



RAIL TRAM & BUS UNION

Tram & Bus Division

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ATTENTION ALL MEMBERS

Friday, December 7, 2018

RTBU TAKES YARRA TRAMS TO COURT FOR DENYING OUR MEMBER UNION REPRESENTATION

The RTBU is taking Yarra Trams to the Federal Court of Australia alleging the company has breached the Enterprise Agreement by denying our member his right to have union representation.

Our member had been involved in an off-route incident. Subsequently, he was asked to attend a meeting with his Driver Team Manager. Our member agreed to the meeting but asked for his union delegate to be present at the meeting. The Driver Team Manager refused to allow our member to have his union delegate present and suspended him from duty. Unbelievably, he then received an "advise and instruct" disciplinary outcome the following day.

The RTBU says that, under the Enterprise Agreement, where a member is allegedly not conforming to required standards and/or where disciplinary action is being contemplated against a member, Yarra Trams must:

- inform the member of their right to have a union representative present;
- afford the member the opportunity to have a union representative present; and
- allow the member to have a union representative present.

Under the *Fair Work Act 2009*, Yarra Trams must not contravene a term of the Enterprise Agreement and if they do, they can be ordered to pay a monetary penalty.

The RTBU is seeking penalties against Yarra Trams in this case. A case management hearing will be held in the Federal Court on 1 February 2019.

Any member who is refused the right to have a union representative present at a meeting about performance or alleged misconduct should contact the union immediately. Any member who has experienced this conduct in the past should also contact us.

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

Tarik Koç
Secretary

Mario Mizzi
Assistant Secretary