

# RTBU EXPRESS



The Official Newsletter of the Rail Divisions of the RTBU Victorian Branch  
**VOL 5 | Issue 12 | 26 July 2018**



**Luba Grigorovitch**

State Secretary

## UNIONS UNITED TO OVERHAUL INDUSTRIAL SYSTEM

The right to strike and withdraw our labour, the right to say “no”, is a fundamental and basic human right that has been eroded in Australia, and too often completely denied.

As an issue important to many RTBU members, most recently, the union hosted and supported meeting of rank and file unionists across the movement to further develop and support the campaign. This is a conversation occurring at all levels at unions across Australia with rank and file members key to identifying and finding solutions to these problems. Thanks to all those who have called and/or emailed me to discuss ideas and experiences.

RTBU members across the country are aware of and conscious of the impacts these attacks have on bargaining and how we can demand a fairer workplace day to day. We need not look further than a handful of issues in our own backyard:

- The difficulties in EA bargaining with V/Line and the barriers put up by both the Fair Work legislation and the company to spoil member's capacity to fight, and our lack of options to defend against attacks between bargaining periods (consider V/Line's unsolicited attacks on conditions under the guise of “a new vision for training”). Currently it is illegal for workers to take industrial action outside of Enterprise Agreement negotiations.
- Needing to give sometimes 3-5 days notice to the employers even within a bargaining period gives corporations too much power to manage the impacts of industrial action. This often means that labour hire workers and non-artisans are too easily replaced by supplementary labour making it very difficult to hold large profitable companies to account.

- The unchecked powers of a government or minister to apply the “Fair Work” Commission to terminate protected industrial action democratically voted for by union members. This was the case in the Metro Trains Melbourne Operations Enterprise Agreement where the RTBU had to fight both Metro and the State Government to defend the basic right to withdraw our labour.

These issues have been naturally compounded in recent years through the efforts of anti-worker Federal Minister for Employment Michaelia Cash providing support to companies looking to steal working conditions and attack wages, and the Minister for Public Transport Jacinta Allan trying her best to look “tough on unions”. While we were successful in fending off this challenge in Victoria, our comrades in New South Wales at Sydney Trains were less successful, having their industrial action completely terminated.

If you ask the bosses, they'll tell you that this system is working beautifully. “A well oiled machine” they might say. But the reality is that this sample of issues in our back yard (the tip of the iceberg) is exactly why Unions are banding together across the country to change the rules.

In the current ongoing struggle between Victorian workers and global oil and gas giant Exxon Mobil, the workers at Esso Longford have been indiscriminately sacked and offered their jobs back at lower pay. This is the same technique used by CUB when they sought to use this system to slash wages at the brewery in Abbotsford. These workers have had injunctions placed on them and seen alternative labour crews brought in to do their jobs. This strategy of terminating enterprise agreements was first tested by the bosses at Aurizon rail in Queensland and has been

exploited by employers across the country ever since.

If we are to be deprived of a genuine right to strike, and then also face the potential to have our long negotiated enterprise agreements terminated, it is clear the rules are broken.

The Australian Council of Trade Unions (ACTU) held their triennial congress last week where these issues were discussed through a national perspective, identifying what issues have been encountered by unions across the country, building on the campaign to Change the Rules. With unions all united on this campaign, the corporations that think they govern Australia are on notice.

Workers and unions understand the power of unity when fighting a common enemy. Whether it be against an individual manager, company, an employer association or a government looking to undermine workers rights and conditions, unity and commitment to the fight is what will deliver results.

Corporate Australia has always sought to kick workers and their unions around, but united in our message and strategy we will fight them as one big “well oiled (justice) machine”.

The boot is now on the other foot. We know how to fight and we know how to win.

United we stand!

**Luba Grigorovitch**  
- State Secretary





**Alice Dunn**  
Industrial Officer

## LONG SERVICE LEAVE

Before we know it, enterprise bargaining negotiations will commence for some of our major enterprise agreements. This is a good time to take stock of the issues that we have been encountering. I am already receiving feedback from Members, Delegates and Organisers about what needs to change and I am keeping a list of issues to start a log of claims.

This is also an important time to reflect on the entitlements that we have won in the past. For example, the long service leave entitlements are significantly better than the legislated minimum in both the Metro Trains Melbourne Rail Operations Enterprise Agreement 2015 - 2019 (Metro Operations Agreement) and the V/Line Rail Operations Enterprise Agreement 2015 - 2019 (V/Line Operations Agreement).

