



# THE ADVOCATE

JOURNAL OF THE AUSTRALIAN RAIL TRAM AND BUS UNION QUEENSLAND BRANCH



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# President's Report

One thing the RTBU prides itself on is our strong delegate structure and highly engaged membership.



Bruce Mackie  
Queensland  
State President  
07 3839 4988.

Our delegates and members have the skills, the knowledge, the confidence, and support to deal with most matters at the worksite collectively. But sometimes, things get sticky, or escalate. This recently happened to workers at PN Coal who needed a resolution from the Fair Work Commission fast or workers wouldn't get paid (see Central District Report). So I went in to bat for them at the Commission, and because of this everyone received the pay they deserved.

You might be a strong workplace, and have — or you are — the best delegates ever. And we love you for it. But please do not hesitate to contact the union office with any questions you have if things become urgent.

There are heaps of ways to get involved in your union. You could become a workplace delegate, or join the Branch Council, or if under 35 you could get involved in RTBU Youth.

Join one of the many committees and councils we have:

- Administrative, Supervisory, Technical and Professional
- Infrastructure

- Locomotive
- Rail Operations
- Tram and Bus
- Fleet Manufacture, Overhaul, Maintenance and Service.

Or get involved in your local sub-branch:

- Townsville
- Bowen
- Cairns
- Cloncurry
- Hughenden
- Mt. Isa
- Rockhampton
- Bluff
- Bundaberg
- Coppabella
- Emerald
- Gladstone
- Mackay/Jilalan
- Brisbane & South East
- Maryborough and
- Toowoomba

The more we are, the better we are, and the stronger we are.

A great place to start is to talk to your existing workplace delegate. If you don't have one — talk to your organiser. The RTBU runs training for delegates regularly and provides support for those learning the ropes. They say guts is enough, the rest you can learn, and we believe leaders aren't born — they're trained.

**Today we're on the lookout for the leaders of tomorrow.**

## Who's who at the RTBU?

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Bruce Mackie

### Queensland State Secretary

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# Secretary's Report

In November this year, with a mixture of pride and humility, I accepted the Secretaryship of the RTBU in Queensland.

It was a humbling moment to take my place in a long line of leaders who have steered this union through rough seas, and calm – through dark nights and sunny days. Our union has seen some of the greatest industry change and we have endured.

We have seen our membership continue to enjoy decent jobs with fair pay with a desire to maintain those conditions for their children and beyond.

In taking on this enormous challenge, I pay tribute to Owen Doogan who steered this ship for so long. His contribution is huge and cannot be understated. He saw change the like we have never witnessed for generations, but with a steady hand steered our union such that he leaves a strong balance sheet, and a union which remains delegate based and member focussed.

It was no surprise when I announced at our Branch Council, and our Executive beforehand that I propose some changes. The fundamentals won't be different – our members will always be the centre of our universe, and our workplace delegates will never stop showing us our true north. But we need to make changes to survive and thrive.

The changes that I proposed are simple, but require a huge effort from all officials. In that, I invited them to renew their commitment to our mission – that is – to continue to put solidarity, integrity and loyalty above all else, to ensure our members are their focus. Unsurprisingly they all committed to these important values.

Beyond that, I have put in train a new website – to help build a modern platform for engagement with our members. We'll also put more focus on our communications with

members – whether that's on social media, or directly via email, and beyond.

I also committed to building a means by which we could honour the commitment of previous RTBU leaders. I'll give more details on that next year.

I have committed to bringing together all of our workplace delegates in a meaningful way that allows them to teach and learn, to share their experiences and learn from those who came before them. Watch this space for more details. Talk to your Organiser about this if you're a workplace delegate.

I also said that we would bring together our rail and bus divisions – to put in place the means by which they can work together in ways that are meaningful to members. We need to be united to face the challenges of the future.

Next, I said that while our existing members are always our focus, we need to put on temporary organisers to help shine a light on those parts of our industry which are unorganised – to invite those who are ununionized to become part of the RTBU family.

Finally I said I would put together, with the help of Josie Burke, a group to help us better connect with our members from First Nation's backgrounds and to honour the fact that Eddie Mabo was a proud ARU member.

It's a big agenda, but if you know me even a bit, you know I bleed union. And with so many challenges ahead, I'll work day and night, every day to continue building a strong stable union on behalf of members, whoever you work for, wherever you are – from Coolangatta to Cape York.

If you're RTBU, you're one of us.

