



# TRAMMIE EXPRESS

The Official Newsletter of the RTBU Tram & Bus Division | Victorian Branch

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## NEW ENTERPRISE AGREEMENT UPDATE

Negotiations have been ongoing since April 22 2015, notwithstanding the fact that the RTBU has attended 15 meetings for each EA negotiations we find ourselves still a long way apart.

Whilst some fringe claims have been agreed in principle, such as family violence, bereavement leave and parental leave (almost agreed), Yarra Trams' position is that these matters should not be included in the EA. Instead they would sit outside the EA as Yarra Trams policy. This is not acceptable to the Union as policies can be changed by Yarra Trams at any time. If they are fair dinkum in seeking agreement, then include them in our EA.

We are still miles apart on some of our major claims such as: wage increases, disciplinary counselling policy, dispute resolution procedure, rostering guidelines, operative date for wage increases, and more.

The Yarra Trams wage increase offer at this point is still 1.33% per year and if we want more, then what concessions can workers make, Yarra Trams will then cost all these concessions and come up with a better offer subject to the value of the concessions.

The RTBU has strongly argued this is a flawed system of calculating a fair and reasonable wage increase for workers.

The Union argues a better system is sharing the considerable success of Yarra Trams with the workers that have generated \$50 million in extra revenue for KDR last year alone. That amounts to a 13.6% increase in revenue in one year alone, all the while workers have been paid all current terms and conditions. So why should workers give away conditions for a wage increase.

Given that progress has been very slow and given that resolutions have come in from all depots, calling on the Union to take all necessary steps to advance our claims, the RTBU Tram and Bus Divisional Executive has unanimously endorsed that the Union make application to the Fair Work Commission for a Protected Industrial Action ballot.

The FWC has indeed approved orders for all RTBU members in the Yarra Trams Operations EA to be balloted for Protected Industrial Action. The postal ballot commences on 28 July and closes on 11 August at 10.00 am. All Operations members will receive a postal ballot in the mail asking you to vote on 10 questions.

**“It Is Crucial That All Members Vote Yes For All 10 Questions.”**

They are:

### Question One

An unlimited number of bans or limitations upon the performance of overtime duty, including the performance of voluntary overtime (VOT) and/or working on a cancelled day off (DOC)?

Yes  No

### Question Two

An unlimited number of bans or limitations upon the following ticket inspection duties:

issuing Reports of Non Compliance (RONC) which result in passengers receiving infringement notices;

carrying out ticket inspections in plain clothes;

carrying out ticket inspections (“free travel days”); and

issuing on the spot penalty fines?

Yes  No

### Question Three

An unlimited number of bans or limitations upon customer service employees and/or authorised officers making entries in their journals?

Yes  No

### Question Four

An unlimited number of bans or limitations on the wearing of uniforms (except for personal protection or safety equipment)?

Yes  No

### Question Five

An unlimited number of bans or limitations upon the short shunting of trams, whereby trams are run other than in accordance with timetabled services (except in emergency situations)?

Yes  No

### Question Six

An unlimited number of bans or limitations upon the collection and loading of statistical data for ‘Special Events’?

Yes  No

### Question Seven

An unlimited number of bans or limitations upon the re-fuelling of Yarra Trams depot transport cars (except for emergency reasons)?

Yes  No

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#### Question Eight

An unlimited number of bans or limitations upon tram drivers making announcements (except for emergency reasons)?

Yes  No

#### Question Nine

An unlimited number of stoppages of work of up to four (4) hours?

Yes  No

#### Question Ten

An unlimited number of stoppages of work of up to twenty-four (24) hours?

Yes  No

It Is Crucial That All Members Vote Yes For All 10 Questions. A high return with a high YES vote will clearly demonstrate the unity and solidarity of the workforce. A huge positive vote is just as important as taking Protected Industrial Action, if required.

The RTBU Victorian Branch has mailed the first edition of the On Track publication, which goes into detail regarding Protected Industrial Action. Please read to better understand your rights.

All Divisions of the RTBU are working closely to ensure the best possible outcome for all RTBU members in Victoria.

## UNFAIR DISMISSAL VICTORY – MARK LANGDALE

On 10 July 2015, the Fair Work Commission found that: “There was no valid reason for the termination” and “Yarra Trams failed to act consistently with its own disciplinary policy and the relevant Enterprise Agreement in the investigation and discipline of Mr. Langdale and this is a relevant consideration under Section 387(H)”. Amongst other findings.

The FWC issued orders stating: “Yarra Trams (the employer) is ordered to reappoint Mr. Mark Langsdale (the applicant) to the position in which the Applicant was employed immediately before the dismissal, namely the position of tram driver.”

The Commissioner also ordered maintenance of continuity and full reimbursement of lost pay from the date of termination to the date of reinstatement.

Mark Langdale was originally sacked by Yarra Trams on 16 July 2014 for allegedly “deliberately driving slow to delay the tram service”. The RTBU has been side by side with Mark from the word go, including the disciplinary process, the FWC conciliation process and through the formal FWC hearing, with the Union officials giving evidence in the witness box in support of Mark. The Union also engaged Slater & Gordon and a barrister to defend Mark through the legal proceedings.

This fair and just decision has been a long time coming (almost 12 months).

Notwithstanding the stress and angst experienced by Mark Langdale during this terrible time, it clearly demonstrates the resilience and determination by Mark and the RTBU to fight for justice and fairness for our members, particularly when they have been unfairly and unjustly treated by Yarra Trams.

Welcome back Mark Langdale.

## RTBU NATIONAL SECRETARY BOB NANVA ELECTED VP OF ACTU

I'm delighted and proud to be the first-ever representative of the RTBU to be elected as a Vice President of the peak body.

The ACTU has benefited from the strong leadership of Ged Kearney and Dave Oliver, and I'm looking forward to contributing to the leadership team.

The Australian labour movement has been the most powerful and effective progressive political force in this country's history. Unions have fought for fairness, justice and for the rights of working people for over a century.

Despite the current attacks on trade unions, including the politically-motivated pantomime that is the Trade Union Royal Commission, the labour movement will continue to endure, and continue to play a pivotal role in Australian society.

That's why I am so determined to use this role as ACTU Vice President as a platform to advance the interests of all workers – and especially those in the freight rail and public transport industries.

RTBU members across the country are at the forefront of the Abbott Government's war on workers. They want us to fight back against the creeping casualisation of work, the privatisation of public enterprises, and the erosion of real wages and conditions.

They also want to see a Federal Government that understands that infrastructure is more than just roads. Australia is desperate for investment in rail and public transport infrastructure, and our union will be working with the ACTU to make this a priority leading up to the next Federal election.

Congratulations to Bob, he has worked very hard to place the RTBU front & centre in the Australian Union Movement. This is just reward for the outstanding effort.



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