



ONTRACK

July 2015



Protected Industrial Action: Know Your Rights

What is protected industrial action?

Protected industrial action is taken for the purpose of supporting or advancing claims in relation to a proposed enterprise agreement. Importantly, where industrial action is protected, RTBU members have the full protection of the Fair Work Act. If you take protected industrial action you **cannot**:

- Be dismissed from your job
- Have your position altered
- Lose benefits such as annual leave
- Or be threatened with any of the above

When is protected industrial action authorised?

Protected industrial action will be authorised if more than 50% of employees on the roll return valid votes approving the action.

When can members take protected industrial action?

If the protected industrial action is authorised by the PAB, the action must start within 30 days off the declaration of results of the ballot. Before the action is taken, the RTBU must provide the employer with the relevant notice. ■



Welcome to OnTrack

At an RTBU Branch Executive meeting, delegates raised the importance of the Branch Secretary communicating more effectively with members across all Divisions about Branch wide matters and Union activities. The Executive was unanimously of the view that branch wide communication was particularly important in light of the challenges we face as one union from governments and operators.

To this end, a motion was passed directing the Branch Secretary to produce and distribute a Branch wide periodical newsletter.

I share the Executive's view that this is an important and effective way to communicate with members and supplement the important work already being carried out by each Division.

Given the current state of play with the large number of Enterprise Agreements that are currently being negotiated by your Union I thought it would be a good opportunity to get OnTrack started. I will endeavor to make this a monthly publication.

Although this edition of OnTrack has been mailed to you, going forward we will be emailing updates so if you have not registered your email address with the Union please call your appropriate Division.

I look forward to being able to report back on important Branch wide activities throughout the year. ■

Luba Grigorovitch
State Secretary

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The tone of the industry:

UNITED WE STAND

Secretary's Report | Luba Grigorovitch

Outcomes and standards for our industry often flow from these early agreements. It is now that the terms of engagement across the board will be established and we must all stick together in the fight as one.

Bargaining is currently underway for replacement Enterprise Agreements (EAs) with a number of employers in our industry. These include negotiations for EAs across all Divisions of the RTBU with the three major public transport operators in Victoria; Metro Trains Melbourne, V/Line and Yarra Trams.

On top of negotiations with these public transport operators, we have also commenced bargaining with John Holland, Alstom Ballarat, UGL and a number of labour hire companies, and expect bargaining will commence with the other employers over the coming months.

“The stakes do not come higher than this, but with your support, we can and will fight for a fair outcome for members across all Divisions of our Union.”

With a number of these EAs having now reached their nominal expiry date on 30 June 2015, members may have read that the RTBU has been forced to ramp up our EA campaigns and is preparing to take protected industrial action in support of advancing our claims in relation to a proposed EA for the Operations Divisions at both Metro and Yarra Trams. The stakes do not come higher than this, but with your support, we can and will fight for a fair outcome for members across all Divisions of our Union.

On 1 July 2015, the day after the nominal expiry date of the current Metro Operations Division EA, the RTBU lodged a Protected Action

Ballot Order application with the Fair Work Commission (FWC), to allow members the opportunity to vote for taking protected industrial action.

This decision to make the application followed many depot meetings, as well as a mass delegates meeting within the Rail Divisions where the message was heard loud and clear that the membership were tired of Metro refusing to play fair. Putting aside the fact that Metro deliberately delayed the commencement of bargaining, once bargaining formally commenced, Metro fell into old habits and after weeks of negotiations still showed an unwillingness to make available important information, which delayed negotiations on significant union claims to deliver protections to members.

As a result of the FWC approving our application, members covered by the proposed Metro Operations Division EA will shortly be receiving a ballot paper issued by the AEC in the post asking them to vote “Yes” or “No” on a number of proposed industrial action items.

It is important that members vote “YES” to all items of proposed

industrial action. A resounding vote in favour of industrial action will send the Company a message in the clearest terms that rail workers are serious about decent terms and conditions in this EA and are ready to take it all the way to see our demands through. The RTBU negotiating team's position will be immeasurably strengthened at the bargaining table if our membership is out in full force behind them.

Despite Metro's unacceptable offer to date, the RTBU bargaining team will push on with negotiations in good faith in the hope of reaching a fair outcome for members.

In a crucial development for our Union, the RTBU's Tram and Bus Division has now also lodged a Protected Action Ballot application for members in the Operations Division at Yarra Trams. This decision was not taken lightly, being actioned as a result of resolutions from all depots calling on the Union to take all necessary steps to advance the claims. The FWC approved the ballot order for protected industrial action on 15 July and members in the Operations Division at Yarra Trams can expect to receive ballot papers soon. Once again, a resounding vote in favour of all industrial action is crucial.

As for V/Line, whilst it is still early days as formal bargaining has only



just began after months of delays and ongoing pressure from the RTBU. The RTBU is committed to working hard to try and reach a resolution with V/Line as early as possible and now that the State Government has ticked off on V/Line's Log of Claims, there is no excuse for further delays. We expect that V/Line will come to the table and negotiate with the RTBU in good faith for a fair EA outcome for members in both the Operations and Infrastructure Divisions.

While each Division remains focused on the individual challenges of renegotiating their separate EAs, all Divisions of the RTBU remain united in our objective to achieve strong wage increases for members, in line with our previous agreements and to protect current conditions which are paramount to our industry. All six Divisions of the RTBU Victorian Branch are more united than ever and are determined to do everything we can to ensure a just outcome for our members in Victoria.

