

Membership Newsletter

January 2021
Volume 3 Issue 1



RTBU WA PTA BRANCH UPDATE

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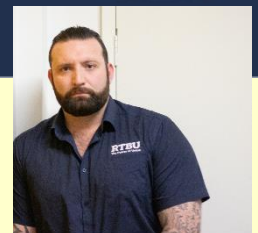
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Union Meme!

When your boss asks for proof you're
in hospital



Secretary's Address



The Australian industrial arbitration system has always been stacked against the working class, most obviously in the long-standing restrictions on the right to strike.

Some of you may be aware of the of the Clarrie O'Shea strikes of 1969 in where the industrial court and the conservative Menzies government jailed union leader Clarrie O'Shea for refusing to allow the court access to his union's accounts.

The Tramways Union (now a part of the RTBU) had been fined under the penal powers, the coercive sections of the Arbitration Act, for taking industrial action. The penal powers had been used by the bosses more and more frequently in the lead-up to 1969, leading to bitter hostility amongst the working class. The reaction to the jailing of O'Shea was immediate. Across the country somewhere in the order of one million workers stopped work in the week following the jailing. The O'Shea strikes made the penal powers a dead letter.

However, over the last two decades unions have increasingly faced a regime of legal sanctions as we continue to see anti-union laws and restrictive wages policies introduced into parliament.

The lessons of the past are this though. Workers run our world, and they have the power to stop everything in defence of our rights, democracy, and freedom. That power still lies dormant in us. If we read the stars a constellation resembling O'Shea and his 1 million fellow strikers may reveal to us a path forward. As O'Shea said, if you don't fight, you lose!

In Solidarity!

A Quote with Relevance

"Power concedes nothing without a demand. It never did and it never will."
— Frederick Douglass



Service Directory

DIRECT REPRESENTATION

The RTBU regards any issue of concern associated with your employment as a legitimate matter and will ensure that appropriate assistance is provided to you. Speak to your local RTBU Delegate or ring the RTBU office for help, guidance, or representation.

WAGES & CONDITIONS

Members' terms and conditions of employment are covered by enterprise agreements negotiated by the RTBU or the relevant award. For all inquiries regarding wages, your current classification, higher duties, all leave entitlements including maternity, paternity, overtime penalties and other rights and entitlements, we are here to help.

WORK INJURIES AND ILLNESS - COMPENSATION AND REHABILITATION

If you are injured at work or your work contributes to or causes an illness, report it immediately. Contact your Delegate or the RTBU to obtain advice about your rights and entitlements and to assist with any paperwork. The RTBU can refer you to our solicitors if necessary, for any follow up action required. Members who are injured have a right to proper and effective rehabilitation. The RTBU can also assist in this area if you are concerned about the treatment you are receiving from an employer.

UNFAIR TERMINATION

The RTBU will not tolerate the unfair dismissal of a member. Members who unfortunately suffer such treatment by their employer should contact the RTBU for immediate assistance. Legal rights exist to gain reinstatement and/or compensation, which the RTBU can provide advice and assistance about. Even forced transfer to a lower classification can amount to unfair dismissal. Members should report any threat of termination to their Delegate, Organiser or the RTBU Office.

EQUAL OPPORTUNITY AND DISCRIMINATION

All workers have the right to be treated equally at work - the RTBU will not tolerate discrimination. If you feel you have been treated unfairly, contact your Delegate or Organiser.

SEXUAL HARASSMENT

Sexual harassment is anti-worker and is a serious and illegal offence and **NO WORKER HAS TO PUT UP WITH IT** - contact the RTBU Office for confidential and effective advice.

CHANGES AT THE WORKPLACE

RTBU awards and agreements require employers to consult with the RTBU about any changes in the workplace which may impact on employees. The RTBU will ensure changes are not implemented without members having had a say and their concerns addressed.

HEALTH, SAFETY & WELFARE

The RTBU is concerned to ensure that no member is placed at risk in his or her work environment. Occupational Health and Safety Representatives (HSRs) have been elected in most workplaces to support and advocate for your safety at work. If you are concerned about any aspect of your health and safety at work, talk to your local HSR or RTBU Delegate or ring the RTBU. The RTBU will also provide advice and referral regarding welfare, drug and alcohol assistance.

