



# RAIL TRAM & BUS UNION

Tram & Bus Division

Level 2 / 365 Queen Street  
Melbourne, VIC 3000

Telephone: (03) 9600 3410 Fax: (03) 9600 3610

Email: [trambus@rtbuvic.com.au](mailto:trambus@rtbuvic.com.au)

Website: [www.rtbuvic.com.au](http://www.rtbuvic.com.au)



## ATTENTION ALL MEMBERS

15 April 2019

### **BARGAINING MEETING FOR A NEW OPERATIONS ENTERPRISE AGREEMENT**

Today we met with Yarra Trams to continue bargaining for a new Operations enterprise agreement.

As you know, the RTBU log of claims consists of 107 claims that have been raised by our members with their delegates and endorsed by the union. We enclose a copy of our log of claims.

In our position paper tabled at the last meeting we indicated to Yarra Trams that we intend to bargain in relation to amendments to common conditions first; then new clauses for the common conditions part of the enterprise agreement; and then amendments and new clauses in relation to operational matters. Following comprehensive negotiations on these matters, we will make an offer on pay rises and increases to penalties and allowances. Our progress on terms and conditions will obviously influence our offer on pay rises and increases in penalties and allowances.

Today, we began the process of providing Yarra Trams with detailed explanation of our claims in relation to amendments to existing common conditions.

We will continue to keep our members updated on our progress.

Our next bargaining meeting is on 18 April 2019.



**Tarik Koç**  
Secretary



**Mario Mizzi**  
Assistant Secretary

# **RTBU Tram & Bus Division Log of Claims – 2019**

## **Agreement to replace the *Yarra Trams Enterprise Agreement 2015 – Operations***

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The RTBU Tram & Bus Division sets out its claims below. We reserve our right to add or subtract claims in the course of the bargaining.

1. Pay rises.
2. Allowances to be reviewed and increased.
3. Date and period of operation to be agreed.
4. Rollover clauses, subject to review and amendments referred to below. Remove redundant clauses, improve clarity of drafting and update references to legislation etc.
5. Review the current Consultation clause.
6. Review and amend current Dispute Resolution Procedure.
7. Review and amend Disciplinary Counselling Policy including by expanding its scope; inserting mandatory timelines; requiring policies and procedures to be followed; requiring that appeal decisions are binding on Yarra Trams; removal of historical disciplinary outcomes; re-drafting of disciplinary outcomes clause; insertion of travel time allowances for meetings.
8. Add to current Termination of Employment clause a requirement that all accrued entitlements, wages and separation certificates are to be provided within two days after the termination date.
9. Review and amend current Job Opportunities, Redeployment and Redundancy clause including by redrafting alternative offer clauses; remove the total cap in current clause on separation payment.
10. Amend current Pay-out of Accumulated Personal Leave clause so that employees are paid their accumulated personal leave/carer's leave on termination of employment.
11. Amend current Occupational Health and Safety clause to provide that occupational health and safety matters shall be dealt with in accordance with applicable legislation; insert provision for first aid training, OHS training and employee security.
12. Review and amend current Superannuation clause to provide that Yarra Trams make annual 15% superannuation contributions on total gross earnings and a provision that an employee can choose which superannuation fund the contributions are made to.
13. Review and update the current Accident Pay clause.
14. Review and amend current Income Protection clause to provide that Yarra Trams pay income protection on behalf of employees.
15. Review and amend current Late Pay clause including so that Yarra Trams will provide an employee with additional money for late payment.
16. Review current Hours of Work clause.
17. Review and amend current New Years Eve Service clause including to provide a bonus; additional penalty rates for work on 31 December and 1 January.
18. Review and amend current Australian Grand Prix clause to create a new Special Events clause. New clause to increase current allowance; protocol for PLDs and special events.
19. Review and amend current Annual Leave clauses including in relation to employees who intend to retire; insert a reduced requirement for notice of intention to take annual leave; Yarra Trams is not to mandate that an employee take annual leave; 1 week of additional annual leave for all employees; insert arrangement for purchasing leave and taking twice the amount of leave on half-pay; provide that the re-crediting process due to sickness applies to all forms of leave including PLDs and amend evidence requirements; insert provision allowing employee to take annual leave as personal leave (if an employee has no personal leave credit).