**I take this opportunity, on behalf of the RTBU Executive, to wish you and your family a peaceful Christmas period, and a prosperous new year. □**



Peter Allen  
Queensland  
Branch  
Secretary  
07 3839 4988.

# News

## Employers now risk jail for wage theft.

Workers across Queensland have welcomed the Palaszczuk Labor Government historic laws that make wage theft a crime in Queensland — punishable by up to ten years in prison.

Wage theft includes unpaid wages, withholding leave, deliberately not paying the correct penalty rates, and not making the required superannuation contributions. As well as punishing employers who do the wrong thing, the new laws will make it easier for workers (and their unions) to claim and recover unpaid wages and entitlements.

Queensland is only the second state (after Victoria) to pass wage theft laws. This comes after endless stories show that the practice is wide-spread in industries such as retail, fast food, hospitality, security, cleaning, food production and much much more.

“These new laws recognise that the current framework is not doing the job,” said Queensland Minister for Industrial Relations Grace Grace. “We need stronger penalty and deterrence mechanisms for those who commit wage theft — particularly when that

theft is a deliberate and systemic part of that employer’s business model.”

Workers (and the unions who represent them) can now apply to have the issue of wage theft dealt with similar to a small claims matter, rather than the previous, arduous pursuit of employers through federal workplace laws.

Before these laws came into force, a worker in Queensland could be jailed for up to ten years if found guilty of stealing from their employer. Queensland’s new wage theft laws mean employers who steal from their workers will face the same penalty.

This is a point not lost on Hospitality Worker, and member of the United Workers’ Union Tara Small from the Sunshine Coast.

**“To get my first job in hospitality, I had to work unpaid as a ‘volunteer’. At my next job, I was paid \$18 per hour with no penalty rates, and no super.”**

“I tried to fight for what I was owed. But I didn’t have proper payslips, I had no idea how to make my bosses pay, and I didn’t have the money to go to court. Eventually, I gave up.”

The United Workers’ Union (UWU) has been campaigning hard for the new wage theft laws introduced by the Palaszczuk Labor Government. The new laws will see employers who commit wage theft face up to ten years’ jail.







Now workers like Tara will be able to recover their stolen wages and ensure that employers think twice before stealing again.

“Although there isn’t much wage theft in our industries,” said RTBU State Secretary Owen Doogan, “we know it is happening far and wide through the stories of our spouses and children, friends and family.

“We know wage theft is rampant and that dodgy employers have been getting away scot-free. These laws will put an end to that.”

## Adelaide’s railway service privatised by Liberal Government.

The South Australian Liberal Government has awarded a \$2.14 billion contract to Keolis Downer (A joint venture between Downer Group and Keolis).

Keolis Downer will take over operation of the railway from January 2021. Drivers are now meeting with the new operator to find out if they still have a job driving trains. South Australian Labor Opposition Leader Pater Malinauwskas said the number of workers under Keolis Downer is bound

to decrease because the company would “prioritise one thing above all else and that’s the interest of overseas profits.”

Keolis Downer is also the consortium that runs Gold Coast Trams. RTBU Queensland has already experienced the anti-union management techniques of Keolis Downer.

Privatisation of public transportation assets never works. The service is diminished, as are the wages and conditions of those who work for the now-private companies. The only beneficiaries are shareholders.

Neither does the service improve. One half of the consortium, Keolis, was fined £3.2 million (\$5.7 million AUD) by Transport for Wales, for failing to hit performance targets. Keolis was awarded this contract in 2018. Immediately there were diminished services in terms of lost passenger time, running trains with fewer than needed carriages, and missing stops.

The South Australian and Northern Territory Branch of the Rail, Tram and Bus Union has fought tooth and nail against the privatisation since it was announced as the Liberal Government first broken promise since its election.

“The public needs to know if any other sweeteners were thrown in to seal the deal,” said RTBU SA & NT Branch Secretary Daren Phillips.

The South Australian Liberal Government has privatised Adelaide’s Metro train and tram services to foreign, private consortium Keolis Downer.

# Farewell from Owen



Owen Doogan  
Former  
Queensland  
State Secretary

In November this year, I stepped down as the State Secretary of the RTBU Queensland Branch after having the privilege of being in that role for about 19 years.

The reason I moved on is that I believe it is in the best interest of the RTBU. Any organisation needs fresh blood to lead it into the continuously changing challenges facing it. I firmly believe this is the right time for me to hand over the reins of the organisation to the next generation.