Long Service Leave is provided for in state legislation. In Victoria, the Long Service Leave Act 1992 (LSL Act) provides that an employee is entitled to 2 months (about 8 and 2/3 weeks) of paid leave after 10 years' service with an employer. Employees who have completed at least 5 years' service are entitled to be paid a proportionate amount for long service leave on the basis of two months' leave for 10 years' service where their employment is terminated for any reason other than serious and wilful misconduct.

However, under the Metro Operations Agreement and the V/Line Operations Agreement our members are entitled to 13 weeks after 10 years' service. Under the LSL Act employees would have to work 15 years to accrue 13 weeks of long service leave.

The Metro Operations Agreement and the V/Line Operations Agreement also provide for long service leave to be paid out at a proportionate rate after 4 years were an employee to retire because of age or ill health, or if the employee dies or is made redundant.

Both enterprise agreements contain some extra provisions, however, they differ from each other in small ways.

The Metro Operations Agreement states that employees may apply to take their long service leave at half pay enabling employees to access twice the amount of time away from work. On the other hand, the V/Line Operations Agreement allows employees to access a proportionate amount of their long service leave after 7 years' service.

The V/Line Operations Agreement also states that the LSL Act applies where it deals with a matter not provided for in the Agreement. Further, the V/Line Operations Agreement states that where there is inconsistency

between the agreement and the LSL Act, the more beneficial entitlement applies. While these provisions are not specifically included in the Metro Operations Agreement, case law provides the same benefit for these employees (see Armacell Australia Pty Ltd and others [2010] FWAFB 9985).

These provisions highlight the superior conditions our members have secured through collective bargaining. Some bosses will argue that we are greedy in seeking to improve our circumstances but those same bosses are very quiet about how much they are getting paid. The reality is that inequality is growing in Australia and the myth of trickle-down economics is busted. The rich are steadily getting richer, the Guardian Australia reported the median pay for ASX 100 chief executive is \$4.34 million (see article by Osmond Chiu titled "CEOs don't understand how angry workers feel about executive pay dated" 17 July 2018).

We should be demanding our fair share of profits. That may mean increases in pay or it may mean better entitlements to paid time away from work. While my preference is to see increases in both, there is good research suggesting that increased leisure time results in increases in health and wellbeing. This suggests that the value of paid time away from work may be worth more than money in the bank.



# WINTER BEANIES

# DON'T LOSE YOUR HEAD



## Bryan Evans

Organiser

# HOLLANDS IN PRINCIPLE AGREEMENT REACHED WITH RTBU MEMBERS

The RTBU and John Hollands Group (JHG) have reached an in-principal agreement in what has been a marathon negotiation. The agreement makes great strides to delivering predictable rosters and establishing a fair work life balance.

Firstly, the new agreement solidifies the 36 hour week with tier one contractors in rail. John Hollands being the third contractor to lock in the long sort after condition. More importantly however, it delivers members the right to reasonably refuse proposed roster changes, giving members a rightful say in the

hours they work.

This agreement, which is a first for rail tier one contractors, adopts the extended hour provisions established in the Metro Trains Melbourne Infrastructure EA 2015 – 2019, as well as a construction appendix that was sorely lacking in the previous agreement.

Furthermore, the classification structure has been modernised to adopt the rail worker structure in which many members will gain an average pay rise of 6%. Finally, members are set to receive a 20% pay rise over four years.

This agreement will now set the benchmark for all tier one contractors in rail, delivering fair and equitable conditions to members and it is a big step forward in the campaign to standardise tier one conditions. John Hollands members have been extremely patient and disciplined throughout the course of negotiations and should be commended for that. I would like to thank all the RTBU members at John Hollands for their patience throughout these negotiations.

RTBU members met last week and endorsed the in-principle agreement.



## Cathy Birch

Organiser

# A WIN FOR FRANKSTON SIGNAL BOX – NEW JOBS FOR SIGNALLERS

Over many years, signallers at Frankston have sustained long standing and serious work cover injuries. This is due to the fact that Frankston signal box is one of the last “lever frame” control systems on the Metropolitan network.

Signals and points at Frankston are controlled by the signaller moving chest high levers which go through the floor into and out of the ‘frame’. The work is physically demanding and the high frequency of trains on the line throughout the entire day, and even more so during peak, exacerbates this. Trains leave Frankston every ten minutes off peak and closer to every five minutes during peak.

