

RTBU EXPRESS



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Luba Grigorovitch

State Secretary

METRO BRING ON NEXT FIGHT OVER ENTITLEMENTS

In what begins to define a new low for Metro, the RTBU has been forced to lodge a dispute over the company's refusal to accommodate and maintain the salary of a pregnant employee.

Where it should be each individual's right to determine their capacity to work in consultation with their own Doctor, Metro have sought to prematurely transfer an employee from her usual duties, reducing her take-home pay. The RTBU is aware this may have happened to others in the past who may not have sought representation over the issue.

The Metro Rail Operations Enterprise Agreement clearly states that when a medical practitioner has deemed a pregnant employee's usual duties unsafe, they will be transferred to a safe job, on the same terms and conditions (full rate of pay). If no safe job is available, the base rate of pay applies.

Clause 2.8.7 states:

- Where an Employee is pregnant and, in the opinion of a registered medical practitioner, illness or risks arising out of the pregnancy or risks with the work make it inadvisable for the Employee to continue work, the Employee will, if the company deems it practicable, be transferred to a safe job at the rate and on the conditions attached at the Employee's full rate of pay prior to the transfer until the commencement of Parental Leave.
- If the transfer to a safe job is not practicable, the Employee may ask, or the Company will pay an eligible Employee 'no safe job' pay. If the Employee is not eligible, they may be required to commence Parental Leave for such period as is certified necessary by a registered medical practitioner. In such cases the fourteen (14) week period of Parental Leave will then be due to commence.

The RTBU believes that even the minimum national employment standards (NES) would offer eligible employees' better coverage than Metro are willing to concede, so off we go to the Fair Work Commission!

This week the RTBU Women's Committee, which has been successful in advocating for better inclusion of women in the rail and public transport industry including amenities and advocacy on the job, passed the following resolution:

Having heard the shocking story surrounding Metro's failure to abide by their enterprise agreement terms in respect to the entitlements of a pregnant RTBU member to her pay and conditions, this meeting of the RTBU Women's Committee instructs the RTBU to run a loud campaign to ensure full entitlements are recognised and paid for all employees in need of transferring to a safe job during pregnancy.

Women's rights at work are essential and this unfair treatment by Metro not only discriminates unfairly on one of our Sisters, it also threatens all others seeking to access the same provisions to support their families and goes against the essence of the National Employment Standards. It affects not only current, but also future employees and the entitlements of wives, sisters and daughters, as well as any members who have already experienced similar treatment.

This meeting acknowledges changes negotiated in the 2019 Metro enterprise agreement to ensure these entitlements were observed by Metro and condemns Metro for their failure to properly support women across the industry.

The RTBU Women's committee encourage women across the network to speak up and share their stories to ensure we leave no stone unturned. We instruct the RTBU to communicate this with members and ensure justice is served for all members affected by Metro's attacks on wage entitlements and working conditions.

Unfortunately, it comes as no surprise to see Metro attacking vulnerable staff in a bid to consolidate their budgetary bottom line and protect international shareholders over Victorian workers.

While the RTBU will run this case all the way to hold Metro accountable across the board, this fight should also serve as a reminder to others to come forward and seek advice or representation wherever there is a change to your standard work arrangements. Should we be successful we will be looking to run backpay claims for any other members who Metro have sought to swindle!

The RTBU will keep members informed of developments on this campaign.

We encourage all members who have experienced a similar situation to get in contact with the RTBU via rtbu@rtbuvic.com.au.

Luba Grigorovitch
State Secretary



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Vik Sharma
Industrial Officer/
Organiser

Darren Galea
Organiser

AROUND THE TRAPS

Risk assessments

It has been over 18 months since the pandemic first broke out. During this time, the HSRs, Delegates and all the Members have worked tirelessly to conduct risk assessments with varying risk profiles across the network. The risk assessments have been critical in ensuring that the essential frontline public transport workers have a safe workplace so they can keep Victoria moving in these tough times. We commend the work of all Members who have embraced countless changes in workplaces and work practices to deal with this monstrous pandemic. We must continue to hold discussions, assess risks, and develop strategies around them to keep moving forward.

Recent COVID outbreak on the network

With changes to work practices, public transport workers have managed to largely keep COVID out of the PT network for a very long time. However, in the past few weeks, a several workers have tested positive with many more isolated as a preventative measure. We remain hopeful that the impact of the recent outbreak in V/Line will be limited and will quickly recover. We encourage everyone to continue using the QR codes, practice mask compliance and adhere to COVID

safe plans. We have had reports where members believe their COVID plans may not be apt. We advise you to contact your organiser/HSR/ Delegate immediately if you believe your COVID safe plans are not readily available or if they are not suitable to your workplace.

With the recent outbreak in V/Line all the PT operators have ramped up their contract tracing practices. RTBU members from many different departments have stepped up to help control and trace the spread.

Moving forward

It appears governments both at federal and state level are moving from the initially proposed elimination strategy towards 'living with COVID'. We have been working closely with the Department of Transport, Department of Health and all the different PT operators to advocate for Members' right to safe workplaces. We will continue to work in consultation with Members as we work to recover sustainable patronage and restore confidence in our public transport system for the benefit of all.

For any queries, feel free to contact **Darren Galea via 0407 512 494 or Vik Sharma via 0413 363 923.**



Joe Dennis
Organiser

A WIN FOR V/LINE INFRASTRUCTURE MEMBERS!

Recently we approached V/Line to get some clarification around an existing clause in the Asset Enterprise Agreement (EA). The clause was in relation to work within construction areas. Members should be getting paid double time while in the consultation zones but were not.

With Victorian rail booming and projects in all regions, members were constantly working in these construction zones and not being paid the correct allowances.

The EA has been in place since January 2021, meaning that members are entitled to back-pay of the rates. The RTBU placed this issue into dispute as we believe the company should uphold the agreed clauses in the agreement.

V/Line responded with an email stating that they were happy to pay from this point but were not willing to back-pay. The RTBU's Industrial Officer Amanda Swayn responded formally requesting in writing that the company back-pay or the RTBU will take the issue to the Fair Work Commission

This week the company conceded to back-pay to the start of the agreement.

In the projects and infrastructure areas, COVID-19 continues to be the most pressing issue. The RTBU and rail companies will continue to work together to ensure our members are kept as safe as possible and informed of changing circumstances.

If you have any questions, please don't hesitate to call me on 0403 863 869. I look forward to seeing you onsite soon.

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