

RTBU EXPRESS



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Vik Sharma

Branch Secretary

READY TO FIGHT: EA BARGAINING TO GET UNDERWAY

The RTBU has spent the past few months doing the grunt work for the big year that lies ahead. With all major public transport enterprise agreements up in 2023, now is our chance to make our mark in a post-pandemic world.

Last year we started the process of identifying key claims by reaching out to members, conducting our EA survey, and evaluating the provisions of the current agreement.

As we have continued to review new legislation, explore claims, and hold discussions with members across the network, we have formulated strategy to tackle your agreements head-on and set a new benchmark for the years ahead.

Engagement with members across the network has clearly marked job security as the top priority followed by wages and increased powers to hold management accountable.

In the coming weeks we will be convening a meeting of all Delegates to discuss the detail of our core claims, agree upon strategy and establish representative bargaining teams.

With major projects coming online including level crossing removals, the metro tunnel, airport link and suburban rail loop now is a critical time for us to stay focused on the big picture and secure the conditions members will rely upon as we face continuing changes in technology.

We strongly encourage members to speak to their Delegates regarding the upcoming EA process.

As discussed with members last year, we will launch an EA website to provide members with timely updates.

In Solidarity,

Vik Sharma

Victorian Branch Secretary

Vale Hristos Tsirkas (1944-2023)

It is with great sadness that we inform Members of the passing of Hristos Tsirkas.

Hristos offered so much to the building of our union and took great pride in looking after all of his fellow railway workers.

Hristos was made a life member of the Rail Tram and Bus Union in 2018, in recognition of his contributions to the RTBU, as a Member, Delegate and elected representative on numerous RTBU committees over many many years. He retired in 2019 after 44 years at V/Line.

Hristos will be remembered by the RTBU for his all that he contributed, and he will live on through the many RTBU Members who called him a comrade.





Bryan Evans

Organiser

FOCUSED ON THE BIG PICTURE

Enterprise agreements are a major opportunity for unions to deliver for members. Working together we create a formidable force against otherwise multinational employers to get the job done.

Mid-year, the enterprise agreements covering the major public transport operators will be up for negotiation. This is always our chance to control the quality of our jobs, the benefits for members and their families, as well as the future of our network and our union for the next 4 years and generations to come.

It is currently raining money in rail, with scores of grade separations completed, underway, or being planned, the Metro Tunnel, Airport Link, Suburban Rail Loop, Inland Rail, new freight terminals and the Outer Metro Ring, reviving the future of rail freight. We have new fleets, such as HCMT, NGT and Xtrap 2.0 as well as a new ticketing system on the horizon.

The opportunities for the RTBU's members are endless, however with major change comes the risk of significant consequences. To ensure members are not walked over by multi-national corporations we must leverage our industry knowledge and stand together. If changes must occur, they must happen on our terms and for the benefit of all members.

The Infrastructure and Workshops Divisions stand on the forefront of these projects, getting a front row seat to these new technologies that will impact our network. These technologies are not on some distant horizon or foreign shore, they are just over the next hill.

This is not the first time we have stood on the forefront of technological change and historically the RTBU has proved that when we stand united, we achieve the best outcomes for members. We set the standard for our industry. Unity must be our approach over the coming months as we look towards the commencement of bargaining for

Metro, V/Line and Yarra EAs across Operations, Infrastructure and Workshops.

Members of the RTBU have achieved enviable wages and conditions by working together and fighting together.

Disunity provides nothing but an opportunity for the bosses to sit by the sidelines presumably gorging on copious amounts of fine wine and caviar as they rub their hands together at the thought of filling their own coffers as a product of our division.

These upcoming negotiations must be our focus. Our claims must be refined and precise. And while we cannot stop change, by standing together and using our knowledge as an industry union we can dictate what change looks like on our terms.

Let's be focused and get on with the job. This is Our Network, Our Agreement and Our Union.



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Workshops Division
Secretary: Paul Jumpertz

**Infrastructure, Workshops
& Labour Hire**
Organiser: Bryan Evans
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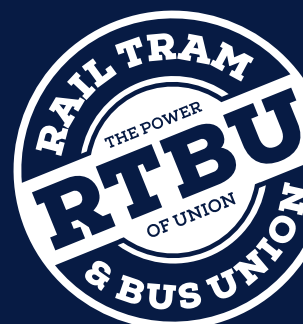
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Industrial Officer
Amanda Swayn

**Operations & Admin
Organiser**
Sally Van Bragt





Amanda Swayn
Industrial Officer

ENTERPRISE BARGAINING – THE LEGAL FRAMEWORK

As we head into another round of bargaining with the major employers, it is a perfect time to refresh your knowledge on the basics. The Fair Work Act 2009 establishes a set of clear rules and obligations about how this process is to occur, including rules about bargaining, the content of enterprise agreements, and how an agreement is made and approved.

What is an Enterprise Agreement?

It is an agreement negotiated at the 'enterprise level' between employees (unions are default bargaining representatives) and their employer. Often employees will also have a contract of employment, and employers will have company policies which apply in conjunction with the enterprise agreement. Contracts of employment and company policies cannot provide terms that are less beneficial than terms which are contained in an enterprise agreement.

