



RTBU

RTBU WA PTA BRANCH UPDATE

VOLUME 3 ISSUE 5

SECRETARY'S ADDRESS

There is a smart way to handle a crisis in any community.

Listen to the predicament people are in. Include them in the process of finding solutions. Outline the goals you have set in consultation with the members of that community and why it's important to reach them. Provide clear and unequivocal communication of what needs to be done and why. And above all – make sure the people who are most affected by your actions feel included, valued, heard and important.

Then there is the SPC way – ruling by proclamation and press release.

Early August, the food production giant unilaterally proclaimed 'a no job, no work policy' for its workforce, demanding that workers book themselves in for a vaccination shot by September 15th and show that they have received one dose by October or forget about showing up for work. This company did not have any dialogue with the workers, instead they sent an email to the union [AMWU] at five o'clock the night before they decided to publicly announce that they were going to introduce this policy.

The demands made by the food giant, responsible for some of Australia's biggest brands such as Goulburn Valley Fruits and Ardmona, simply isn't based in reality – especially when SPC workers under 40 still weren't eligible to book their recommended vaccine. For a company that should know how important it is to have stock on the shelves, they clearly haven't looked in the store window. The real problem is people cannot get vaccinated who want to get vaccinated.

The only effective strategy is a collaborative approach that includes workers and the unions as partners and part of the solution – not treating them as the source of the problem. If we do get to a situation where the Government has improved the rollout to the point that we've fixed distribution issues and satisfied demand but we haven't achieved a high enough rate of vaccination – then the first thing we need to do is to encourage people to get vaccinated by providing them with support in the workplace to make that decision. Before we get heavy-handed and start using coercive tactics, we need to do everything we can to ensure that we're supporting people to get vaccinated voluntarily. What I would be encouraging any employer reading this to do is to sit down with the RTBU and representatives of the workforce to discuss how we can assist workers making that decision to get vaccinated before taking the SPC way.



Branch Secretary Joshua Dekuyer

UNION MEME



A Quote with Relevance

"You can do what you decide to do – but you cannot decide what you will decide to do." – Sam Harris



OUT ON TRACK

Below are just some of the recent and current issues/matters dealt with by our Union:

- Attended numerous and various meetings with Labour Relations and PTA managers to discuss and negotiate matters related to the coming Workforce Management System (new rostering system) as well as other matters such as AFL fixtures and the like.
- Ensured a member who was unnecessarily prevented from returning from 'sick leave' was paid for their missed shifts.
- Supported numerous members through discipline investigations including drafting responses to allegations and findings, attending interviews, and viewing the CCTV of incidents.
- Provided feedback and input on the new solution to the TTO Driver's 'No Man's Land' through the creation of a trial 'B' Guide Roster.
- Met with Customer Service Management to discuss the 'C' Roster and the potential need for an MOU to clearly outline expectations.
- Assisted in drafting the Transport, Roads, Infrastructure and Planning policy proposals for the upcoming Labor State Conference.
- Explored alternative and additional RTBU merchandise to assist and continue to promote membership.
- Met with TransWA management to discuss probationary extensions for Passenger Assistants assigned to the Prospector.
- Addressed Spotless' failure to consult in accordance with the Award requirements regarding their loss of the Australind/Prospector cleaning contract. Addressed staffing level concerns, and also followed up on their "system generated" pay issues.
- Provided feedback to the Public Sector Commissioner regarding the statutory review of redeployment and redundancy.
- Addressed COVID protocol concerns for TransWA Train services and Road Coaches at Police check points entering/exiting the Perth and Peel regions.
- Referred and managed members interactions with industrial, family, criminal, and workers/criminal compensation lawyers.
- Attended worksites to meet and discuss the Public Sector Alliance petition and obtain member signatures.
- Responded to emails, calls, and provided advice daily to countless members on a range of workplace topics and issues including access to Other Parent Leave, Long Service Leave, Military Leave and the like.
- Wrote to the Transport Minister about concerns with the late night trains, anti-social behaviour around Perth station, and the bringing in-back house of contractors being utilised to carry out Car Park Attendant duties.
- Commenced construction of an RTBU WA PTA Branch Facebook page to assist and improve communication with the membership.
- Reviewed and edited minutes from JCC and EBA meetings.
- Organised Union Governance training for recently appointed WA PTA Branch President Terence (Terry) Joy.

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ANNUAL ADJUSTMENT

As part of the TTO Railcar Driver's negotiations the RTBU managed for the first time to negotiate an annual adjustment to the shift allowances. This will see Monday to Friday allowances updated administratively each year from the first pay period on or after July 1.

Railcar Drivers, for the entirety of the 2019 Agreement, had their Monday to Friday shift allowances remain at the one rate. Afternoon and Early Morning shift rates were \$3.34 per hour. Night shift rate was \$3.97 per hour. Replacement of the 2021 Agreement saw their rates rise to \$3.49 and \$4.15 per hour. Previously, these replacement amounts would remain stagnant until the expiry of the Agreement in March 2023.

Instead, due to the newly negotiated methodology of an annual adjustment, the passing of July 1, 2021, saw these rates rise to \$3.58 and \$4.26 per hour. To top this off, July 1, 2022, will see these rates rise again. This means more money for our members! We will be seeking annual adjustments be implemented in all other relevant Industrial Agreements negotiated by the RTBU moving forward.



