

Membership Newsletter

December 2019
Volume 1 Issue 6



RTBU WA PTA BRANCH UPDATE



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Secretary's Address

By Joshua Dekuyer

There is no doubt that our Union, and the membership, are facing significant challenges. But equally, we must recognise that our future is in our own hands.

We have power as a united Union when we have a passionate, disciplined and determined membership. This allows us to effectively campaign, mobilise, and bring the broader community with us. But, to be effective, we must also be strategic, and we must also make sure that our Union is responsive to threats and opportunities that await us. Therefore, I have been working hard with our National Office to positively shape our future in a hope to lead by example.

Our Union has always, and continues to, punch above its own weight. This is because of the unique position we hold, the political relationships we have and the industries we control. This didn't happen overnight. It has been built up over generations by those men and women who have come before us. And as we look forward, we must never forget where we have come from, or the people who have made our great Union what is today.

As the current custodians of this proud tradition, we have a duty to ensure that our Union's positive contribution continues to be felt across the community. We are, and must always be, an active partner in society. Not only do we represent the interests of our industry, but in doing so we work for the benefit of the entire community.

In Unity!

UNION MEME!



A Quote with Relevance

“When you have something to say, silence is a lie.” - Jordan B. Peterson

Out on Track

By Joshua Dekuyer



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

- Assisting a member in receiving around \$30,000 in owed back pay as a result of incorrect weekly workers compensation payments
- Continued back and forth feedback with the PTA on the Transit Officers EBA drafting
- Actively recruiting new members to strengthen our Union and visiting members on site
- Attending a meeting with DMIRS to address the outstanding ARI payment for N&I
- Continuing to provide feedback to the PTA in order to progress and positively change Rostering Instructions across a number of divisions
- Attending bargaining meetings and other management meetings (with and on behalf of members) for all divisions
- Correcting a managers failure to adhere to the performance management policy when performance managing a member
- Pursuing minor grievances, clarifying queries and ensuring EBA compliance by the PTA
- Preventing the withdrawal of benefits afforded to retired Urban Rail members found in clause 5.8 'Free Rail Travel' of their Agreement
- Attending meetings with the Transport Minister's office to discuss several matters including wage theft, safety of railcars and the extension of TO's onto buses
- Providing training to your workplace delegates on October 24 and November 6 & 13
- Supporting members throughout their discipline process by assisting in the formulation of responses, reviewing footage and attending interviews
- Obtaining backpay from Delron for 16 effected on-board Prospector staff of up to \$550 per employee
- Corresponding with our employment lawyers regarding members individual disciplinary matters as well as holding meetings with members and the lawyer to strategise
- Ensuring the safety of Rail Car Drivers by applying considerable pressure on the PTA to speed up the replacement of the A Series windows and to adopt other safety precautions
- Attending National Council in order to work towards shaping our future, enhancing our capabilities and growing as a Union

“Attending meetings with the Transport Minister's office to discuss several matters including wage theft, safety of railcars and the extension of TO's onto buses ”

THE POWER OF UNION

Injury Management

Our Union only wants the best for the membership. Therefore, we believe Freshstart Injury Management should be your preferred Vocational Rehabilitation provider.

They assist our injured members with all aspects of Workers Compensation and Return to Work programs **including not having to work on public holidays.**

Freshstart has extensive experience helping workers all around Western Australia and it's who we trust to make sure our members get back to work in the safest way possible.

Contact Kerry O'Sullivan at Freshstart Injury Management & Counselling to facilitate your return to work programme and to ensure understanding of your rights and responsibilities: <http://www.freshstartim.com.au/>

If you have any questions, don't hesitate to contact the Union office.



FRESHSTART
INJURY MANAGEMENT

Wage Theft!

By Joshua Dekuyer

I have continued to come across so called ‘zombie’ agreements which see our members, and workers more generally, working at rates well below the Modern Award minimum as a result of a legislative loophole. You may not be aware, but an enterprise agreement, under the Fair Work Act 2009 (FW Act), continues to apply past its nominal expiry date unless it is either replaced or terminated. In instances where an agreement in neither replaced nor terminated the FW Act only protects ordinary hours rates and allows employers to pay less than the Modern Award for things such as overtime hours, shiftwork penalties, weekend and public holiday rates.

Of real concern is that we have recently come across a ‘zombie’ agreement applicable to workers providing cleaning services on the State rail network and which has resulted in the workers being significantly underpaid over many years.

Although the WA State Government is to be congratulated in its efforts to rid the scourge of wage theft, in particular the recent Beech Inquiry, it is worrying for our Union that there exists the ability for workers in such a well-regulated sector to be paid less than the relevant Modern Award.