But we can only reap the dividends of a united front if it is reflected in the RTBU's rank-and-file. That is why it is so important that in the coming months, members across all sections of our industry are prepared to back

RTBU Women



Upcoming RTBU Women's Meetings & Events:

Wednesday 22nd July 10.30am Broadmeadows

Wednesday 19th August 10.30am Ballarat Station

Wednesday 16th September 10.30am Glenferrie Station

Wednesday 14th October 10.30am Geelong Station

Wednesday 25th November 11am RTBU Head Office (Annual Morning Tea)

December: RTBU Christmas party, Thursday 9 December

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each other up on the ground and with their feet in all matters including where industrial action is required.

We know that when the wages and conditions of any one grade or section of our membership come under attack, it always represents a threat to the standing of our entire industry. Nothing illustrates more starkly the need for solidarity across our entire membership than when an employer goes after the rights and conditions of one group of members. History tells us that in this industrial climate, soon your conditions too will come before the chopping block.

Your strength on the ground is essential to our success as a Union. Members must stand shoulder to shoulder with each other until this round of fights is won.



“
a good EA can give you and your colleagues certainty for the future and a level of pay that rewards you appropriately for your work.
”

Your EA: Don't miss the tram

Bob Nanva, National Secretary

Enterprise Agreements don't come around every week. But when they do, it's vital to make sure they count.

Your EA determines your pay and conditions. A lousy EA can therefore have a big impact on your life, and on your family.

On the other hand, a good EA can give you and your colleagues certainty for the future and a level of pay that rewards you appropriately for your work.

Employers like to pretend that EAs don't really matter – that EAs are just formalities and always sort themselves out. They want EA negotiations to fly under the radar so that no-one notices. They hope that worker apathy will allow them to get away with cutting your pay, chipping away at your conditions, and undermining your job security.

Your Union is working hard to get the best possible outcomes from the current EA negotiations in Victoria. The National Office is standing shoulder to shoulder with everyone from the Victorian Branch, and will support you all the way. But we're always stronger when we're working together. And when workers are united as one, we are powerful indeed.

That's why you can't afford to miss the tram on your EA. Get informed, get involved, and make sure your EA delivers. ■



RTBU 2015 EA SNAPSHOT

Whilst we are at different stages for each EA, we can report back on the following key updates:

John Holland EA

John Holland has proposed a 0% base wage increase over 3 years and near unlimited rostering rights. This has been voted down by the membership.

United Group Limited EA

UGL is in the very early stages. Notices of representational rights have been sent out to all employees and the unions have compiled a joint log of claims. This has been finalised and will be tabled shortly.

Metro Operations Division EA:

The FWC approved our application for a Protected Action Ballot, giving members the opportunity to vote for taking protected industrial action. Members eligible to vote should receive a ballot from the AEC from 23 July. **Ballot closes 7 August 2015.**

Metro Infrastructure Division EA:

Metro have proposed to hold off negotiations for 6 months; in exchange they offered the workforce 2%. RTBU members have unanimously rejected this offer.

Metro Rolling Stock Division EA:

Negotiations are underway. RTBU members have rejected Metro's claim to amend the scope of the agreement that would see many admin, technical, professional and supervisory members scoped out of this negotiated EA. Union meetings will be held over the coming fortnight at all Workshops to further discuss the detail.

V/Line Operations Division & Infrastructure Division EAs:

After months of delay and pressure by the RTBU, Notices of Representational Rights have now been issued by V/Line for both EA's, formally commencing the bargaining process. With the V/Line log of claims now ticked off by the State Government,

we see no reason for bargaining to be further delayed and expect log of claims to be tabled at the next bargaining meeting.

Yarra Trams Operations EA:

The FWC has also approved the Tram & Bus division's application for a Protected Action Ballot. This will give trammies the opportunity to vote in a PIAB conducted by the AEC. This postal ballot will commence on 28 July. **Ballot closes 11 August 2015.**

Yarra Trams Rolling Stock, Infrastructure, Administration, Technical & Professional EA:

Whilst there has been agreement on some claims, we are still far from reaching an overall agreement with a number of key claims still in dispute. Yarra Trams' refusal to acknowledge the contribution of its workforce in the company's recent success by way of a fair wage and conditions is disappointing and as a result the push for a fair and decent outcome will persist.

Enterprise Agreements with a 2015 nominal expiry date:

- Alstom Limited Ballarat Enterprise Agreement 2012 – 2015
- Bombardier Transportation Australia (V/Line Classic)
- Australia V/Line Maintenance Regional Sites Enterprise Agreement 2012-2015
- Bombardier Transportation Australia (V/Line Classic)
- Australia V/Line Maintenance West Melbourne Depot Enterprise Agreement 2012-2015
- Downer EDI Rail Dynon Maintenance Centre Enterprise Agreement 2012 - 2015
- Gemco Rail 2012-2015
- John Holland Pty Ltd Victorian Rail Agreement 2011 – 2015
- Rail Tram and Bus Union and Hays Specialist Recruitment (Australia) Pty Ltd Enterprise Agreement 2012 – 2015
- Rail Tram Bus Union and Safeworking Solutions Agreement 2012 – 2015
- RTBU and Wilson Security (Luggage Hall Operators) Agreement 2012
- Sunstone Resources and Rail Tram Bus Union Enterprise Agreement 2013 – 2015
- UGL infrastructure Caulfield Enterprise Agreement 2012-2015
- UGL Rail Pty Ltd Ballarat Enterprise Agreement 2013 -2015
- Victrack Enterprise Agreement 2012 -2015
- Victorian Public Service Workplace Determination 2012 (DEDJTR)

For in-depth details about your Enterprise Agreement contact your relevant Division.



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