What can be included in an Enterprise Agreement?

An enterprise agreement sets out the terms and conditions of employment between employees and their employer. However, there are limitations and mandatory requirements which must be met for an enterprise agreement to be approved by the Fair Work Commission. An enterprise agreement cannot be approved with a nominal expiry date of more than four years from the date of approval.

Mandatory terms include a disputes settlement procedure, a flexibility term, and a consultation term. Each of these terms must also meet other criteria, for example, the dispute settlement procedure must allow for either the Fair

Work Commission or another person that is independent of the parties to settle disputes in relation to the National Employment Standards. If each of the mandatory terms do not meet the requirements, the Fair Work Commission can in some circumstances replace the term at the approval stage with a 'model clause'.

There are also restrictions on terms which cannot be included in an enterprise agreement that are deemed 'unlawful'. These include but are not limited to terms which are discriminatory, terms which provide entitlements or remedies in relation to unfair dismissal before an employee has completed the minimum employment period, terms that exclude, or modify, the application of unfair dismissal provisions in a way that is detrimental, terms which confer right of entry entitlements, and terms which are inconsistent with industrial action provisions.

What are the rules in relation to how the parties act during bargaining?

Parties are required to act in 'good faith' when conducting bargaining. The requirements of 'good faith' are as follows:

- attending and participating in meetings at reasonable times
- disclosing relevant information (other than confidential or commercially sensitive information) in a timely manner
- responding to proposals made by other bargaining representatives for the agreement in a timely manner
- giving genuine consideration to the

proposals made by other bargaining representatives, and giving reasons for any responses to those proposals

- not behaving in a capricious or unfair way that undermines freedom of association or collective bargaining
- recognising and bargaining with the other bargaining representatives for the agreement.

The good faith bargaining requirements do not require a bargaining representative to make concessions during bargaining for the agreement or reach agreement on the terms that are to be included in the agreement.

What if my employer will not agree to our claims?

If negotiations reach an impasse, one of the options is an application to the Fair Work Commission for a protected action ballot. This is the process in which members are asked to vote on several different types of industrial action, which can include partial work bans, and full stoppages.

One thing you can do now to ensure your rights can be exercised if needed, is to ensure your address details with your employer and your union are up to date!

If you have questions regarding enterprise bargaining, reach out to your delegate, organiser or the office.





Victor Moore

Admin, Supervisory, Technical & Professional Division President

DRAMATIC START TO 2023

2023 has begun quite abruptly for Metro Station Staff who have endured many serious events. The rapid return of fine weather passengers to the rail network has led to several safety issues including a frightening increase in assaults and abuse directed towards station staff.

At Flinders Street Station, station staff have been punched, shoved, or threatened almost daily. These violent interactions are happening much too regularly at barriers, booking offices and on platforms. They are mainly taking place during the day.

In the western area of Flinders station, a new female station assistant was assaulted by an aggressive male passenger. He grabbed her by the neck and slapped the back of her head to intimidate her. No one should have to endure this abuse at their workplace.

As part of the Metro EBA, RTBU station Delegates and HSR's meet with management for post incident follow ups to provide members access to the Trauma Leave provisions, along with other welfare support. This process was undertaken with the female station assistant to ensure that she got the resources and support that she needed.

These aggressive confrontations have emphasised the urgency to employ new safety

measures to protect our members. These precautions may include training station staff to use radios so they can call for assistance. It could also involve having Police presence at barriers when troublesome individuals or groups attempt to re-enter stations. The implementation of these safety measures is currently being discussed and there will be more to report shortly.

The RTBU is committed to campaigning for greater legal deterrence against these abusive interactions and will continue to fight for the safety of our members.

In other news, the RTBU has been holding regular meetings regarding the barrier staffing trial at Flinders Street. This trial significantly extended the presence of station staff at barriers from opening to closing hours. An additional 50 station staff were recruited for this trial period.

After concerns were raised surrounding the impact of the staffing trial on rostered shifts, these were successfully altered to address members concerns.

However, the RTBU and Metro recently entered negotiations after management reduced the scope of the barrier trial period, which limited the number of station staff involved. To resolve this issue, a displacement process of positions

outlined by the Metro EBA will be offered to barrier staff in the trial. Weekly meetings between RTBU delegates and Metro management are occurring to oversee this process.

During early January, the RTBU held a meeting between Station Relievers and the SDM in the Southern group. These meetings were mainly conducted online and addressed concerns like the right to apply for 1 week of annual leave or single days, greater roster transparency and the implementation of an annual leave roster.

Metro management requested time to consider the issues that were raised. In a subsequent meeting, they acknowledged the right of station staff to apply for a 1 weeks leave and or single days. This was confirmed in an email that clarified the SM responsibilities in this regard. They also agreed that rostering visibility was an issue and that rosters should reflect the role being covered for annual leave relief purposes.

There is no doubt that Station relievers play a vital role across the system for both annual leave and short-term relief purposes. RTBU members in the Southern group are to be acknowledged for their tenacity in pursuing these important matters.



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