The Queensland Branch Council has appointed to take over the role up to the next election has the pedigree to take your union forward in an exciting, purposeful and constructive manner which I believe will enhance the benefits to members.

Peter Allen was endorsed unanimously by the Branch Council (which is comprises elected workplace delegates from all Divisions and geographical areas across the State), which speaks volumes about the respect he has amongst those delegates who have worked with him over the years.

Of course, the final decision on who is the Queensland State Secretary rests in the hands of all members at the next election. I have confidence that, as always, that the collective decision will be the best one for the interests of members.

I would like to take the opportunity to acknowledge the contribution of delegates and members generally who have assisted me in leading the organisation in some of the toughest challenges this Union has ever had to face in its long and illustrious history.

I will never be able to thank you enough for that. I also want to recognise the Executive, along with the organising and industrial Officials of this Union in Queensland, who have been the backbone of the Branch during many of these difficult challenges. But many members do not see, and therefore appreciate, the important role played by the administrative team which keeps the union functioning at the highest level. Thank you all.

I move on from this role with a heavy heart. I loved working for RTBU members for nearly 30 years trying to protect and improve the interests of members.

But it is easy to put that heavy heart aside when I look at that fantastic team now operating in this Branch. This Union is in the safest hands possible to meet the challenges of the future.

In conclusion, I would like to express my appreciation to the RTBU Officials at National level and other Branches who have worked closely with the Queensland Branch in advancing the interests of members throughout Australia. □

Owen Doogan has retired as Queensland State Secretary after more than 19 years in the role, and more than 30 years with the RTBU in Queensland.





# Industrial Officer Report

RTBU members work in a highly-regulated environment that can be utterly ruined if the wrong politicians are elected to state parliament.

Luckily, on October 31 2020, we saw Queensland re-elect the state Palaszczuk Government to its third term with a large swing towards Labor.

As a union, we will unashamedly recommend voting for parties that have made the task of representing worker interests easier, and recommend against parties that diminish the rights of workers and unions.

The RTBU is glad to see the re-election of an unashamedly pro-worker, Labor Government. While there is only a small area of our working lives covered by State Government laws these days, the state controls areas that are vital, including workplace health and safety and WorkCover, the criminalisation of wage theft, long service leave, and the ownership of the companies we work for.

There have been great achievements for workers over the last two terms of the Palaszczuk Labor Government the first is Australia's strongest WHS laws.

Workplace Health and Safety laws are state-based, and as we have discussed in previous editions of *The Advocate*, it is Queensland's strong State WHS Laws (introduced by the Palaszczuk Labor Government) that have saved the lives, and prevented injury to many workers. Queensland has the strongest and most enforceable WHS laws in Australia. It is good to know these laws are no longer at risk, and can be strengthened.

The majority of our members work for public or publicly-funded corporations. Their wages and conditions depend directly upon their

employers remaining in public hands. So it is good to know our state-owned corporations are safe.

The Palaszczuk Labor Government also introduced Labor Hire Licensing laws that have already seen many dodgy operators thrown out of the market.

Now, with the re-election of the Labor Government, we will see some stability in George Street after the season of campaigning. Rest assured though, that while we have a good relationship with the Labor Government we will never stop holding them to account and delivering on the promises made. We've always been happy to be friends, but we also have long memories. In the sphere of politics though, our next major challenge will be putting a halt to the disastrous anti-union, anti-family laws the Federal Government have in store.

You may have read on Owen's article that by the time of printing, I have taken on the role of Branch Secretary. I was humbled to be endorsed unanimously by our Branch Council and Executive to take the baton following Owen's retirement. I would like to acknowledge and pay tribute to the enormous contribution made by Owen. He is not just the previous Branch Secretary but also my comrade, friend and mentor.

I relish the challenges ahead of us. Some things will change, but one thing won't – I will remain as focussed on working with existing members and their workplace delegates. I will continue to shine a light on the sections of our industry that pay and operate below our hard-fought-for and won standards. I will ensure we remain a delegate based union and I know every RTBU official shares this views. □



Carla Jones  
Queensland  
Industrial Officer  
and Women's  
Officer

# The Central District

ROCKHAMPTON | BLUFF | COPPABELLA | EMERALD | GLADSTONE |  
MACKAY/JILALAN

## RTBU Members hit back at Pacific National abuse of workers and shut-down laws.



Craig Allen  
Central District  
Organiser

Workers at Pacific National (PN) Coal have hit back at their employer, who has been misusing stand-down provisions in order to avoid paying workers due to their poor planning. By working together, and with their Organiser Bruce Mackie, these workers have taken their employer to the Commission and won.



