



RTBU Infrastructure Division News

To organise workers in the transport industry to protect and build their rights at work

Welcome to the first RTBU Infrastructure Newsletter for 2019

2018 was a very challenging year for the RTBU Infrastructure Division and its members. We had multiple industrial battles with various employers and multiple Enterprise agreement campaigns to conduct.

Our ARTC brothers and sisters fought a long protracted battle with their employers to get a fair and reasonable pay rise and to keep hard won conditions that ARTC management wanted to strip from them.

We also had the Sydney trains Enterprise agreement negotiations which showed the true strength of union power by RTBU members across all divisions in Sydney Trains demanding fair rights and conditions at work by taking action against the company even while under threat by the state government.

Once again union members stood together in solidarity against increasingly hostile employers.

Across the infrastructure sector of rail, again and again our members have shown they will not be silenced when it comes to their rights at work.



Industrial Matters in Sydney Trains

RTBU Infrastructure members in Sydney Trains are currently involved in numerous negotiations on various industrial matters which include;

- Automatic Train Protection ;
- Major Works use of Supplementary labour and equipment;
- The future of our Signal mechanical members;
- Sydney trains Driver safety procedures for Sydney trains vehicles
- The new Infrastructure worker card implementation;
- Installation of new in-vehicle GPS systems; and
- Competency classification structure review.

The division is still in ongoing discussions with Sydney Trains regarding commitments made during the Enterprise agreement, such as;

- Protection officer (PO) steering committee for permanent protection officers in Sydney Trains; and
- Work Group Leader (WGL) and Team leader (TL) pay grade anomaly review.

Sydney Trains responded to the RTBU review of the WGL and TL pay grade anomaly stating they believed there was no discrepancy in the rates of pay across the streams.

In response, the RTBU created a survey which was sent out to our members regarding this review seeking our members insight into why they personally believed the pay grades of WGL's and TL's should be reviewed and updated.

This survey can be found at <https://www.surveymonkey.com/r/W6W76BS> for any of our WGL and TL members who have not yet completed it.

The RTBU will not give up on this matter and will continue to fight for the rights of our members.



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Major Dispute – Overtime Meal Allowance

As our members in Sydney Trains are aware, during the enterprise bargaining negotiations the RTBU Infrastructure Division fought hard for a meal allowance to be paid to all Infrastructure Workers consistent with other parts of the maintenance directorate.

This is an allowance which most Infrastructure Workers now receive almost each shift. It is a massive win for our members.

Following from this win, the RTBU has been investigating a potential breach of past and present agreements in Sydney Trains relating to the underpayment of meal allowances.

Since at least 2010 clause 139.1 (h) has been in every enterprise agreement.

Clause 139.1 (h) states the following;

“In relation to Employees to whom either the Signal Mechanical, Track, Structures, Resurfacing or Surveying, an Employee who is required to work overtime for more than 2 hours will, where it is reasonable to have a meal or meals away from where the Employee would ordinarily have the Employee’s meal, be allowed the sum of the amount as set out at item 17 of Schedule 5B for each meal necessary, unless the meal or meals are supplied free by the Employer. The Employer may grant a crib allowance (to be paid for at ordinary rates) in lieu of a meal break in which case the meal grant shall be the amount as set out at item 17A of Schedule 5B.”

Accordingly, if a Signal Mechanical, Track, Structures, Resurfacing or Surveying employee is required to work overtime for more than 2 hours, we think that they should receive a meal allowance payable for

EACH meal where the employee was away from where they would “ordinarily” have their meal.

Where a meal allowance isn’t paid, the Employer must provide a meal or pay a crib allowance.

Through further investigation, the RTBU has not been able to identify a single individual within the above mentioned streams who has ever received a meal, meal allowance or crib allowance payment on an overtime shift prior to the 2018 Enterprise Agreement.

Therefore, the RTBU is in dispute with Sydney Trains and are in the process of escalating to Step 4 to seek resolution with the Fair Work Commission.

If the RTBU is correct on this point, the potential underpayment of allowances by Sydney Trains/RailCorp could in the millions of dollars owed to our members.