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20. Review, amend and expand current Paid Personal Leave/Carer's leave including in relation to employees who wish to retire; amend evidence requirements.
21. Review and amend current Compassionate Leave clause including by adding an entitlement to 3 additional days of paid bereavement leave on the death of a family member; amend evidence requirements.
22. Review and amend current Trauma Leave clause including by providing for up to a week of trauma leave; inserting a right to two weeks of trauma leave for employees involved in an accident involving a fatality; insertion of procedures for dealing with driver welfare.
23. Review and amend Family Violence clause to provide for up to 20 days paid leave.
24. Review and amend current Parental Leave clause including by providing special unpaid maternity leave for termination of pregnancy or illness; additional paternity leave; insert rights to be kept informed while on leave; insert protocols for temporary replacement employees.
25. Review and amend current Long Service Leave clause including by providing that an employee is entitled to take long service leave after 7 years (as per *Long Service Leave Act 2018* (Vic); remove reference to serious and wilful misconduct; insert protocols for taking leave and procedures to deal with disputes; insert a provision concerning employees who wish to retire; insert provision allowing employee to take long service leave as personal leave (if an employee has no personal leave credit).
26. Review and amend current Travel Authority clause to provide that Yarra Trams provide a travel pass to immediate family and a life pass to any employee who has completed 20 years of service and their immediate family.
27. Amend current Uniform Agreement clause to provide that employees will be provided with a uniform that is fit for purpose; covers all weather conditions; is functional; and made of quality material. Shorts to be provided to all female and male staff. Maternity uniform to be made available for female staff. Insert protocol for dealing with disputes about uniforms.
28. Review and amend current Facilities clause including toilet facilities and drinking water facilities.
29. Review and amend current Amenities Fund clause including in relation to use of funds and increase Yarra Trams contributions.
30. Review and amend current Medical Examinations clause including to remove redundant references and refer to the National Standard for Health Assessment of Rail Safety Workers; clause to refer to both periodic and triggered health assessments and paid time to attend examinations increased paid time to attend; insertion of a requirement that employees be sent to the closest clinic from their home or depot (depending on where they are leaving from); insert requirements that travel to any further testing and costs of any further testing be paid by Yarra Trams; employees to be paid per roster for any period of time that the employee is not working and is waiting for further testing; insert protocols for sending an employee for a triggered assessment; employees to be given a minimum notice period for periodic assessments.
31. Review and amend current Health Failure clause including removing reference to policy and inserting a requirement that employees deemed unfit, whether temporarily or permanently, but who have capacity for alternative duties, must be offered any suitable roles, including by providing any necessary training.
32. Amend current Union Delegates clause to refer to union delegates and union office holders working for Yarra Trams.

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33. Amend current Union Office/Phone and Noticeboards clause to refer to delegates, proxy delegates and union office holders working for Yarra Trams; review facilities at all depots.
34. Amend current Union Business Day clause to refer to delegates, proxy delegates and union office holders working for Yarra Trams; review uniform requirements.
35. Amend current Trade Union Training clause.
36. New clause – Health and Safety Representative. Clause to provide that the HSR is released to attend to HSR safety business one day each week.
37. New clause- Pay Slips. Clause will require information on pay slips to clearly set out all accrued leave, including sick leave.
38. New clause- Health and Wellbeing. Clause to provide that Yarra Trams will provide once a year reimbursement for goods and services that promote health and wellbeing including gym membership, sporting club fees, exercise equipment, weight loss programs and preventative medicine such as chiropractic services, osteopathy, myotherapy, physiotherapy etc; Yarra Trams to provide employees with free skin cancer checks.
39. New clause- Birthday Leave. Each employee covered by the Agreement to get a day of leave on their birthday. If an employee’s birthday falls on a non-working day, they will be entitled to birthday leave on what would have been their next working day.
40. New clause – Legal support. Clause to provide that any employee subject to a legal process that arises out of the performance of their duties is entitled to legal support paid for by Yarra Trams.
41. New clause – Heat Policy. Clause to include that a tram driver is not required to drive a tram if the air-conditioning is not working and the temperature is 32 degrees or over; employees working outside given the option of wearing standard issue shorts; customer service employees to return to an airconditioned office when outside temperature reaches 37 degrees.
42. New clause – Leave of absence. Clause to provide for an employee to take a leave of absence with a guaranteed right of return to pre-leave position.
43. New clause – Programmed Leisure Days. Entitlement to be set out in stand-alone clause; no mandatory requirement to take PLDs at certain times; ability to purchase additional PLDs; employees able to use PLDs as personal leave (if an employee has no personal leave credit).
44. New clause – Swapping Shifts. Clause to provide for policy on swapping shifts.
45. New clause providing that changes to all rosters require a minimum of 28 days’ notice to employees.
46. Policy to be inserted dealing with procedures for cancelled day off rotation for customer service and point duty to provide for fairness, transparency and next-in-line rather than reset.
47. CBM of roster to be paid at the rate of either the proposed change of roster or as per roster – whichever is greater.
48. CBM of roster times to be no greater than 2 hours.
49. Review broken shifts to provide for reduction of broken shifts.
50. Insert clause to provide for minimum turnaround times at terminuses.
51. Amend current rostering clauses to provide for 8 hour shifts over all days, Sunday to Saturday, in 4-hour halves.
52. Amend rostering clauses to provide for paid meal break of 1 hour maximum.
53. Amend Spare Shift clauses to provide that spare shifts are to be assigned to Tram Drivers.
54. Insert policy providing times for preparation of trams by employees at each depot.
55. Amend current Customer Service Rostering clause to provide an equivalent entitlement as the current straight shifts clause for officers.