LEGAL SERVICES - FOGLIANI.LAWYER

Cory Fogliani from Fogliani.Lawyer is one of our officially endorsed legal representatives of the Rail, Tram and Bus Union. As part of his commitment to the industry, he extends worthwhile legal services benefits to all RTBU members.

INCOME PROTECTION

RTBU members have access to income protection through All Risk Protection Pty Ltd. For more info visit www.allriskprotection.com.au

RTBU MERCHANDISE

The RTBU offers a small range of merchandise for members to wear RTBU loud & proud. Look good and let everyone know what team you're on.

OTHER BENEFITS

Long Service Leave, Annual Leave, Sick Leave, PDO's, Bereavement Leave, Maternity / Paternity Leave, RTBU Diaries, ShopRite discounts, Shift Penalties, Membership Newsletters, RT Health Fund, Policy Reviews, Legal Advice, Free Standard Will, Journey Cover etc. For further or additional information on the above, contact your Delegate, the RTBU office, view the Membership Booklet or visit the RTBU website today.

Safety Matters!

The draft Fatigue Risk Management Guideline, recently published by the Office of the Rail Safety Regulator (ONRSR), outlines the steps that rail transport operators should undertake to manage fatigue-related risks of rail safety workers.

The draft suggests that high fatigue risks may be offset through other factors. The draft gives the example of work that must be done at night which increases the risk of fatigue because at the times alertness is reduced and it is not possible to obtain night sleep, which is most efficient for recovery. These factors could be offset by shortening the total length of night shifts, minimising consecutive shifts, or implementing a reset break between sequences of night work to allow time for recovery.

Our Union wrote in a submission to the guideline that the approach of “offsets” would undercut safety.

“By taking a non-prescriptive approach, the draft guideline pushes the burden of risk management assessment onto operators. Ultimately that means people who are untrained in this field, and/or have little exposure to the needs of the working environment, will be required to make subjective judgements about safe practices.”

Under the Rail Safety National Law, transport operators are required to, so far as reasonably practicable, ensure that rail safety workers do not carry out rail safety work while impaired. To meet this requirement, transport operators must have a safety management system that includes a fatigue risk management plan.

In addition, States such as Queensland and NSW have additional requirements such as prescribed hours of work for train drivers. Drivers tend to be largely limited to nine hours in one-person operation and 12 hours in two-person operation where the second driver is a qualified train driver.

ONRSR Chief Executive, Sue McCarrey said that safety risks were not affected by more proscriptive regulation.

“ONRSR’s 2018 review of the fatigue risk management arrangements under the RSNL found no conclusive evidence to demonstrate that jurisdictions operating under a full risk-based framework for all rail safety workers pose any greater rail safety risk than jurisdictions which have prescribed hours for train drivers”.

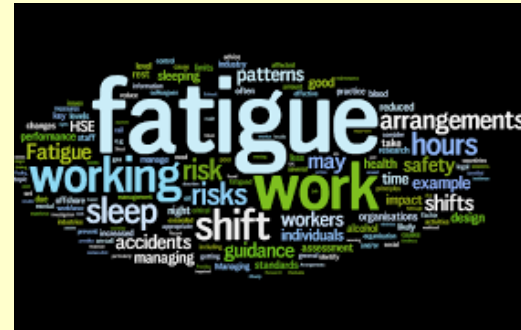
Sue McCarrey went on to express in an article written in the RailExpress that the draft guideline was developed with expert input.

“As part of the fatigue risk management review, ONRSR engaged two fatigue experts to develop principles of rest and recovery which address key factors associated with the scheduling of work. An essential element of the fatigue risk management process is how the principles interact. If work schedules have an elevated fatigue likelihood, this can be managed via offsetting principles to manage the risk to safety or by introducing other controls to reduce rail safety risks.”

In response, our Union wrote to ONRSR that the national standard should follow the regulations in Queensland and NSW.