Rest assured, we are confident that Sydney Trains will use every possible measure available to them to fight this claim.

The RTBU will fight this case so that all members receive what they are entitled to under their hard fought enterprise agreements.

We will keep all of our Infrastructure members in Sydney Trains up to date through the Fair Work Commission process as new information becomes available.



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Country Regional Network (CRN)

A John Holland member BBQ tour was conducted by the division at the end of 2018 to visit numerous locations across regional NSW including;

- Bathurst depot
- Dubbo Depot
- Nyngan depot
- Tamworth depot
- West Wyalong Depot
- Narrabri depot; and
- On Site in Gilgandra

The tour was a great success as we were able to speak to over 130 John Holland members.

We discussed the challenges they will face with the CRN contract being up for tender in 2020, the industrial landscape of NSW and the attacks on workers' rights across all industries in NSW, particularly regional NSW, by the conservative government.

Through these discussions and the benefits of being a strong union workplace we had 13 new members sign up at Gilgandra alone.

Our members in John Holland know, a unionised workforce is a strong and unbeatable workforce.

Another depot tour was conducted in March 2019 to kick start our member's campaign for a new John Holland CRN Enterprise Agreement as their existing agreement expires in August 2019.

Our members in John Holland face a tough negotiation with the expiration of the CRN contract looming.

Our members are mobilising and preparing to fight for a fair and reasonable enterprise agreement.

Negotiations began on the 12th June 2019 and will continue every few weeks.

Consultation - Depot Location Change

RTBU members and organisers met with John Holland management regarding the company's proposal to change home depots for some of the Plant team at Bathurst depot.

This proposal will have a serious affect on some of our members.

The RTBU is working alongside our members during this consultation process with the company and making sure their individual concerns and queries are being addressed.

If our members are not being treated in line with the enterprise agreement, the RTBU will not hesitate to dispute this matter.



Enterprise Agreement Negotiations

The Infrastructure Division will be working alongside the Salary & Admin division within the RTBU to negotiate the upcoming enterprise agreement (*Australian Rail Track Corporation New South Wales (NSW) Enterprise Agreement 2016*) which covers Signal Electricians, Network Controllers, Work Group Leaders, Team Leaders, Administration and Salary staff.



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A survey was conducted of the membership to generate the key issues and priorities for this round of bargaining.

The survey had a huge return which allowed a Log of Claims to be generated in preparation for the negotiations to begin.

Negotiations are expected to kick off sometime in June 2019.

We will keep all of our members updated as more information arises from these negotiations.

Mittagong and Enfield Depot Move

Recently ARTC began consultation with our members working out of the Mittagong and Enfield depots in regards to a designated work location change.

ARTC are proposing to move the Mittagong and Enfield teams to a new provisioning centre they are hoping to acquire in Campbelltown or Ingleburn. This proposal has caused a lot of angst amongst our members in Mittagong and Enfield which includes one of our members being told his position is now redundant.

We are currently working through all the issues that relate to this proposal and looking at every available option to assist every single one of our members through this difficult process.

LAING O'ROURKE

UNION WIN - Productivity & Site Allowance Dispute

As some of our members may recall in our last newsletter, the RTBU ran a dispute in regards to the

non-payment of the productivity and site allowance within the enterprise agreement for our members in Laing O'Rourke.

This allowance applies when a project blows out to over \$30 million dollars.

Laing O'Rourke was awarded a portion of the North Shore Project for Metro Trains Sydney in 2016 which totalled \$21 million dollars. Laing O'Rourke was then later awarded more portions of the North Shore Project through contract variations; particularly a portion designated 'Portion 7' which brought the total cost of the contract to over \$100 million dollars.

Laing O'Rourke stated they did not have to pay the allowance to employees once acquiring portion 7 as the allowance is only payable based on the original contract value and not on variations.

The RTBU disputed this as we believed that irrespective of how Laing O'Rourke is awarded \$100 million dollars worth of work, the allowance applies.

Originally, Commissioner Dean of the Fair Work Commission ruled that Laing O'Rourke employees working on the North Shore Project were not entitled to the Productivity and Site allowance within the Enterprise Agreement.