We have met to discuss this matter with the Transport Minister, Honourable Rita Saffioti, as well as talk more broadly with her office about what strategies the Government has to ensure that these ‘zombie’ agreements play no part in contracts procured by the Government. This is a real problem affecting some of the most vulnerable workers in Western Australia and they are now working with us to ensure that, wherever possible, we end these situations.

Having worked with our lawyer to establish a strategy moving forward I have established that the current matter was best dealt with as a two-step process.

1) Compare Agreement vs Award. If the award is better, then seek to have the agreement terminated to which will put our members onto the Award.

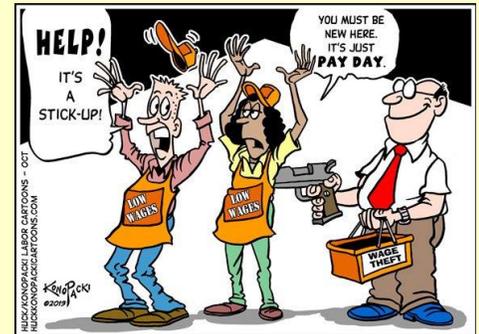
2) Pursue any possible back pay etc.

Step 1 is almost complete. We have compared the Agreement vs Award. There was no way that our members were not better off under the Award so we made an application to, then attended, the Fair Work Commission to have the Agreement terminated. We expect the Commissioner to terminate the Agreement by mid-December, which will ensure our members are paid as per the Award and get an instant **\$3.23** per hour pay rise.

Step 2 could likely take up to 9 months and will commence after Step 1 has been completed but will initially require an audit be conducted of the wage rates, leave entitlements and any affected superannuation payments. In addition, I may seek penalties for any underpayment established, to which will be payable to the Union.

Due to our actions to date, remuneration payments have already begun to be made to our members as the company scrambles to return money they neglected to pay. This is a big case for us, and for workers in WA, but again demonstrates the need for Unions. I will update you as the situation unfolds.

In Solidarity!



Wage Theft is a crime!

THE POWER OF UNION

“remuneration payments have already begun to be made to our members as the companies scramble to return money they neglected to pay”



The End is Near *By Joshua Dekuyer*

Transit Officers' Industrial Agreement expired on the 6th of October 2019, but our Union confirmed an Offer-in-Principle prior to its expiry cementing back-payment of the pay increase for all.

Having only just been handed a completed draft Agreement, after extensive back and forth feedback on clauses, priority has been given to thorough analysis of all changed wordings to ensure the Agreement is of the highest quality.

Changes contain improved altered conditions including an additional day of paid leave (in relation to Easter Sunday) and greater flexibility in shift swap options. We have also had corrected key points within

the Agreement which were below the Minimum Conditions of Employment, such as the evidence requirements for Personal Leave.

With a unit meeting soon to be held I, and the workplace delegates, will discuss key points of the changes and their affect. We will ask members for feedback, vote on relevant issues and discuss how to proceed moving forward.

So far, we are proud of what we have achieved and the work the delegates have put into this Agreement, paving the way for positive changes in other future Agreements with the PTA.

Medication Review Process

TransWA members are no doubt aware of the 6-month Medication Pilot Program initiated by the PTA in August 2019.

This gives the Road Coach Operators and the Railcar Drivers an opportunity to declare and submit medication that they are taking, which is not on a 'safe-to-take' list, directly to OSH group. This can be done without fear of loss of remuneration, as negotiated by this Union, if a potential risk of a mixture of medication that they may be taking is discovered and requires rectification.

The PTA envisage, pending the outcome of this pilot program, that the Medication Review Process will roll out to all Category 1, 2 and 3 workers throughout the PTA. We expect to meet with the PTA before this occurs and add to the already extensive back and forth correspondence on this matter to date. We ask that you stay tuned.

WIMDOI WA

WIMDOI stands for Women in Male Dominated Occupations and Industries. WIMDOI is an affirmative action initiative of the Trade Union Movement designed to encourage the recruitment and retention of women into male-dominated occupations and industries and to promote activism in Unions.

I am proud that WIMDOI WA is made up of some of our very own RTBU members along with members from ETU, CFMEU, TWU, MUA, AMU and the AMWU.

There was a WIMDOI National Conference held in Tasmania in November this year that I am proud to say, with the assistance of our National Office, 3 of our very own WA PTA RTBU members attended.

If you are interested in joining WIMDOI WA to assist in pushing for the deserved wages and conditions that are achieved through collective action then please contact Kelley Jenkins (TTO Railcar Driver), Helen Martin (Passenger Ticketing Assistant), Anna Mutzenich (Transwa Railcar Driver) or the Union office to discuss how you can become a part of this sisterhood.



Delivering a very favourable EBA outcome relative to the local economic and industrial climate.



Medication Review & Pilot Program



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By Joshua Dekuyer