

RTBU EXPRESS

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Luba Grigorovitch
State Secretary

UNITED WE WILL WIN!

Over the last few weeks, a number of RTBU members contacted us at head office in relation to the Maritime Union of Australia (MUA) dispute at Webbdock. The truth is that the RTBU proudly organised members to attend the 24 hour, 7 day a week picket. This was done for one reason – because when workers are under attack we stand with them.

I am pleased to say that the picket has now concluded and there is light for these workers, but none the less I thought it important to report on the dispute as many members were unsure what the dispute was about.

In a nutshell the Victorian International Container Terminal (VICT) picked a fight that I believe it was never going to win in November, when it effectively sacked a dockworker and MUA Delegate Richard Lunt, because he didn't have the appropriate clearances to work dockside. The reality is he had the same security clearance as 21 other workers at the site, but was the only one punished by the company.

The reasons are all too predictable. Richard is a union man – who had the temerity to stand up and ask for an MUA-negotiated agreement onsite.

The parent company of VICT, International Container Terminal Services (ICTSI), is notorious for union busting and extreme anti-worker tactics in developing countries, and it looks like they were simply trying to export this business model to Australia.

VICT was trying to shove a sham EBA down the throats of their employees that trashes existing conditions and cuts wages by 40% - an agreement, no less, signed off by just a handful of people on the other side of the country. If this all sounds a bit familiar, it's because VICT's tactics are almost identical to those pursued –

without success – during the CUB dispute last year.

Slashing workers' wages to levels far below Australian industry standards and then deliberately targeting union members at work is not acceptable behaviour in Australia.

VICT, like many Australian companies, are taking more and more aggressive actions to bust unions in the pursuit of greater profits. The worst thing is, these underhanded tactics by unscrupulous employers are entirely legal, because our workplace laws are broken and no longer fit for purpose.

From the outset, the Fair Work Act was an imperfect document – a weak replacement for WorkChoices that fails to adequately protect the industrial rights of working Australians. In fact, we now have the most punitive, anti-worker industrial relations laws of any developed nation in the world.

Today, the obligations that employers have to workers are easily avoided through any combination of offshoring, outsourcing, sham contracting and franchising, and the hoops that unions have to jump through to satisfy the Fair Work Commission make taking protected industrial action increasingly difficult.

Large corporations routinely go out of their way to avoid the need to act as decent employers, and the Turnbull government responds with pointless royal commissions that attack unions, politicised police raids that attack unions, an ABCC and Registered Organisations Commission specifically set up to attack unions and yet more legislation that, you guessed it - attacks unions.

More than any time in the last century, the economy is rigged against working people, and our inadequate workplace laws deserve a large

share of the blame.

While working Australians are hit with anemic wage growth, penalty rate cuts, record inequality and an epidemic of insecure work, company profits are up 27% and 732 of our largest companies pay no tax.

The dispute at VICT is just another example of what can happen and we are seeing similar attacks on our members at the RTBU. For example, the RTBU is currently fighting to ensure employees at ARTC are not trapped by a sub-standard enterprise agreement that would see their entitlements and wages drop dramatically over three years.

In order to exercise a right to strike, the laws impose heavy technical legal burdens. This makes it impossible for many others to access the right to strike as they don't have the resources to access the legal help they need. This, in turn, further drives down wages because withdrawing our labour is our most powerful asset.

Big corporations wield far too much power and every day it gets harder and harder for normal working people to stand up for a fair go. That is why the power of the Union is so important, and that is why you being a loud, proud and active Union member is necessary.

Together we are stronger and will continue to beat greedy bosses.

Have a safe and enjoyable Christmas, thank you for your ongoing solidarity and I look forward to working together in 2018.

Luba Grigorovitch
- State Secretary





Bryan Evans

Organiser

CONSULTATION - THE FIRST LINE OF DEFENCE

Management always have some bright idea on how they may improve or destroy something. Sometimes these ideas can have a positive effect on members and our workplaces, but more often they don't. Even on the rare occasion that the particular change is a good idea, they are often implemented so poorly that they turn into an utter dog's breakfast.