The RTBU immediately filed an appeal to this decision.

The appeal was accepted by the Fair Work Commission and set down for hearing in front of a full bench of Commissioners late last year.

On Friday the 18th January 2019 we finally received the decision from the Fair Work Commission on the RTBU's appeal case.



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The appeal was successful.

The full bench of Commissioners determined that not only was Commissioner Dean's original ruling made in error, but Laing O'Rourke must pay the Productivity and Site Allowance to their workers on the North Shore Project.

For well over a year RTBU delegates were fighting for this decision. Laing O'Rourke was earning much more off the project than originally announced and through the use of a contract variation they tried to avoid paying our members this allowance.

They did not get away with it.

The result was Laing O'Rourke was instructed to back pay approximately a total of \$400,000 to our members working on the project.

You can read more about this particular victory at the following link;

<https://www.smh.com.au/business/workplace/pay-dispute-appeal-win-for-sydney-metro-northwest-workers-20190121-p50sns.html>

Enterprise Agreement Campaign

The renewal of the Laing O'Rourke NSW enterprise agreement is set to begin in June 2019 with the members Log of Claims already drafted from an RTBU member survey conducted in April 2019.

Our team is ready to go.

The campaign began with a breakfast BBQ at the Homebush depot of our Laing O'Rourke members where they were briefed on the intricate details of the Fair Work Commission fight with the company over the productivity and site allowance.

At this mass meeting members and organisers discussed the importance of joining the union to prepare for their negotiations.

Laing O'Rourke is a multi-national billion dollar company who employs thousands of workers around the globe.

Our members in Laing O'Rourke have organised their workplaces into a fighting force in preparation to take on the company for fair rights and conditions.

"RTBU Members at Laing O'Rourke ready to Fight!"



'EA Campaign BBQ – Homebush Depot'



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Enterprise Agreement Negotiations Complete

The Enterprise agreement for Voestalpine (Bathurst Workshops) is finally over after a tough fight (as highlight in our last newsletter).

The EA was voted up by a large majority.

A massive congratulations and appreciation for all the hard work and dedication shown by our delegates and members during this negotiation.



Enterprise Agreement Negotiations

The division were in Enterprise agreement negotiations to renew the agreement for our South Maitland Railways members; however the company expressed the concern to lock themselves into a new agreement considering the mine they support had closed and its future was uncertain.

The company requested to resume the negotiations when the mines future was clearer.

The decision was left with our members who agreed to wait till such time as the mines viability would be determined.

The company agreed to apply a 3% pay rise in good faith till we could resume talks.

We are expecting to re-enter negotiations with South Maitland Railways this year.



Enterprise Agreement Negotiations

The division is negotiating 2 enterprise agreements with Infraworks that cover their Protection Officer staff, both casual and full timers employed by Infraworks Safe working and Infraworks Services.

The member's log of claims has been presented to the company for both agreements.

The company put the Infraworks Services Pty Ltd Enterprise agreement 2019 to a vote on the 30th May 2019.

The RTBU advised our members to vote against the proposed changes by the company.

The RTBU was present at the counting of the vote as a scrutineer which saw the company's proposed agreement rejected.

Negotiations will continue.



Casual Labour Hire Campaign – Enterprise Agreement Finalised

The RTBU began Greenfield enterprise agreement negotiations with a company known as Workforce XS - National Rail Solutions (NRS) in early 2019. NRS is a new Rail company based out of Blacktown NSW.



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The agreement was negotiated over a 4 month period is currently in the Fair Work Commission for approval.

It covers the following employees;

- Labourers
- Welders
- Forklift Operators
- Leading Hands
- Front End Loader Operators
- Train Examiners
- Hi-Rail Operators
- Terminal Operators
- Track Vehicle Operators
- Foreman
- Rail Signalling
- Overhead Wiring
- Track and Civil
- Rail Traction/Electrical
- Hand Signallers
- Protection Officers

The RTBU started a campaign with NRS in an effort to create a new benchmark in the labour hire industry.

The enterprise agreement we managed to achieve with NRS has some of the best rates in the labour hire industry.