Bruce Mackie  
Queensland  
State President  
Central District  
Organiser

Stand down provisions exist to allow employers to not pay workers, but keep the employment relationship, during times when the employer has no work to provide because of unforeseen circumstances beyond the employer's control. However, PN Coal has taken advantage of stand-down provisions, and their use by other organisations during COVID-19 to avoid paying workers rostered on when there is foreseen track maintenance.

PN Coal had more than twelve months notice of one particular weekend's maintenance when they tried to stand-down workers at the Blackwater Depot in August.

Although it had no work to provide to its staff, RTBU members felt it was not a proper use of stand-down provisions when PN Coal had the opportunity to organise alternative duties — as required under the Enterprise Agreement.

Ash Mosley works as a driver for Pacific National Coal in Blackwater - near Rockhampton. He is also an RTBU Delegate and has been deeply involved in

the work to get PN Coal to see sense about its misuse of stand-down provisions.

"Members and delegates within PN Coal reacted angrily when we first heard that some workers would be stood-down in these improper circumstances," said Ash.

"We went off and developed some plans by ourselves as a workgroup, but it became pretty clear very quickly that it was too big an issue for us to deal with at the worksite level. We needed to file a dispute with the Fair Work Commission."

"Bruce Mackie (Central District Organiser and Queensland president of the RTBU) from the union was such a great help in the Commission. We saw him working his arse off for us."

Stand downs by PN Coal started at the Bowen yards, but quickly moved around the network as PN Coal thought it had found a winner. It tried to put the workers at Blackwater on two days' stand-down during foreseen maintenance.

"On the first, we filed a dispute because PN Coal knew in advance we wouldn't be able to work and as such they were required to provide other duties - not stand us down. The Commission agreed.

On the second day, PN Coal wanted us all to hop on a phone conference for a bit of training. But they still wanted it to be a stand down day where they didn't pay us.

We went into the Commission again, and argued that if PN Coal wants us to work, then they need to pay us for the work. Again, the Commission agreed. We ended up getting paid in full for those two days.

Following the overwhelming response to the survey about the stand-downs during network shutdowns by PN and



the fact that 100 per cent of members say this matter needs to be heard by the Fair Work Tribunal, the survey said there is no guaranteed outcome.

However, members feel we need to continue to send a message to PN that members have had enough.

PN know of the shutdowns for up to a year in advance and that the shutdowns are part of normal business activity in the coal rail corridor. They are not “beyond their control” they are business as usual and PN should plan better and not see this as a way of saving a few bucks on wages. There are plenty of other things PN could do during these shutdowns. It may be a while before we get a hearing and I have left the option open for PN to settle this matter. Thank you to all those members who sent a strong message via the recent survey.

**While PN Coal wants to stand-down, RTBU members are prepared to stand-up for what is right.**

## Jodie Wickens from Rockhampton wins RTBU Emma Miller Award

Jodie is a Delegate for Train Controllers in Aurizon. She has been scoring win after win since becoming an RTBU Delegate about 18 months ago. Because of her outstanding efforts on behalf of her workmates, the RTBU nominated Jodie to be its 2020 award recipient.

The annual Emma Miller Awards are organised by the Queensland Council of Unions to recognise the contribution of women to their unions, their activism and their empowerment of others. They are named in honour of Emma Miller, a world-renowned suffragette, union organiser and women’s rights activist.

Well done Jodie! ☐

Jodie Wickens from Aurizon Train Control in Rockhampton was the 2020 winner of the RTBU/QCU Emma Miller Award.





# Southern District

BRISBANE | BUNDABERG | MARYBOROUGH | TOOWOOMBA



Natalie Neideck  
Organiser



Jaime Cummings  
Temporary Organiser

## RTBU Members at Bombardier show their no pushover and take protected action

On Thursday 10 September 2020, a group of RTBU members at Bombardier took their first industrial action to demonstrate once and for all to management that they will not be rolled over, and they are determined to get a fair deal from their EBA negotiations.

Members walked out at midnight Wednesday morning for a 24-hour strike. The stop-work celebrations moved from the Wulkuraka Depot out near Ipswich, to Mayne Yards in Bowen Hills for a rally/ delicious breakfast.



Frank Viviers is a Delegate and member of Bargaining Committee for Bombardier.

The industrial action came after 11 months of attempted negotiations between RTBU members and Bombardier.