Members are often herded into rooms, spoken to, briefed on a change or course of action, leave the meeting then call the union. The union must then peel back or at very least put a hand break on the change and the company throws in the idea that they have "already consulted" with their employees, starting the process off with a fight. Companies almost universally can't get their head around the fact that consultation and dictation are not the same thing.

The whole purpose of consultation is mitigation and understanding of the issues. Often

companies themselves do not understand the intended or unintended consequences of their actions and consultation provides an opportunity to change the outcome prior to making a decision to enact a change. If this is adhered to, often major dust ups are averted prior to them occurring, and the union is often able to alter the outcome from the initial proposal.

So, what to do if you hear of a change in your workplace?

When you are invited to a meeting regarding a change, NOTIFY a Delegate or an Official PRIOR to the meeting. If you are essentially tricked into one of these meetings, make sure the company knows the RTBU is your representative. This allows the union time to understand all the members issues and meet with the company, Delegates and members, and address issues proactively rather than reactively.

When it comes to safety, the same process applies. Changes to safety procedures are often just emailed. HSRs must be invited to consult and a HSR can ask the union to assist at any time.

In some cases, no amount of consultation will avoid a dust up and the RTBU will always be there for a fight. But the moral of the story is, if in doubt, ask the question of your Delegate or Official prior to the meeting. It is far easier to avoid a disaster than it is to fix one.

I would like to thank you all for your hard work throughout the year and wish you all a Merry Christmas and a Happy New Year. I look forward to working with you in 2018.



Joe Maisano

Organiser

MR4 CONTRACT - WHAT IS HAPPENING SINCE IT CAME INTO EFFECT

Once again, Metro Trains is up to no good, with job cuts occurring at North Melbourne Station. It was discovered by the RTBU through members that five jobs were secretly being made redundant without following the proper consultation process.

This is a complete attack on jobs and is in breach of the Metro Trains Rail Operations Enterprise Agreement 2015 - 2019.

Another attack from Metro that we are facing is the temporary closing down of Railway Stations like Gowrie Station. The reasoning that Metro provided for this was that it was necessary to do due to the Level Crossing Removal Project which is not the case, and now staff who work at

Gowrie are being sent to work at locations that are much further than Gowrie.

Some months ago when it was announced that Metro would receive the MR4 contract, announcements were made by the Metro executive team and senior management teams that there would be no job losses and/or redundancies under the MR4 contract.

It has now been two weeks since the commencement of MR4 and already there have been job cuts and the closing down of a railway station. This is a disgrace.

The Andrews Labor Government announced that under the MR4 contract there will be a huge Government investment in the Rail industry

with a growth in jobs as well as heavy investment in the Melbourne Metro Tunnel and Skyrail. The Andrews Government also committed to no job losses under the MR4 contract, which is a seven-year contract that we are only two weeks into.

But unfortunately, neither the Andrews Government or Metro Trains have stood by their word, and already Metro has decided to cut jobs.

I would like to assure members that the RTBU will fight tooth and nail to protect your jobs and we will continue to fight against Metro and their attack on your jobs.



Cathy Birch

Organiser



AROUND THE TRAPS

November has been yet another busy month with some great wins and fights. A V/Line staff member who was seconded was hit with a double whammy of the role and rate having been downgraded as well as a change in location on his return after the secondment. To add insult to injury, his pay was deducted with the incorrect 'overpayment' since the beginning of the secondment. This was successfully negotiated to the correct role and rate and we were able to secure an agreement that he would keep his original location when returning from secondment.

At Transport for Victoria, two staff who have been on fixed term contracts for well over four years have been offered ongoing permanent roles due to the protracted and persistent pressure brought to bear on this Government Department for failing to comply with the EA.

The "We wear your words" campaign by PTV will be rolled out across trams and trains in both Metro and V/Line in the new year. It will also be

reintroduced on buses because of the request put forward by a member who first noticed this on buses only in 2015. We are hopeful this will address much of the abuse that our front-line members receive from the travelling public.