Unfortunately, many of the injured signallers

never returned to their pre-injury workplace. The RTBU and HSRs then intervened by writing to Public Transport Victoria (PTV) several times encouraging them to provide the funding to Metro for a two man rotation. A risk assessment was conducted in the signal box and the findings of this proved exactly what the RTBU had been saying. After the findings of the risk assessment were analysed, Metro agreed that a second signaller on duty would halve the number of trains a signaller had to pull levers for, and in turn reduce the incidence of injury.

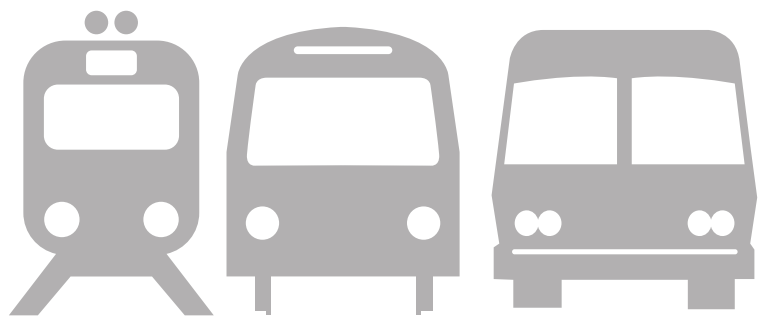
In June 2018, PTV advised us that the funding for an additional signaller had been approved. Further, at the Metro, Timetables, Rosters and Signalling joint Delegate meeting in early July,

Gordon Baulch, Head of Network Signallers for Metro confirmed that the recruitment process for filling the five new vacancies has started.

Unfortunately it has been a long-drawn-out battle to get this resolved however we are now close to a positive resolution which is a great win for members.

Nobody goes to work to get injured and remember that employers have a legal obligation to provide a safe work place.

**If you believe that your workplace is unsafe, please contact the RTBU at [safety@rtbuvic.com.au](mailto:safety@rtbuvic.com.au).**



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[rtbuvic.com.au](http://rtbuvic.com.au) | (03) 8630 9100

Level 2, 365 Queen Street, Melbourne, VIC 3000 [Ertd@rtbuvic.com.au](mailto:Ertd@rtbuvic.com.au) F 03 8630 9122



## DELEGATES MEETING DATES – AUGUST 2018

■	1 AUGUST	V/Line Central: 1130 - 1230hrs
■	1 AUGUST	Metro Northern: 100 - 1200hrs
■	1 AUGUST	North Melbourne AOs – C & D Delegates: 1000 - 1100hrs
■	1 AUGUST	TPH AOs – C & D Delegates: 1200 - 1300hrs
■	2 AUGUST	V/Line Southern Cross: 1000 - 1100hrs
■	7 AUGUST	Metro Caulfield: 1300 - 1400hrs
■	7 AUGUST	Pacific National MFT: 1400 - 1500hrs
■	9 AUGUST	V/Line Shunters – Southern Cross: 1100 - 1200hrs
■	14 AUGUST	Metro Central – Melbourne Central: 1100 - 1200hrs
■	14 AUGUST	Metro NSS / CCTV: 1100 - 1200hrs
■	15 AUGUST	MMAOs – A & C Delegates: 1100 - 1200hrs
■	16 AUGUST	Metro Burnley: 1100 - 1200hrs
■	20 AUGUST	V/Line Eastern: 1000 - 1100hrs
■	20 AUGUST	V/Line AOs: 0930 - 1030hrs
■	22 AUGUST	Metro Clifton Hill: 1000 - 1100hrs
■	22 AUGUST	Wilson Security: 1400 - 1500hrs
■	24 AUGUST	V/Line North East: 1100 - 1300hrs
■	29 AUGUST	Metro Northern: 1100 - 1200hrs
■	29 AUGUST	Malvern AOs – C & D Delegates: 1000 - 1100hrs
■	29 AUGUST	Hawthorn AOs – C & D Delegates: 1200 - 1300hrs
■	30 AUGUST	V/Line Southern Cross: 1000 - 1100hrs
■	30 AUGUST	Metrol, Timetables, Rosters & Signallers: 1000 - 1200hrs
■	30 AUGUST	Metro Drivers Allocation: 1330 - 1430hrs
■	31 AUGUST	V/Line South West: 1000 - 1130hrs





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### Contact us

**rtbuvic.com.au**  
**(03) 8630 9100**

Level 2, 365 Queen Street,  
Melbourne, VIC 3000

E [rtbu@rtbuvic.com.au](mailto:rtbu@rtbuvic.com.au)  
F 03 8630 9122

**State Secretary**  
Luba Grigorovitch

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