



# Rail, Tram & Bus Union

## Tram and Bus Division NSW Branch

21<sup>st</sup> September 2020

Dear Member,

We visited all of the STA depots over the last week and because it is never possible to talk to everyone here is a summary of what's been discussed. Apologies for the lengthy bulletin, but it is necessary to ensure that information is flowing to all members equally.

### The decision to Strike and the decision to call off the Strike.

With COVID-19 making it impossible to have a group gathering and due to the sensitivity of the direct questions that needed to be asked, it was decided that the union would conduct a confidential phone poll, seeking directions from the members with regards to holding a 48-hour stoppage. This strategy gave us the opportunity to reach as many members as possible and to protect members from being individually targeted for discussing illegal industrial action. The members who responded to this phone poll decided to go on strike.

The executive met and debated this decision with each delegate representing their depot. Some depots were more in favour of taking action than others and several meetings were held to discuss the members choice to have a strike. With the member's decision made, a letter was sent to the NSW Premier on the 17<sup>th</sup> August indicating that there would be a 48-hour work stoppage commencing on the 24<sup>th</sup> August. This strategy was decided upon to make sure that the Union and not the members would be targeted. From this point on there was no attempt to hide that industrial action was planned.

On the 18<sup>th</sup> August, the RTBU met with the Transport Minister where he offered to put in writing the guarantee (please see attached letter from Rod Staples, the Secretary of Transport) that there would only be one employer. The RTBU first put this demand to the Minister back in March 2019. He also offered to put in writing that there would be penalties for breaking this clause. The RTBU demanded a stop work meeting to allow its members the opportunity to hear the offer. It was agreed that TfNSW would organise for the buses to be taken off the road on Monday 24<sup>th</sup> August between 10am and 2pm to explain the government's offer-The Minister agreed.

The STA delegates met online on the 19<sup>th</sup> August to discuss the government's offer. A decision was unanimously made to take the offer back to the members. Delegates were booked off the 20<sup>th</sup> August so they could talk to members and keep a count of how many people wanted to stop the planned strike and have a 2 hour paid meeting instead. A report back meeting was scheduled for 3pm that day and based on the feedback from members the decision to not strike was made. A resolution was passed by the STA delegates to endorse the path chosen by the members and call off the strike action.

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### The STA meeting

Even on the day of the meeting we were having to call TfNSW and STA to force them do what had been agreed. Finally, we managed to have STA commit to taking buses off the road and make sure that everyone was given enough time to get back to the depots. STA and TfNSW called it an 'Employee Briefing' because the government could never publicly say they had paid employees to attend a stop work meeting.

It was agreed everyone who attended or watched the video later would be paid for 2 hours unless they were on paid time already. If you have not seen the video or been paid for watching it talk to your staff supervisor, if you have any issues contact your local delegate.

Even though we warned both STA and TfNSW to be honest, direct and give clear information, the whole thing turned into a joke. No hard questions were answered, and it was more like a stage-managed press conference instead of something to give employees an understanding of what was being offered.

Most depots held votes after the meeting or later in the week to gauge if members wanted to continue with a 48-hour planned stoppage. The decision of the members was to call off the action.

### The Road Ahead

The Union's focus is now on keeping the government to their commitment of having only 1 employer. This is the root of all the problems our members in Region 6 have been suffering. It gives us a chance to fight back if the company tries to introduce another industrial instrument (and create a two-tiered employment situation like in region 6). When there is more than one company involved, region 6 has shown everyone what to expect.

Our conditions are currently in several places- the STA Award, STA policies/procedures, Govt policy as well as legislation and regulations. Because STA and the RTBU have had such a long relationship there are things not in the award because we both agree how things work. To protect everyone these need to be moved into the Award before any private operator takes over the contracts for Regions 7,8 and 9.

Examples of this are payments for public holidays on a Saturday and when 5 weeks annual leave is applicable. These things need to be brought into the Award, so we do not lose them when the STA policies/procedures disappear. Some things like Sick Leave are already in the Award, so losing the STA Sick Leave policy/procedure down the track will not change how much Sick Leave we get or when we get it renewed.

Once we know who has won a region, we will be sitting down to negotiate an Enterprise Agreement- this is the Federal version of our Award. The starting point for this negotiation will be the new STA Award and we have been telling companies for the last few months that if they want things to go smoothly for them, no major changes will be made at all. Down the track we can negotiate as usual but to make their shiny new business work, they cannot change any existing conditions covered by the State Award.

Both the STA Award and the Federal Enterprise Agreement will be voted on by members. In the time between when the new operator takes over and the EA is done, members will be covered by the 'Copied State Award'. This is a complete copy of the STA Award, unchanged in any way.

### Two Unions

The TWU are committed to trying to take over the STA regions. The Rule Change (our attempt to have the Fair Work Commission approve us to sign up new members in STA regions once they're privatised) was a partial success: it is the Union's view that the ruling gives us the right to sign up new members in Region 7, 8 & 9. This did not help region 6 and so a new draft is being prepared- **no one is getting left behind.**

The fact is that the TWU rules has always let them come into STA depots, but the reasonable relationship between the Unions meant that they did not. When the T-Way went private, we handed our members over to them and when Ryde depot expanded, they handed their North Western members to us. We did public and they did private, the problem is the game has changed. You are not talking about a handful of members and the govt is hell bent on privatising everything. The RTBU is not going to simply walk away from members in places we have represented them for over 100 years in some cases.

To be a part of bargaining for the STA Award and its replacement in the future the TWU must have a single member in the workplace. The RTBU is not going anywhere and will be fighting to protect our members long into the future. Remember that just because the TWU is in the workplace, it does not mean that the employer friendly agreements they have in place with private operators come in as well. Your conditions are in your Award or Agreement, separate to who represents you. While the TWU may be a part of bargaining, the RTBU will not be letting them screw over our members.

We will be putting together a factsheet for members this week so if you have questions, please send them to us by replying to this email.

None of this means that the campaign is over. Last week we were highlighting service changes in the press and how they will negatively affect drivers and communities. That effort will be ongoing. The public needs to know how bad privatisation has been and continues to be for our members in Region 6, how bad it is going to be for them, and how many lies from the government have led us down this path.

In Solidarity,

*David Babineau*  
**Divisional Secretary**  
**NSW Tram and Bus Division**  
**Rail, Tram and Bus Union**

*Daniel Jagers*  
**Divisional President**  
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