It also includes 5.0% pay increases per year for 3 years.

NRS seems to be a fresh breath of air in an industry rampant with companies like MCR and SWETHA who care about money over workers rights, entitlements and their safety.

The division utilised this opportunity to discuss the importance of unionism with over 100 rail labour hire employees. Rail labour hire employees are some of the most exploited and overworked workers in the industry.

Only through collective power are we able to change this exploitation.

Labour hire employees who signed onto NRS engaged with the RTBU and agreed that the industry needs to change.

At this mass meeting, which these employees attended in their own time on the weekend, over 50 NRS labour hire employees joined the union on the spot, in full view of their employer.

We wish to welcome our new NRS members and congratulate them on their staunch union solidarity and look forward to assisting you into the future.



'New RTBU members – Mass Meeting with NRS Employees'



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Metro Trains Sydney

Metro Trains Sydney – RTBU Campaign

Due to a culture of secrecy and union busting, the infrastructure division along with representatives from the operations division filed federal rights of entry on Metro Trains Sydney (MTS) for the worksite at Rouse Hill.

The purpose was to force our way onto the worksite to hold member conversations, discuss issues and to plan a strategy to fight the threat of the Greenfields operations agreement which MTS negotiated in the shadows.

This agreement has been written as if the rail industry was being built during the dark ages. The most basic employee entitlements are nowhere to be found in the agreement such as;

- Rostering guidelines;
- Rostering parameters’;
- Overtime rates;
- Rates of Pay;
- Job descriptions;
- And much much more.

The saving grace in this debacle of a company is that maintenance employees have been left out of the Greenfields agreement.

Currently MTS has only 30 maintenance employees, who are mostly Line Technicians.

Since forcing our way on site, the RTBU has actively recruited these maintenance workers into the union.

We have managed to force our way onto the bargaining table to negotiate an agreement that covers all Metro maintenance employees.

We made it extremely clear that Metro must work with the RTBU as we are the industry union.

Using the Metro Trains Melbourne Infrastructure Enterprise Agreement 2016 (negotiated by the RTBU Victorian Branch) as a basis of our position on what conditions and entitlements MTS workers should be under, we have managed to agree on approximately 80 of the 88 clauses within the Melbourne agreement to be included in the MTS agreement.

We were closing in on a deal with MTS for our members with only the rates of pay, allowances and annual wage increases left to finalise.

However unsurprisingly, the incompetence of MTS management shined through again as they continue to derail the process by constantly making mistakes in draft EA’s which do not reflect the agreed terms from the negotiations.

The negotiations continue now with a draft EA prepared by the RTBU and its delegates in which we hope brings a finalisation to this matter.

In the event MTS continues to delay this process, the RTBU is reviewing our industrial options in forcing the company to finalise the enterprise agreement for our members.



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NEWSLETTER TIP – WHAT HAVE UNIONS ACHIEVED?

Unions were formed before political parties in Australia and have been part of Australia's working environment for more than 150 years.

The following is a list of a few of the working conditions we all enjoy because of union members around the country like you;

- The 8 Hour Work Day – WON in 1855
- Worker's Compensation – WON in 1902
- Modern Industry Awards – WON in 1908
- Sick Leave – WON in 1920
- Annual Leave – WON in 1936
- Penalty Rates – WON in 1947
- Long Service Leave – WON in 1951
- Equal Pay for Women – WON in 1969
- Unfair Dismissal Legislation – WON in 1971
- Meal Breaks/Rest Breaks – WON in 1973
- Superannuation – WON in 1986
- Enterprise Bargaining – WON in 1996
- Maternity Leave – WON in 2011
- And much much more!

There has been a war on unions in general.

We must stand together and fight the oncoming onslaught to protect and improve your rights and conditions at work.

If you are not a Union member, it's time to join your brothers and sisters in solidarity.

To join the RTBU please contact our membership department on the following;

Phone: (02) 9264 2511

Email: membership@rtbu-nsw.asn.au

Be Brave, Be Almighty, Be Unbreakable



JOIN YOUR UNION

For Assistance - Contact your Organisers

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