



Metro Trains Sydney Federal Court Decision: Judge concludes serious question to be tried in Rob's case

The RTBU attended the Federal Court of Australia (FCA) today after having challenged the decision of Metro Trains Sydney (MTS) to terminate the employment of the RTBU delegate in the workplace. An interim injunction was sought to reinstate our delegate who was petitioning around a Majority Support Determination (MSD) for operational employees at MTS. Unfortunately, the injunctive relief was refused by the FCA. However, this was on the basis that MTS will pay the wages of the RTBU delegate up until the trial occurs in July 2019.

The reasons for judgement are illuminating;

'There is an apparent inconsistency between Mr. Dickinson's assertion that the first time he 'became aware that Robert may be an RTBU delegate was when I first saw a Facebook post... on 28 March 2019' and his evidence, appearing earlier in his affidavit, that during the meeting of 27 March 2019 Mr. Car had said the following: 'Is this about my union activities?'; 'Is this because I'm a union delegate?'... The significance of this apparent inconsistency in terms of whether Mr. Dickinson was aware *before* the meeting of Mr. Car's union activities is a matter which may be explored further at trial... but I note in this respect that the evidence before me did not suggest Mr. Dickinson reacted to or was surprised by Mr. Car's comments.'

His also noted that the alleged reason for Rob's termination was known a week prior to the actual termination of Rob's employment but:

'It was during that week that the process of obtaining a majority support determination and Mr. Car's involvement in it progressed...'

The decision concludes:

'There is a **serious question** to be tried whether the conduct undertaken by Metro Trains was undertaken for reasons that included that Mr. Car was a delegate, engaged in industrial activities, or exercised workplace rights.'

In the meantime, it is imperative that members continue sign the petition and return it to the RTBU at metro@rtbu-nsw.asn.au. If you have not already signed, please do so as a matter of urgency.

If you have any questions or concerns, please contact the RTBU on (02) 9264 2511 or email metro@rtbu-nsw.asn.au.

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