

Membership Newsletter

September 2019
Volume 1 Issue 5



RTBU WA PTA BRANCH UPDATE

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Secretary's Address

By Joshua Dekuyer

Today, 27 September 2019, is one year to the date since I was elected into Office. The last 12 months have been eventful, and we should be proud of the number of achievements we've made so far. One achievement that I am especially proud of is the increase to our membership base. We are now 100 members stronger than we were at this same time last year. An increase of approximately 15% with plenty more room for growth, especially given Metronet.

Our industry is growing, but unfortunately there are still several jobs that sit outside the state system that I believe the Labor Government should bring back in house. Workers in this state deserve safe and secure work. Time and time again there are news articles after news articles reporting wage theft, 'zombie' agreements, sham contracts and alike. In 2019 it disgusts me that workers are continuing to be taken advantage of. I will be taking this up with the government directly.

Rest assured that I will continue to fight for workers in our industry, from the cleaners who clean the trains to those who work on, with, drive, and build them. I hope that those who read this, who are not already standing alongside us, join us in not only improving but also protecting our industry.

In Unity!

UNION MEME!



A Quote with Relevance

"The most important word in the language of the working class is 'solidarity'." - Harry Bridges

Out on Track

By Joshua Dekuyer



Below are just some of the recent and current issues/matters attended to by our Union on behalf of you, the membership:

- Site visits to meet with members including, but not limited to, TransWA members in Bunbury, Urban Rail members at Nowergup depot and N&I/Urban Rail/Delron members at Claisebrook
- Continued talks with the PTA on the privacy concerns with the new 'myRIW' cards which has resulted in an FAQ being created to be released soon
- 'Mapping' employee lists vs membership lists to assist in identifying and successfully inviting non-members to join our Union
- Organising a meeting with DMIRS to address the outstanding ARI payment for Overhead Linepersons (N&I)
- Pursuing the PTA in order to progress Rostering Instructions and commence the TTO Railcar Drivers roster representative election
- Attending bargaining meetings and other management meetings (with and on behalf of members) from all divisions
- Preventing 'formal' meetings between managers and members from occurring due to management's failure in providing opportunity for a support person to be present
- Pursuing minor grievances, clarifying queries and ensuring EBA compliance by the PTA
- Addressing the PTA's potential attempt to withdraw benefits afforded to retired Urban Rail members found in clause 5.8 'Free Rail Travel'
- Attending Labor Party meetings and conferences, and gaining back control of the Transport, Roads, Infrastructure and Planning committee
- Organising paid release for delegates to attend training in October & November
- Supporting members throughout their discipline process by assisting in the formulation of responses, reviewing footage and attending interviews
- Pursuing additional member benefits such as discounted Royal Show tickets and Entertainment Books
- Corresponding with our employment lawyers regarding members individual disciplinary matters

"gaining back control of the Transport, Roads, Infrastructure and Planning committee "

THE POWER OF UNION

More Back Pay!

In the recent past our Union Office, with the assistance of the workplace delegates, has been successful in ensuring the level progressions for Signal Maintainers within Network & Infrastructure.

It is with pleasure that the Union can report that this process has now been completed for all applicable members. This has resulted in several members receiving back pay in excess of \$6500 each. Importantly moving forward, they are now on the correct pay rate.

We ask that all members remain vigilante, if you have concerns with your pay or your level progressions, contact your payrolls department/relevant manager in the first instance. If you are unhappy with their response, then contact the Union office.



Who's the Nominated Representative?

By Joshua Dekuyer

Of late there appears to be some confusion demonstrated by the PTA around the interpretation and application of who may be the nominated representative of the Chief Executive Officer (CEO) for the purposes of the discipline clause found variously in your industrial agreements between the Public Transport Authority of Western Australia and this Union. An example would be clause 2.11 of the *Public Transport Authority/ARTBIU (Transit Officers) Industrial Agreement 2017* wherein the CEO can delegate responsibility to a nominated representative for the purposes of notification where a suspected breach of discipline has occurred.

As the integrity of the discipline clause in the Agreement is reliant upon this power of delegation it is important that this Union understands the reach and application of this delegated power. In order to assist us with this we have requested that the PTA provide a list of the CEO's nominated representatives and confirm, that for the purposes of clause 2.11 of the Agreement, these representatives hold the envisaged delegated power.

