a file note which could be used against you in the future.

In situations where members will be formally interviewed, the evidence produced and answers given can have a profound consequence for the person being interviewed or others involved in the investigation process.

As such, the RTBU advise that participation in any interview (formal or informal) be taken seriously with the appropriate amount of preparation. When notified about an interview the RTBU recommends the following:

Formal Interview:

1. Request written advice of what the interview is about, where and when the interview is to take place.
2. Contact your Union Delegate or Organiser.
3. Ensure that you understand the process. The RTBU has a fact sheet available to any Member, Activist or Delegate.
4. Take a support person, Delegate or Organiser with you to the interview. Ensure that you Support Person, Delegate or Organiser take notes during the interview. This will free you up to focus on your answers.

Informal Interview:

1. Ensure you have a copy of the RTBU fact sheet and understand your rights.
2. Inform the manager that you want a support person. If this is refused, contact your Union Delegate or Organiser.
3. Ensure that your support person takes notes during the interview.

Never forget, your job could depend on it!