MEDICAL ASSESSMENTS

Back in June of this year I wrote to the PTA's Manager OHS inquiring into when OHS Group commenced drawing blood from Transit Officers after concerns were raised with me directly.

I took issue with the 'Consent to Provide a Blood Sample' form, its scope of what one was signing for, and the lack of the ability to refuse to consent. The inquiry became a rabbit hole. Whilst the Rail Safety National Law and associated Regulations (Standards) permits Category 1 Safety Critical Workers to have their blood drawn, other categories require consent.

As I travelled further down the rabbit hole I discovered a range of issues including inadequate communication mechanisms alerting workers about health assessment requirements and the like.

Further, I noted that the blood tests for Cat 1 Workers is genuinely a requirement before a health assessment and that such examination should take place when the pathology results (i.e. blood test results) needed for the cardiac risk levels are available. I was uncertain how if one gets blood taken on the day that this was possible and expressed this accordingly, noting that the Standards state that "Category 1 Safety Critical Workers will require a resting electrocardiograph (ECG) and blood test (fasting lipids and HbA1c) before the appointment. These should be completed in advance and the results forwarded directly to the Authorised Health Professional."

The PTA wrote to me seeking further clarity on my concerns prior to being able to provide me a response. As a result I responded accordingly and clarified the separate issues (summarised below):

- Scope of the blood test for Transit Officers, despite the intent; Lack of communication that those who aren't Cat 1 can decline a blood test; Scope on the consent form for Cat 1 workers allowing range beyond the Standards; Lack of communication to workers regarding preparation and expectation of the Health Assessments; and general timing of the blood tests for Cat 1 medicals.

Unfortunately weeks passed with no answers. Despite numerous follow up emails sent to the PTA's Manager OHS, communication went cold. I was required to escalate my correspondence in the hope to avoid escalating the matter through alternate industrial mechanisms. A successful strategy.

OSH Group are now creating a new Consent Form for Transit Officers, clarifying the test that will be undertaken. OSH Group are updating the blood test handout which provides details of the blood tests to clearly identify that the test is voluntary. The PTA has clarified that least disruption to staff is achieved by undertaking any blood tests at the appointment and then, in the small number of cases where further tests or consultation is found to be necessary, to recall the staff member or refer them to their own GP. The PTA has now developed a frequently asked question document to advise staff what to expect at their medical and what information should be taken with them to assist the medical provider. All this is a big win, but in honesty, it should have already been in place.

"As I travelled further down the rabbit hole I discovered a range of issues..."

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DEMANDING FAIRNESS

Transit Officers recently begun negotiations to replace their 2020 Industrial Agreement which is set to expire October 6, 2021. The first formal bargaining meeting occurred on 14 July 2021. This meeting time was used to go through the membership's 'Log of Claims', expanding on claim items that the PTA requested further understanding of. The second meeting set to occur on 18 August 2021.

The claims being sought by the membership are about improving morale, about improving their work/life balance, about attendance, recruitment, and retention. Now is a better time than ever for the PTA and Government to make some desperately needed changes to the Transit Officer unit. But, we sit at the table demanding fairness, not begging for favours.



UNDER THE MICROSCOPE

We recently put the PTA's Surveillance Policy under the microscope. As a result, the PTA has agreed that changes to their policy should occur to make it more applicable across the PTA.

All this came about because a number of Road Coach Operator members alerted the RTBU to concerns they had with the audio, visual, and GPS capabilities of their road coaches. Discussions with TransWA ensued, resulting in the significantly improved use, access, and regulation of the coaches CCTV and GPS capabilities.

As examples, all Transwa operational staff who have access to the live GPS on the road coaches are now required to complete Annex A of the current Surveillance Policy & ability to view the CCTV can only be achieved by requests being made via the Video Office.

WORK VALUE

During TTO Railcar enterprise bargaining negotiations, driver bargaining representatives made a claim for a tunnel allowance. This was made because drivers viewed that there would be increased responsibilities, training, skills, knowledge etc associated with 'tunnel work' and the PTA took 'on board' the points being made by drivers in considering a response to the claim.

Since about 2005 - 2006 there have been many disputes over the years that have emerged about the similar issues – that being that urban rail car drivers consider that the base rate of pay received is not consistent with the work value of a driver. As 'Wages Policy' unfortunately dictated that such allowance couldn't be accommodated the government considered that an urban railcar driver base classification review would be best to consider, not just tunnel working, but other work value changes that may have occurred since the creation of Award in 2006.

So, what is 'work value' and how is it measured?

'Work value' is a term that has been around for decades and is found in the Wage Fixing Principles of the Western Australian Industrial Relations Commission (WAIRC). In simple terms it means changes in the nature of work, skill and responsibility and the conditions under which work is performed from a given point in time. While simply stated, measuring it is another matter, and why we have agreed to review to be conducted by retired WA Chief Commissioner Anthony (Tony) Beech.

The review is proposed to officially commence sometime in September 2021 and will take approximately 4 to 5 months to complete. This length of time is needed to ensure that all who wish it get the opportunity to participate and for Mr Beech to complete his research, conduct inspections, feedback, report drafting and the like.

There are still a number of matters to be attended to before the review can commence officially (establishment of a purpose built website, creation of a dedicated email address, access to material, driver only access submissions set up, completion of rail safety inductions, depot visit arrangements etc) but drivers should rest assured that they will be notified in advance of when it does.