“Any application of a risk management approach in the Australian rail sector must be done within the constraints of clear, prescribed minimum standards. The RTBU contends that the strict standards regulating hours of work for traincrew in Queensland and NSW should be considered as industry best practice when it comes to fatigue management.”

Rest assured that we have criticised the draft Fatigue Risk Management Guideline and have argued it undermines safety. Our fight on fatigue continues!



“Any application of a risk management approach in the Australian rail sector must be done within the constraints of clear, prescribed minimum standards.”



Sick of Backpay

Recently the PTA completed an audit as demanded by our Union regarding the refusal of 'sick' leave entitlements for Transit Officers who had a legitimate claim. This came about after evidence was brought to us by members that management were declining their applications despite meeting the requirements for approval. As a result, we saw approx. 400 hours or \$14,000 of owed entitlements paid out to members.

This is a reminder to all members that sick leave or leave for illness or injury is no longer just a medical certificate from a certified medical practitioner but will now also include a certificate from a

Good Governance

After every financial year (Jan 1 - Dec 31), the PTA Branch is required to engage an auditor to prepare certain financial reports under the *Fair Work (Registered Organisations) Act 2009* (Cth), and the State Branch under WA's *Industrial Relations Act 1979*. These audits will commence in March. The Financial Returns and the Officer and Related Party Disclosure Statements will be available on our website once complete.

Shop Right!

Having been a member of our Union since I joined the PTA in 2006, I must say I am a little annoyed at myself for not utilising ShopRite's services until the last few years.

Recently I required a new toaster and a new washing machine. I located the model of each one at the cheapest price I could find and then contacted ShopRite to put them to the test to see if they could really save me money on these goods.

ShopRite within a matter of hours managed to reduce the washing machine price from \$1,298 to \$1,170 (\$128 saving or 9.86% off) and \$198 to \$167 (\$31 saving or 15.66% off).

To save me even more money, as it was Harvey Norman who had the goods, ShopRite advised me I could purchase Harvey Norman gift cards through them that I would be able to knock off an additional 7% upon purchase. I managed to then purchase \$1500 in gift cards for \$1395 (\$105 saving).

My membership with the RTBU, which I still pay just like you, saved me a total of \$264. Take advantage of these premium member benefits and you may find your membership with the RTBU does not cost you a cent.

Yellow Brick Road

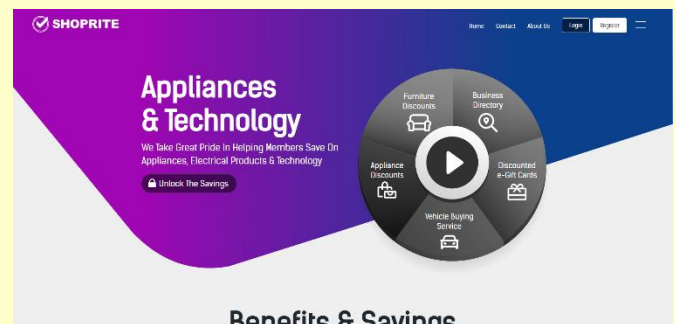
Our Admin Assistant Welmarie Engelbrecht (Val) has given notice of her intent to leave the RTBU WA family now that she has completed her studies and decided to follow the yellow brick road to a full-time position with the Department of Finance. We thank Val for all her efforts. No doubt we all wish her the best as she commences her new job on the 18th of January. Val will be replaced by the lovely Claire Montgomery. We ask you be patient with Claire as she learns the ropes of her new position and welcome her to the RTBU team.

Pharmacist or registered health care provider; or other evidence of the illness or injury acceptable to a reasonable person.

We are still waiting on the PTA to release an 'Industrial Circular' that will be advising all areas and employees within the PTA on the expanded evidence requirements related to each type of leave and their examples of evidence acceptable to a reasonable person.

In the meantime, we are also seeking to have wording inserted into agreements to reflect the improved evidence requirements, not only for PTA members but for all members. We have had success in recent EDI Bombardier Maintenance negotiations with the employer agreeing to the insertion.

We are currently exploring another possible back payment issue re Public Holidays that may expand for all members. Another watch this space!



Shop Right with ShopRite!

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