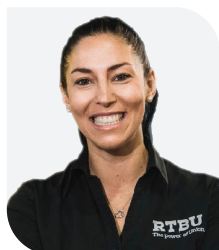


# RTBU EXPRESS



The Official Newsletter of the Rail Divisions of the RTBU Victorian Branch  
**VOL 8 | Issue 11 | Monday 20 December 2021**



**Luba Grigorovitch**  
State Secretary

## JOHN THELEMAQUE, LIFE MEMBERSHIP



It's my honour each year as Branch Secretary to confer lifetime RTBU membership on a member whose service and dedication to our Union, their fellow members and class of working people has gone above and beyond. The recipients of lifetime membership in previous years have often served as delegates or organisers, but not always. Their Union memberships has outstretched in years or decades those of most of us, including my own. They've come from all walks of life and areas in our public transport industry. But each and all of them are people who have spent their working lifetimes seeking to defend, support, educate and life up their workmates. They have sought no higher reward than to correct an injustice or offence and ensure solidarity prevails.

They are the best of our union because their driving ambition has been to rise with their fellow workers, not above them.

This year, we were thrilled to award RTBU life membership to our brother John Thelemaque. After a long career in which he served as a lead delegate in METROL, union divisional secretary & RTBU training officer, John retired from the industry earlier this year, and his working life sums up so much of the history and challenges our Union has faced and fought.

John Thelemaque joined the then Victorian Railways on the 10 September 1973 and the same month joined the then Australian Railways Union (ARU), one of the RTBU's predecessor unions.

He became interested in becoming a delegate back in 1988 when he was an Area Controller at METROL (the Train Control Centre), then located at 40 Batman Avenue, Flinders Street where Federation Square now stands.

The then Public Transport Corporation (PTC) wanted METROL Train Controllers to take over the responsibilities of the Area Controllers, meaning that no infield Signallers would have been able to apply for a job as an Area Controller. The METROL delegate at the time fought hard for the Area Controllers' group and won the war after many months of uncertainty. This was seen as a big win for the Union and was an early lesson for John.

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**Vik Sharma**  
Industrial Officer/  
Organiser

## V/LINE – UNPAID SUPERANNUATION



V/Line has not been correctly paying members' Superannuation. One issue is with the Super on overtime (OT) hours when those OT hours form part of the 76 hours guarantee for a full-time employee.

An RTBU member who is a conductor at Southern Cross, Jeremy Caldwell, raised this issue with V/Line in or around July 2021. In August 2021, V/Line conceded that the Superannuation Guarantee Contribution (SGC) should have been paid on these hours. However, no action has been taken to rectify this shortfall, despite V/Line acknowledging that workers are being underpaid.

We have written to V/Line expressing our frustration on the delay and stating that the delay was unacceptable.

In the letter we have also asked the following questions:

1. When will V/Line start making the correct Superannuation Guarantee Contribution (SGC)?
2. How and when will V/Line pay the SGC which has never been paid and was supposed to be paid?
3. What measures will V/Line take to address the shortfall in employees' super balances which has been caused by V/Line's failure to timely pay the correct amount of SGC? In other words, if V/Line had paid the SGC throughout the years when it was due, the applicable growth rate of employees' super funds would have been applicable to these funds as well.

Further, we have raised a second issue in the letter regarding the underpayment of Super. V/Line has not been paying Super on the annual leave loading. The Australian Tax Office's Superannuation Guarantee Ruling 2009/2 at [235] – [238] deems the annual leave loading as Ordinary Time Earnings ('OTE'), with an exception that annual leave loading that is payable under some awards and industrial agreements is not OTE if it is demonstrably referable to a notional loss of opportunity to work overtime.

We believe the annual leave loading is OTE and therefore should attract the SGC.

We have invited V/Line to provide their position on the matter.

We will keep you posted as the matter develops.

Stay united and stay strong!





John took over the rein as METROL Sub Section Secretary in 1995 for the TC4 signallers' group and his first big job ahead of him was to get all METROL Staff to join the ARU. No easy task in those days, as the METROL officers and some of the Train Controllers belonged to the Australian Services Union (ASU) which represented only officers of the Department and not the daily paid staff as were the METROL Area Controllers. This was eventually achieved and METROL became a strong power within the RTBU and many fights were won over many years with the assistance of the Union's officers.

Privatisation of the Railways in 1999 by Jeff Kennett, a devastating blow to public transport, was a huge job for the newly amalgamated Public Transport Union (later RTBU). Ensuring all staff's entitlements were transferred across to each of the new franchises was paramount. This opened John's (and many more delegates') eyes to how vital our union tries so very hard in protecting the members' working conditions and entitlements.

