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Update – Backpay for less 24 hrs Notice

The RTBU met with Sydney Trains on the 17th December 2015. This has been the latest in a large number of meetings where Delegates of the RTBU have been working closely with Sydney Trains to resolve the less than 24 hour penalty rate issue and subsequent backpay claim since October 2014.

After this meeting with management we have a better understanding of the auditing processes and how complicated it has been.

Sydney Trains have stated that this has been the most complicated backpay claim known to management due to no actual records being retained.

The breakdown of the process that has been used to perform the audit is as below;

1. A preliminary audit of microster has enabled us to identify the time the data entry was last edited.
2. From this it can ascertain that the shift must have been given to the employee before this time.
3. If the data entry was made less than 24 hours then this was captured as an occurrence.

We will meet with Sydney Trains again in the New Year and should be closer to finding a solution which will require the RTBU to put whatever the offer is out to the membership for a vote.

Prior to the vote Delegates will be released to visit the workplace with information sheets to explain the process in greater detail and brief member's on the next step of the process.

If members have any questions or comments please contact your local Delegate or the RTBU office.

Social Media – Think before hitting



Recent decisions in Fair Work Australia have focussed attention on the lines between the relationship of what an employee does during work hours and out of work hours. Fair Work has made it clear that employees cannot use social media to vent or express their dissatisfaction with their employer.

'What might previously have been a grumble about their employer over a coffee or drinks with friends has turned into a posting on a website that may be seen by an unlimited number of people. Posting comments about an employer on a Website (e.g. FaceBook) that can be seen by an uncontrollable number of people is no longer a private matter but a public comment.

It is well accepted that behaviour outside working hours may have an impact on employment to the extent that it can breach an express term of an employee's contract of employment ... a FaceBook post by an employee may be sufficient to warrant dismissal.'

Employers in many public and private sector organisations attempt to extend employee obligations well beyond the workplace, and hold employees responsible for conduct that may be considered to tarnish or impugn the reputation of the organisation.

From the available law it is probably reasonable to assume that a range of employee behaviour out of work hours may come within the scope of company policies and be the subject of disciplinary proceedings.

These could include:

- When an employee identifies themselves as an employee of the company in public forums, media comments or social media outlets
- This may extend to being identified when in company uniform or displaying company logo in some way
- Using work-related photos (of workplace or work colleagues) in emails, publications or social media sites
- Any behaviour that may be considered employment-related or affect the employment relationship. For example, a personal or intimate situation with a co-worker which then flows into the workplace as inappropriate or unacceptable behaviour
- Criminal proceedings or convictions that may directly affect ability to perform employment duties (E.g.: loss of driver's licence), or fitness for employment
- Behaviour which could damage the employer's business or public reputation.

The only sensible advice that can be given to members using FaceBook or other social media is to be extremely careful about what you say and who you say it to.

While you may feel secure communicating on your private computer in the privacy of your own home, you must remain aware that these communications are public and are capable of being scrutinized by other than the intended audience – including your employer.

If in doubt – don't post it!

It's not worth losing your job over.

Managers revisit 'Informal Discussions'



Members have advised that management are increasing their use of 'private chats' or 'informal interviews' within the workplace.

The RTBU advises member's that they need to be aware that 'private chats' aren't usually private nor treated with confidentiality. At the very least, the manager will make a file note which could be used against you in the future.

In situations where members will be formally interviewed, the evidence produced and answers given can have a profound consequence for the person being interviewed or others involved in the investigation process.

As such, the RTBU advise that participation in any interview (formal or informal) be taken seriously with the appropriate amount of preparation. When notified about an interview the RTBU recommends the following:

Formal Interview:

1. Request written advice of what the interview is about, where and when the interview is to take place.
2. Contact your Union Delegate or Organiser.
3. Ensure that you understand the process. The RTBU has a fact sheet available to any Member, Activist or Delegate.
4. Take a support person, Delegate or Organiser with you to the interview. Ensure that you Support Person, Delegate or Organiser take notes during the interview. This will free you up to focus on your answers.

Informal Interview:

1. Ensure you have a copy of the RTBU fact sheet and understand your rights.
2. Inform the manager that you want a support person. If this is refused, contact your Union Delegate or Organiser.
3. Ensure that your support person takes notes during the interview.

Never forget, your job could depend on it!