“Well, the RTBU members are negotiating. Bombardier are not,” said Bombardier proxy Delegate Frank Viviers.

“‘Negotiations’ with Bombardier have been extremely frustrating. They have refused to send any decision-makers to the table. So there is no negotiating to be done. They just run back to their higher-ups after each meeting, and we have to play cat and mouse with them in order to get any movement. We had been chasing them, cat and mouse since November (2019) and enough is enough!”

“Management kept coming back to us with silly things. They offered rates that were still \$8/hour less than other workers at other sites, who were doing the exact, same work. The employers said they couldn’t offer more because of COVID-19, but we also knew the number of services had increased, the number of km increased, and the need to service that rolling stock also increased.”

Frank said that when a new General Manager came in, the workers decided to give Bombardier one more go to get things right. But they didn’t.

Instead, Bombardier’s expensive lawyers told the Fair Work Commission that if members want to have an improved EBA than they “would have to get in the trenches and fight for one”.

## When RTBU members at Bombardier reached



breaking point, they voted 95% in favour of taking action.

It's never easy to have to go out on strike for a fair agreement, but members can rest assured knowing that Thursday's action did create movement.

"Did it feel good to go out on strike?" asks Frank. "No, not really. To see all my workmates standing together was great, but it doesn't change the fact that the company forced us to walk, to take action, to give up a day's pay when all we are asking for is a fair shake of the sauce bottle."

"So the frustrating thing about industrial action is you ask — why did they let it get to this? But after our action, we are starting to feel ripples in the water," said Frank.

RTBU Delegates at Bombardier have done an outstanding job over the last couple of years to organise Bombardier from three members to almost 95% RTBU density. It

seems that Bombardier's behaviour towards its staff is the best recruitment tool we could find.

Not in a thousand years did managers at Bombardier expect so many workers to stand on the picket and demand a better deal. Their expectations have been smashed.

## New Agreement for Queensland Rail Traincrew

Queensland Rail Traincrew in both Citytrain and Traveltrain have a new Agreement, featuring new wins to help with work-life balance.

A QR Roadshow will commence soon, and the RTBU will ensure that a member of the RTBU Bargaining Team is there at each of those Roadshows to give the full story. Members are encouraged to attend.

RTBU Members at Bombardier showed their employer they were no pushovers taking a series of industrial actions in EBA negotiations fighting for parity in pay and conditions with workers doing the same work at other sites.





The two main improvements to work-life balance are the replacement of two 12-hour shift windows with four: 00:01 – 07:59, 08:00 – 11:59, 12:00 – 17:59, 18:00 – 23:59.

The Agreement also includes a win with much better access to leave for Traincrew workers. Previously, the available allocation of long-term leave was impacted by Parental leave and Transition to Retirement arrangements including reduction of Long Service Leave balances. This meant that if there was a heavy claim for Transition to Retirement, Parental Leave etc, claims for necessary leave for stress relief and relaxation were denied due to maximum quotas being reached.

RTBU Organiser and member of the Bargaining Team Jaime Cummings said the high union density in Traincrew was the reason for such a good outcome.

**“We have more than 1,000 members in Traincrew, and everyone of them is involved in bargaining one way or another.”**

“We always survey a members first before any log of claims. And we make sure our team is representative of the entire membership so we can make sure that all views get heard.” said Jaime.

“One of the biggest lessons I learnt during this negotiation was that agreed upon items are never set in stone, and don’t count on anything until there is a final signature.”

## **Flexible Working Arrangements**

Flexible working arrangements are an essential part of today’s industrial landscape. They enable workers who need them, to keep performing their job in some capacity with the assistance of some reasonable accommodations on the part of their employer.

However, we all know that many managers simply do not like them and will refuse requests without much justification..

Historically, to refuse a flexible working request, all a manager had to do was cite “operational reasons” and this would have closed the case. These operational reasons could be very, very vague and very broad.

But a few recent decisions of the Fair Work Commission have changed the legal landscape in which these requests sit. The body of law has started to evolve in response to changes in the workplace and more recently, with the emergence of working from home under COVID-19, it’s become apparent that people can continue to be productive in more settings than we ever thought possible. COVID-19 to one side, today there are more women in the workforce, older workers wanting to transition to retirement, people suffering from chronic conditions, managing return from parental leave. Managers now need “genuine” operation reasons to refuse a request for flexible working arrangements.