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56. Amend rostering clauses to provide for a minimum of 12 hours between shifts for all employees.
57. Amend current Customer Service Rostering clause to provide that CSEs are to sign in at their depot and not at point.
58. Insert clause to provide for greater clarity of shift types in Relief Tables.
59. Rostering Guideline to be inserted into agreement.
60. Amend rostering clauses to provide for mandatory time for finalising and posting of the Christmas and New Year's roster.
61. Insert clause setting out safe journey times for tram routes.
62. Insert clause setting out procedure to be adopted in determining start and finishing times of timetables to eliminate extreme differences within the same roster.
63. Insert clause providing that Night Network Shifts for drivers to be no longer than 7 hours, plus a meal break.
64. Insert clause allowing employees to choose whether the calculation of overtime, DOCs, penalties and shift allowances is a) calculated on a 38-hour divisor or b) calculated on a 40-hour divisor with the difference allowing the employee to accumulate more than 13 PLDs per year.
65. New clause to provide that all time worked on a DOC to be subject to double time penalty rate for DOCs between Monday and Saturday and a double time and a half penalty rate for DOCs on Sunday.
66. New clause to providing an additional overtime penalty rate.
67. New clause to provide that all allowances to be paid on the penalty rate when the employee is receiving penalty rates.
68. Shift allowances to be increased.
69. Insert clause providing that when an employee is required to attend to perform any overtime, they will receive overtime payments for any time between performing overtime and the start or finish of their shift- to be calculated on a daily basis.
70. Increased penalty rate to be paid for work on Public Holidays.
71. Amend current Rostering clauses to provide that any overtime worked on an 8-hour shift be calculated that day and not at the completion of the week.
72. New clause providing that employee are paid the appropriate penalty rate for the time that they are working and not that which applies at the time of commencing the shift, so that if a shift commences on Saturday night and concludes on Sunday, then Sunday penalties will apply from midnight.
73. Amend Shift Allowances clauses to provide that late shift penalties for work on Saturday commence after 4pm.
74. Amend cancellation of rostered days off clause to provide that operations employees who work a DOC receive double time and a half for Sunday.
75. New clause to provide that employees working a DOC that is a broken shift will receive penalties and allowances for both the DOC and the broken shift at penalty rates.
76. Amend shift allowance clause to provide for 25% loading for afternoon shift and 30% loading for night shift.
77. New clause to provide a similar allowance to the Australian Grand Prix allowance for any CBM roster.
78. New clause to provide that training at foreign depot to include a meal allowance.
79. Higher Plainclothes Allowance.

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80. New clause to provide that any secondments to be paid at the higher rate and a procedure for automatic conversion to secondment position.
81. Footwear reimbursement to be increased for regular shoes and all orthotic shoes to be reimbursed in full.
82. All Meal Allowances to be increased.
83. Site allowance for CSE doing reconstruction work.
84. Abolish trainee wages for Tram Drivers.
85. Insert clause providing that, for safety of drivers, a live list of defects is to be posted so that each driver is aware of potential issues.
86. Insert clause that Long Service Leave be added to roster of leave.
87. Insert clause providing for increase in annual leave days on roster of leave.
88. Insert clause providing that any voluntary overtime of 2 hours or more must include a meal allowance to be paid at the end of the shift, before the overtime.
89. Insert clause providing for the release of female and female identifying RTBU members to attend RTBU Women's meetings.
90. Wage increases for Traffic Officer/Driver.
91. Insert annual bonus clause.
92. Insert clause providing that staff who are unable to attend company functions will receive a gift or voucher.
93. Amend current clauses to provide that after an employee has completed any probationary period, they are placed on the roster straight away and receive full wages.
94. Insert clause providing that all employees will receive a smart phone or tablet in order to access electronic notifications from Yarra Trams.
95. Insert clause to provide that lockers or safe boxes must be provided at each point location.
96. Insert requirement that Accident Reports, Special Day Reports Trainer Reports and all other work-related paperwork is to be completed during paid work time.
97. Amend Attendance at court as a witness clause of current agreement so that it applies to Tribunals and to matters related to work.
98. Amend Blood donor clause of current agreement so that all employees are paid 4 hours pay to give blood donations.
99. Amend Operation Rules and Procedures clause to include a reference to policies.
100. Insert clause providing for greater flexibility for employees to transfer between depots.
101. Insert clause requiring a review and document setting out career progression structure.
102. Insert clause providing an outdoor allowance to CSEs.
103. New Clause – Women's Advocates. Clause to establish rights for Women's Advocates at each depot.
104. New clause – Sexual Harassment.
105. New clause – Gendered Violence
106. New clause – Union Family Day
107. New clause – No extra claims.