This is important because it is possible that, without this delegated power, the PTA has Employees acting outside of power in relation to your discipline clauses. We have yet to be provided with a list but have been verbally informed that the PTA is now currently reviewing the CEO's nominated representatives. Hmm...what does that tell you?!

Sick, Carer's & Personal Leave

During the recent negotiations of several EBAs I had become increasingly concerned that the evidence requirements to access paid sick, carers and personal leave found variously in your industrial agreements was stricter than found in the Minimum Conditions of Employment Act 1993 (WA).

The Minimum Conditions of Employment Act 1993 is a Western Australian law that sets out some minimum conditions under the law for state system employees including personal/sick/carers leave.

As a result of the current and ongoing negotiation of the Transit Officer's EBA, in where this concern was raised, the personal leave and evidence clauses are now in the process of being rewritten, to the benefit of the membership, to ensure their compliance with the Act.

An example is sick leave or leave for illness or injury is no longer just a medical certificate from a certified medical practitioner but will now also include a certificate from a Pharmacist or registered health care provider; or **other evidence of the illness or injury acceptable to a reasonable person.**

In addition, the PTA will be releasing an 'Industrial Circular' soon that will be advising all areas and employees within the PTA on the expanded evidence requirements related to each type of leave and their examples of evidence acceptable to a reasonable person.

This outcome is another win and demonstrates 'The Power of Union'.

By Joshua Dekuyer



Who are the nominated representatives?

THE POWER OF UNION



Improved access to sick, carers and personal leave thanks to the RTBU

“the personal leave and evidence clauses are now in the process of being rewritten to ensure their compliance with the Act.”



See You in Court! *By Joshua Dekuyer*

Members of our Union employed by ‘Delron Cleaning’ have approached us with concerns in relation to how their overtime payments are currently calculated and paid.

The Unions understanding is that currently part-time employees are not being paid overtime until they have completed 76 ordinary hours over a two-week spread.

Our interpretation of the *Delron Cleaning Pty Ltd (Prospector and Avon Link/Merredin On-Train Customer Service Officers) Enterprise Agreement 2018* is that they should be paid overtime rates for anytime worked in addition to the ordinary hours

agreed to through their defined roster (ranging from 48 - 56 hours per fortnight).

We have written to Delron advising them that it is our opinion that the method being applied is an incorrect application of the terms of the agreement and have requested they audit the pay records of their employees and calculate the extent of the underpayment.

Should Delron not agree to audit the pay records your Union will pursue all options open to resolving the issue including legal action if necessary. We are currently speaking with Delron in attempt to settle this issue.

Watch this Space!

Unfortunately, I can't go into too much detail right now, but it appears we have uncovered another potential wage theft matter (the employer for the moment will remain nameless). We are confident that when taking into consideration several owed entitlements over the last 6 years, one individual member appears due as much as \$50,000 in pay and conditions. Watch this space!

Privatisation Prevention

As you may have seen in the media, the recent State Labor Conference was full of debate. An issue of more interest to our membership to come out of the conference was the TWU's proposed submission to the Labor Party and its potential to expose Transit Officers to being privatised.

The proposal stated, *"Security guards servicing public transport must have the same powers as Transit Officers"*. Other than the obvious training and oversight concerns, such proposed wording could have led down the unintended path of privatisation due to the legislative changes that would be required to allow private contractors to have the same, or similar, powers of Transit Officers.

Fortunately, after several meetings prior, and with a final discussion had on the morning of the second day of conference our Union was able to convince the mover of the resolution to change the wording significantly to avoid any risk the resolution could impose on Transit Officers and our industry.

Will Referral

Don't forget that our lawyer friends at Turner Freeman Lawyers do free standard wills for you and your partner. If you are interested in obtaining a will then send an email to general@rtbuwa.asn.au and we will send a will referral to Turner Freeman Lawyers who in turn will contact you directly to organise creating your will. Many members have utilised this free will service. There is no better time than now to take advantage of this member benefit!



We are hoping to avoid the need to go to court by getting Delron to work with us on this matter!



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By Joshua Dekuyer