No one knows these new requirements than Stef Whyte. Stef is a train driver who has shown an incredible knack for helping her colleagues with flexible work arrangement requests.

Stef started working for Queensland Rail as a seventeen-year-old Porter working in high-risk stations on shifts Tuesday to Sunday. After six months she went to a daytime role. She then became a guard and then started drivers’ school in 2016.

“Drivers’ School was a lot to take on. And I sort of stumbled into it. said Stef

Stef is now thirty and she has recently become the Secretary of the Locomotive sub-division, a member of Traincrew committee, a delegate, a mother of two boys, and now the first woman member of the RTBU Queensland Rail negotiating team.

“I am really thankful for the mentors I have had in the union: Kelvin Steer and Wayne Peardon. I have just recently found out just how the sausage is made, and it isn’t always pleasant. But I have also found out just how good the RTBU is at calling out bullshit when they see it — in a very respectful, and courteous manner, of course.”



On top of all this—nine-hour shifts driving, union commitments, and taking care of her two boys — Stef still finds time to help her comrades with flexible work arrangement requests.

“It all started when someone I knew had their application for a flexible working arrangement rejected, and I asked if they wanted some help. All I did was request more information from local management and that seemed to get it resolved. Since then, there have been more complicated requests and even more elaborate denials. I have had to go a little further to get the desired outcome but I am getting a bit of a knack for helping people who need it.”

“It makes me feel good to help people get the things they have an entitlement to,” said Stef.

Stef’s youngest son has cerebral palsy so Stef always has it in the back of her mind that she may have to ask for a flexible working arrangement of her own one day.

“It shouldn’t be that hard, and I shouldn’t even have to jump on it. But I don’t mind giving a little of my time to help out.”

“I once requested flexible working arrangements before becoming a Guard, and I was refused. Got a straight “no”. And I just accepted it at the time. This will never happen in Traincrew anymore, if you are an RTBU member we will negotiate and if necessary fight on your behalf for a decent outcome.”

If you have been denied a flexible working arrangement, contact the Union Office on 3839 4988 for assistance. □

## Women’s Report



Carla Jones  
Queensland  
Industrial  
Officer and  
Women's Officer



Stef White wears many hats. She is a member of the Locomotive Passenger Sub-division, a Delegate for Citytrain Drivers, a Member of Traincrew Bargaining Committee, and a great Mum of two boys.

# Northern District

TOWNSVILLE | BOWEN | CAIRNS | CLONCURRY | HUGHENDEN | MT. ISA



Les Moffitt  
Northern  
Organiser

RTBU Traincrew and Rollingstock members at the Stuart Depot in Townsville have worked together to achieve a great win for the safety of workers.

The yard runs freight along the North-West Corridor and part of the fleet are ten-to-twelve 2333D “Clyde” locomotives dating from the 1970s. Drivers of the Clydes eventually realised that during the locomotives’ entire history in Aurizon (and before that QR National) the air conditioning systems had never been cleaned, the ducting and cowlings never replaced, nor was any testing of the detritus in the filters and ducts ever tested for harmful substances.

Management initially ignored the concerns of Traincrew, and so with their union, they started to gather evidence. Photos, reports, anything that when presented to management that they couldn’t ignore.

Greg Tatnell is the National Assistant Secretary for the Bulk Division. He is a

maintenance worker and RTBU Delegate at the Stuart Depot at the Port of Townsville.

“When the drivers first complained to Aurizon management about their concerns, they agreed to do some testing,” said Greg.

They also agreed to have Rollingstock Maintenance crew replace the ducting in the 2333s.

Unfortunately, the limited testing that Aurizon had undertaken was inadequate.

For instance, they only tested for mould. But Traincrew and now Maintenance were more concerned about other substances in the dust, such as asbestos.

“You just never know with these older locomotives,” said Greg

Without knowing what was in the dust, Maintenance crews were told to get stuck in. At this point, the RTBU escalated the matter to the Aurizon Bulk Head of Safety — based in Perth.

When the inadequate test results returned, members weren’t prepared to take that lying down and worked together to push harder on management to get proper testing and proper maintenance routines.

“Luckily, after Aurizon finally did the testing looking for anything that could be harmful to drivers, the tests came back negative. Which is great news.”

COVID-19 has shown that Workplace Health and Safety is much more than not losing a hand in machinery or doing your back in with. It is illness. It is infection. It could be poison or psycho-social pressures. Injuries that do not show up for sometimes years, so you need to keep safe now. If you are concerned about your safety, stop work, raise your issues. If you feel that your legitimate concerns are not taken seriously, contact



Through the hard work of Traincrew and Rollingstock members working together, members achieved a great win for Locomotive Air Conditions in Aurizon Bulk.



you Delegate, Organiser or the Union Office straight away.