Metro have once again reneged on their commitment to replace the roof at Kooyong Signal box, this having now been delayed several times. This is frustrating for staff working there as the long overdue internal building upgrades will only be done after the roof has been replaced. I have been requesting answers from many of Metro's managers in this area, however none of them have been able to give me an answer as to when this will finally occur. I will keep members updated as developments occur.

A regional member at V/Line was targeted for a redundancy. We were able to stall the process by holding the employer to account for a failure to consult about proposed organisational structure changes and major changes. As

the redeployment process had not been conducted correctly, we put it into dispute. This will keep him employed until they have made a genuine redeployment offer instead of expecting him to compete with all other applicants in their recruitment process.

Rail staff who are coming back from injuries that were sustained away from work, who are on a gradual return to work plan are being told the company is unable to have them return to work. The employers are advising staff that they are unable to return to work until they are fit and well to return to their full duties and the full number of hours and days per week. The employer is therefore failing to make a reasonable adjustment although the employee is fit to perform the inherent requirements of their role. This is something that we will continue to fight for into the new year.



Alice Dunn

Industrial Officer

3% PROJECT FACILITATION PAYMENT

The RTBU has recently taken Metro Trains to the Fair Work Commission on behalf of a group of employees who were not paid the 3% project facilitation payment (PF Payment) they were entitled to under the Metro Trains Melbourne Rail Operations Agreement 2015-2019 (the Agreement).

Employees engaged by Metro at the commencement of the Agreement were to be paid the PF Payment following the successful commencement of the Night Network Trial and full implementation of efficiencies and associated rosters. While most employees received their payment, some employees still have not been paid their entitlement.

Despite our industrial efforts the issue remains in dispute. We lodged the matter with the Fair Work Commission and attended a conference where a Commissioner encouraged the parties to try again to settle the matter. However, it has become apparent that Metro will not pay the employees their entitlements unless a court or tribunal tells them that they must.

This issue highlights the importance of securing fair wages and entitlements in an Enterprise Agreement. Some employers will try to save money any way they can, even where entitlements are bargained for and approved by the Fair Work Commission. The RTBU will fight to ensure that our members entitlements are not undermined.

To this end, we are now seeking that the Fair Work Commission find that Metro is in breach of the Agreement. While I think that we are on good legal ground, nothing is for certain and the Commission may rule against us. Nevertheless, this is still a fight worth having and one that we will continue with.





Darren Galea

Organiser

SAFETY AND INCIDENTS IN V/LINE



Over many years, conductors in V/Line have faced physical and verbal abuse from the public. This is not acceptable, and no member deserves to go to work and get abused.

The RTBU believes that safety is the number one priority and V/Line need to come to the table by providing a safer working environment for all staff.

It began a few years ago, when through pressure from RTBU Delegates and members, the RTBU ran a campaign to get two-up conductors on all services. Through this campaign, a working party was developed in which V/Line proposed a number of initiatives, however none of those being two-up conductors.

We will continue to work on this through 2018 and hope to have it resolved as soon as possible.

Since then, incidents continue to increase with some of the most recent being a passenger swinging a steele scooter at a conductor, passengers wreaking havoc on the trains, jumping on seats, drinking alcohol, swearing, fare evading, intimidating passengers and abusing the conductor if they attempt to pacify them.



Organiser Darren Galea with V/Line Conductors

The RTBU has written to James Pinder, V/Line CEO, Jeroen Weimar, PTV CEO and Hon Jacinta Allan, Minister for Public Transport in the hope of getting this resolved. Along with this, we have also officially request 70 more AOs to be employed at V/Line to increase their presence and hopefully mitigate some of the above issues.

Currently there are seven AOs within V/Line which is a cruel inadequacy when you compare it to the amount of services that are being run every day. AO presence can assist in resolving the issues that conductors are currently facing by helping to reduce assaults, abuse and assist during difficult situations.



RTBU Crew at the Webb Dock Picket

I cannot stress enough to all of our members the importance of putting in incident reports when something occurs. When it comes to tackling issues like these, the first thing that management does is look at the incident reports, so it is crucial that each and every one of you log an incident report when an incident occurs.

This will assist the RTBU in getting issues like these resolved in a much faster manner.

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