



# RAIL TRAM & BUS UNION

## Tram & Bus Division

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## ATTENTION ALL MEMBERS

7 August 2019

### RTBU LAUNCHES IMPORTANT TEST CASE AGAINST YARRA TRAMS

The RTBU has commenced an important test case in the Federal Court alleging that Yarra Trams has breached the EBA and the Fair Work Act by denying our member his right to accrue annual leave while on WorkCover.

The RTBU says that it is clear that workers who are off work on WorkCover must accrue annual leave just like when they are working. No worker should be denied their entitlements when they are away from work due to a workplace injury.

We say that the law is clear. In 2017, there was a Fair Work Commission case that recognised the rights of injured workers in Victoria to receive annual leave while on WorkCover. The Fair Work Ombudsman advises employers that workers on WorkCover accrue annual leave.

When we found out that members who had been on WorkCover had not been credited annual leave, we demanded that Yarra Trams immediately credit members all of the annual leave they are entitled to.

Outrageously, Yarra Trams has refused to credit members with all their annual leave entitlements.

Because of Yarra Trams' stubborn refusal to do the right thing, the RTBU has brought the Federal Court test case. The RTBU is seeking a declaration from the Court that all workers who have been absent from work on WorkCover have accrued annual leave under the EBA and the Fair Work Act. The RTBU is also seeking penalties and costs against Yarra Trams.

The RTBU will not tolerate such appalling conduct from Yarra Trams. We will not hesitate to bring legal action to defend our members' rights.

**Tarik Koç**  
Secretary

**Mario Mizzi**  
Assistant Secretary