Members from Traincrew and Rollingstock Maintenance worked together to protect Workplace Health & Safety, with neither division letting the other come in harm's way. That's the RTBU way.

## Townsville Train Control Take a Stand for Safety

Trinity Burke, RTBU WPHS Representative, and RTBU Delegate Richard Donkin stood firm and made sure the industry and workmates remain safe by forcing the deferment of Direct Traffic Control (DTC) in Emerald.

The introduction of DTC in Emerald is another move by Aurizon and track owner Queensland Rail to save money by rationalising safety mechanisms. Aurizon also made the move to remove and make

redundant train controllers who controlled the sections in Emerald.

As a Workplace Health and Safety Representative, Trinity issued the track owner, Queensland Rail, with a safety dispute on the introduction of DTC into Emerald.

After some arguments, and a great campaign by Trinity, Richard, and the members in both Train Control and the Trackworkers from Emerald, the RTBU won and the introduction of DTC in Emerald has been suspended.

Through this local campaign, RTBU members have improved the safety of all workers on the Emerald line. The work of Richard and Trinity from the Townsville Control Room is just one of the wins that RTBU members are scoring in Control rooms across the state, including Rockhampton and Mayne.

It is a great reminder that the safety of you and your colleagues requires constant vigilance and action. □





# Bus & Tram Division

BRISBANCE CITY COUNCIL | KDR TRAMS GOLD COAST

## Union campaign achieves “cool win” to bus drivers

Members, working with their union, have achieved a great win. As a result, Council will retrofit 700 of its 1200-strong fleet of buses (The Volvo Contingent) with additional cooling vents, and adjustment to air-conditioning splitters to cool buses evenly.

You may remember from previous editions of The Advocate, many bus drivers in Transport for Brisbane (TfB) have had growing frustrations about management inaction on overheated cabins.

A combination of the placement of ducts, the air escaping from the front doors as they open and close, and the unanticipated effects of the sub-tropical sun through a large amount of glass at the front of the bus meant drivers were working in unsafe conditions. There was a massive difference between the stuffy, hot temperature at the front of the bus, and the Arctic tundra at the back of the bus where the primary thermometer is located.

Unfortunately, management at TfB responded to complaints of overheating through the tried and tested three stages of “How to handle health and safety issues if you are a boss.”

**Step 1: Deny that there is any problem whatsoever.**

When drivers initially told management about the overheating, they got the old “Are you sure? It’s the first we’ve heard of it.”

**Step 2: Say the problem isn’t that bad. Use cherry-picked evidence to make your point.**

Even when more and more drivers started complaining about the excessive heat in their cabins, management decided that “though it was an issue, it can’t be that bad”. Then you cite the temperatures recorded from other thermometers — at the back of the bus.

**Step 3: Attack the evidence, attack the complaints.**

Management said the evidence presented of high-temperature readings in cabins was either: insufficient or unclear.

Unfortunately for TfB, the manual doesn’t mention the last step.

**Step 4: Grudgingly acknowledge the problem, and come around to fixing it — eventually.**

A sustained campaign by members, gathering evidence of high temperatures and unsafe conditions in their cabins due to the set up of the air condition ducts in Brisbane’s buses, won the day. Eventually, it was neither credible nor feasible for management to deny the problem or its obvious resolution.



Tom Brown  
Tram and Bus  
Secretary  
0430 539 579



Bennett Roche  
Tram and Bus  
Organiser  
0419 769 130

New ducting for air conditions in 700 buses will soon be installed to keep drivers safe and cool.



Well done to members in the Bus Division for their sustained, two-year campaign.

## Members at KDR shoot down sub-standard Agreement Offer

RTBU Members at Keolis Downer trams (KDR) on the Gold Coast have voted down a sub-standard offer from their employer.

The RTBU did not endorse the proposed new Agreement, and no matter how KDR spins it their substandard proposal just doesn't cut the mustard. They can and must do better. KDR must come back to the bargaining table to offer something better.

Despite the ballot defeating the proposed Agreement by 62% - 38% KDR have claimed that they only lost the vote by a small margin (they seem to be counting abstentions as well.)

However, KDR have indicated they are willing to engage in more negotiations and delegates and members are keen to work with renewed vigour to negotiate the pay and conditions they deserve.