John took on a bigger role within the union in the following years of the 1990s and 2000s, becoming involved in enterprise agreement bargaining with other key delegates and Victor Moore at their side. These were challenging times, but John applied himself to the role and learned quite a lot regarding negotiation skills and how to read all the documents and fine details, as Management were very good in removing certain clauses that were agreed to.

When Connex took over the franchise in turn from National Express, the RTBU again had to negotiate with Connex pertaining to the Staff entitlements and again the RTBU delivered for the membership. John was released by Connex to the RTBU for a period of a bit over two years. During that time John represented quite a few members that have come under notice with termination. Some of these cases were very hard, however John still managed to save quite a few and many times where a person's job couldn't be saved, John ensured

Management allowed them resigned instead of termination, allowing them to keep payouts. Not easy feats by any means.

John subsequently became an acting but outstanding Rail Operations Secretary and completed several training courses, including a Certificate IV in training & assessment sponsored by the Union, Trades Hall and Victoria University. He consequently became the RTBU's Training Officer and conducted several classes for new and upcoming delegates, including an Authorised

Officer delegate by the name of Darren Galea.

After another excellent performance in the Union's Delegates' team during the fraught "handover" of the rail franchise from Connex to Metro in 2009, John was offered the role of Manager of Operations Network Signalling by Metro Trains. This was a dream job for John having worked in the rails his entire working life, but meant he had to resign from his roles as the Union's Administration Division President and on Union's executive, which he did with bittersweetness.

John's subsequent years as a Metro Manager did not in the least alter his commitment to the Union cause. He continued to look out for the best interests of workers and his fellow unionists before all else. He remained a great asset to us, and when Metro sought to sack him as a manager (I wonder why?), we assisted John in ensuring he continued as a manager over at V/Line.

John's lifetime membership was presented at our RTBU Christmas party at Trades Hall. Our previous RTBU secretary, Trevor Dobbyn, spoke on the day. Trevor was John's comrade in many past battles. John was typically modest, using his speech to illustrate how the blues he had been in were won by the Union and members sticking together, working through the issues collectively and fighting on until the end. The following RTBU comrades were also recognised with loyalty plaques for the many years' continuous membership of the Union and its predecessors:



## 50 years' membership

1. Dennis Earl
2. Claite Meunier

## 35 years' membership

1. William Atwood

## 30 years' membership

1. Timothy Ashcroft
2. Steven Campbell
3. Philip D'Souza
4. Shane Hommelhoff
5. Wayne Lawrence
6. Joseph Micallef
7. Inderjit Monga
8. Keith Rae
9. John Smithers
10. Robert Van Mierlo



I'm proud to warmly thank John and all our membership recipients for their lives of service and sacrifice for their fellow working men and women. Their living example of solidarity with their fellow workers is what makes our traditions come alive and readies us for all the battles we face today and tomorrow. Our power and success always depends on our solidarity. United we stand, fight and win. Now and always.

**Luba Grigorovitch**

State Secretary



## 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

## Infrastructure Division

Secretary: Jon Saw

## Admin & Salaried Division

Secretary: Steven Kozmevski

## Rail Operations Division

Secretary: Darren Galea

## Workshops Division

Secretary: Paul Jumpertz

## Infrastructure, Workshops & Labour Hire

Organiser: Bryan Evans

Organiser: Joe Dennis



@rtbuvic



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## Industrial Officer

Amanda Swayn

## Branch Divisional Organiser Admin/Rail Operations

Vik Sharma







**Bryan Evans**  
Organiser

**Joe Dennis**  
Organiser



## ARTC UNDER NEW MANAGEMENT

Those who closely followed rail events in 2016 will recall that the 2016 ARTC Enterprise agreement negotiations left much to be desired.

Members spent two years fighting tooth and nail defending themselves from ARTC's demands to strip away their hard-won conditions. Two years of negotiations, encompassing over 90 meetings and 18 months of industrial action later, the members won the dispute have kept their conditions and secured a modest wage increase.

Fast forward to 2021, and despite ARTC claiming to be under new management, the RTBU was

poised for a rematch, expecting more of the same if not worse. However, in what can only be described as a jaw dropping experience, the RTBU is pleased to say that the 2021 EA has been quick to right old wrongs, and after only 4 meetings, an in-principal agreement has been reached subject to members' approval.

