



To: NSW Trains and Sydney Train guards,

COVID-19 Public Health Order Mandatory Face Coverings

Today the RTBU Locomotive and Operations Division meet with Sydney Trains Officials via Teams regarding the current Wearing of Masks Public Health Order 2021 as issued late on the 2/1/21.

It has been agreed with Sydney Trains management that a risk assessment with your Health and Safety Representatives will be conducted tomorrow or Wednesday in relation to the wearing of a masks whilst performing the safe working duties of driving a train and guard's duties. A similar meeting has been arranged with NSW Train Link for tomorrow morning 5/1/21.

As the health order is an NSW State Government Order it is not open to Sydney Trains to just create an exemption or change the order. Sydney Trains and we would assume NSW Train Link cannot do anything they believe is contrary to the Public Health Order without applying for an exemption having first conducted a risk assessment/s to identify any possible safety risk.

It is clear from employee newsletters sent out by both Sydney and NSW Train Link that their position/view is that the Order mandates that everyone is to wear face masks within paid transport areas, including stations, platforms, whilst using public transport and when in your cab compartment.

We do not contest the wearing of mask in paid transport areas, including stations, platforms or whilst using public transport as the RTBU will continue to support health advice for the safety of our members and the travelling public. Where we do take issue is the requirement for members to wear a mask whilst performing their safety critical duties within the confines of members cab environment and have and will continue to raise this as an issue that needs to be dealt with.

Whilst discussions continue and the necessary risk assessment/s are conducted Members will have to follow the broad health orders from the NSW State Government which includes the current exemptions:

Part 2 (7) Despite subclause (1)-(4) a person may remove a fitted face covering the person is otherwise required to wear in the following circumstances.

- a) The person is eating or drinking
- b) The person is communicating with another person who is deaf or hard of hearing
- c) The person is at work and the nature of the person's work
- d) Makes the wearing of a fitted face covering a risk to the person's or another person's health and safety, or
- e) Means clear communication or visibility of the person's mouth is essential.
- f) The person is asked to remove the fitted face covering to ascertain the person's identity
- g) Because of an emergency

The removal of a fitted face covering is necessary for the proper provision of goods or service.

A further meeting with senior TfNSW representatives and the RTBU is to be held tomorrow afternoon (5/1/21) and members will be advised should there be any change to the situation.

Authorised by: Robert Hayden
Assistant Branch Secretary (Rail)