### The proposed new agreement delivers:

- Locked-in training opportunities delivering Automatic progression to level 4
- Provides members the right to elect to progress to Level 5

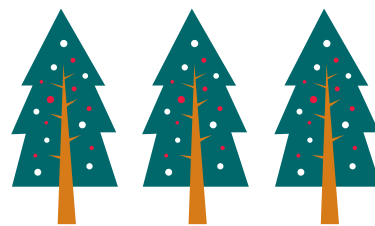
- Recognises value in experienced workers in the form of an All-purpose allowance
- 8% wage increase
- Significant wage increases through reclassification (10-44%) over life of agreement.

Last week meetings were held across the ARTC Network, and the agreement was overwhelmingly endorsed.



**Darren Galea**  
Organiser

## AROUND THE TRAPS



Over the past few months, it has been great to be back on the network, attending Delegate Monthly meetings and Induction classes.

Induction classes are a great opportunity to introduce new members to the Rail, Tram and Bus Union. As the Rail Divisions Secretary, I am very grateful to have the opportunity to attend these classes in person, and to meet new members.

Although the RTBU makes every effort to always attend inductions, we can't meet everyone. This is where it's important that members are there to introduce people to the Union.

I encourage members to also take the opportunity when meeting new co-workers to discuss joining the RTBU. Introduce them to their Delegate and let them know that we are strongest as a collective when we are united together!

United we stand, divided we fall.

I wish every member a Merry Christmas and a happy New Year, and I look forward to seeing everyone in the new year.





**Victor Moore**

Senior Branch Vice-President

## METRO STATIONS UPDATE

In what is a busy run up into Christmas and the New Year, delegates and members in Metro continue to campaign and fight on many fronts.

The so-called Metro stations restructure and associated rosters continue to dominate discussions between the RTBU and Metro management.

Under the cloak of Covid, Metro management have tried all sorts of manoeuvres to ignore consultation with station staff, despite members having many years of experience with station operations. 9 months later, we finally have a large number of the pressing issues resolved.

As we approach 2022 there will still be some significant issues regarding classifications and application of acting in higher provisions that will still be the focus and potential for significant dispute.

But the overarching concern remains the high level of station staff vacancies across the suburban network. Any new rosters are immediately put under the pump and become problematic if they cannot be covered. The RTBU will continue to campaign on this issue as

passengers continue to return to the network.

Metro, in a desperate gamble to accrue more revenue, have tried to get station staff to close station barriers at all times, which has only led to confusion and resentment as revenue is put before safety.

Staffed stations are safer stations and the current level of vacancies is only making a bad situation worse.

Station staff at barriers and ticket offices have been subject to both vile abuse and threats of assault and actual physical harm from some passengers during the Covid Lockdowns.

There is no indication that this will lessen as passengers return in the normally fraught Christmas period, on top of COVID-19 (and now the new strains), train delays and the suspensions of train services due to "Police Operations".

Metro's response remains at odds with its stated safety aims and the RTBU will continue to fight for a safe working environment for our members regardless of grade or location.

To help with this, members are advised to report

any actions by passengers that are abusive, threatening and especially physical threats or actions. Don't forget to forward the reports to your RTBU delegate and HSRs.

It is important that this is done so you have hard, solid evidence that is available to all including RTBU delegates, HSRs, RTBU members and management. This is especially useful in identifying trends and stations with ongoing issues and it is information that must be available to all and not locked away in Metro's secret vault to be hidden and ignored.

Successful campaigns need members' input and active participation. The issues of safety and station vacancies will be a major campaign as we fight to ensure safety for members, job security and job promotion, etc. As we all have learnt from the campaign around the station restructure and all the associated issues, we need to live by the old union saying:

Dare to struggle, dare to win!

If you don't fight, you lose!

## Legal services for RTBU members



**OUR LAWYERS HAVE DECADES OF EXPERIENCE ACROSS ALL AREAS OF THE LAW RELEVANT TO RTBU MEMBERS. WHATEVER YOUR LEGAL NEEDS ARE, WE CAN HELP.**

### We can help with

- Work injury claims
- Transport accident claims
- Asbestos and silicosis claims
- Injuries in public and private spaces
- Medical negligence claims
- Family law
- Criminal defence
- Will and estate (including disputes)
- Professional negligence claims
- Superannuation and personal insurance claims

### Get in touch

We provide free initial consultations to RTBU members and offer substantially discounted rates for legal work, including free basic wills.

We're lawyers who want to use the law to do good. We're for working people. We're for RTBU members.

**Call 1800 21 22 23**

[gordonlegal.com.au](http://gordonlegal.com.au)

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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)  
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