## Public Transport in the time of COVID-19

Being a tram or bus driver in the pandemic age has changed permanently. There is a lot more to be aware of, and the nature of what constitutes the bulk of workplace health and safety has changed.

Brisbane City Council has provided two washable/reusable masks for each driver. Although mask use is not mandatory, we recommend use in any high-risk situations such as assisting disabled and elderly passengers - high risk for you and the passenger.

Unbelievably, it took a union campaign to bring the Council to see that public-facing drivers needed enough sanitiser to get their

job done safely. Instead, it was rationed out like gruel in some Dickensian workhouse. Some drivers bought their own sanitiser. Now, there is enough sanitiser for all workers. If drivers fail to find any, they should alert their manager straight away.

It hasn't been all bad behaviour from Transport for Brisbane. Drivers are back at work (unless a doctor has told them not to). More than 200 drivers were off for nearly four months with full pay — even casual drivers. It was one of those times your union and your employer came together to make sure what was needed, and needed fast, was delivered. That's what a workplace with high union membership and a publicly-owned company can deliver. (Maybe contrast with KDR)

The RTBU acknowledges the fast and efficient manner in which management at Transport for Brisbane came to your union to discuss the best way to help employees during the height of this year's COVID-19 Pandemic restrictions.

One RTBU Member and Bus Driver is Ray Martin (no relation) from Willawong Depot. Ray was originally stood down on April 26 2020, not because there was no work to do but because Ray falls inside several vulnerable categories: he is Indigenous, over fifty, and had elderly parents living with him at home.



Bus Driver Ray Martin (No Relation) was kept safe and employed during the height of the COVID-19 Pandemic through the RTBU and BCC working together.



Through an agreement between your union and Transport for Brisbane, despite being a casual Ray received full pay during his absence based on an average of his previous weekly earnings.

“I just want to say how impressed I was with the way the union and delegates worked with management at the Depots to look after those of us who are vulnerable in this time,” said Ray.

“Often the union and management are on different sides of the table, but I think with this virus, for some things you just need to work together to make sure our workers stay safe.”

The RTBU extends its heartfelt thanks to all of our members who are still working on the frontlines, making sure that the services kept running, and people and freight could get where it needed to go at the height of the pandemic.

There are more services, which means many casual drivers are getting more shifts, which is good.

But despite public transport patronage being down by approximately 80 per cent, assaults on bus drivers have stayed at their pre-pandemic levels — which is unacceptable.

The Queensland State Government has come to the aid of Brisbane’s drivers after the BCC let them down by refusing to provide safe workplaces. Labor State Minister Mark Bailey announced in September another twelve authorised officers for ferries, trains, and buses.

There were a lot of casual shifts to pick up during the restrictions (and still are), and our members were there to make sure services kept running. To thank Bus Drivers, LNP Mayor Adrian Schrinner has offered all permanent employees two days off in lieu but has ignored all 525 casual drivers by offering them nothing. □

## ENJOY SOME TIME AWAY... AT THE RTBU CALOUNDRA HOLIDAY APARTMENTS\*

\*Special rates to members and families  
(Photo ID & Membership Card must be provided when picking up keys.)

Two and three-bedroom apartments, with modern kitchens, air-con, lock-up garage, swimming pool, and stunning ocean views. Two minutes from transport, shops, cinemas, and cafes.



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# RTBU Member receives compensation for work-caused hearing loss.

The Rail, Tram and Bus Union's preferred workplace injury lawyers Maurice Blackburn has won compensation for an RTBU member and delegate who suffered work-caused, industrial deafness.

RTBU Delegate Max\* had driven Brisbane City Council buses for more than thirteen years. During this time, Max's hearing was damaged by the noise of bus engines, air-conditioning fans, two-way radio speakers, loud bells, demister fans, as well as general noises from passengers and traffic.

Max's claims for compensation to his employer — Transport for Brisbane (TfB) / Brisbane City Council (BCC) — were consistently rejected by BCC's workplace injury insurer. They used a noise report that suggested the sounds Max was subjected to

over thirteen years weren't sufficient to cause permanent hearing damage.

BCC has relied on this one report for several years to reject dozens of similar claims from bus drivers across Brisbane. Maurice Blackburn took a closer look at the noise report, as well as the methods it used to reach its conclusions, and found some deficiencies. Maurice Blackburn highlighted these deficiencies in a submission that convinced the Workers' Compensation Regulator to overturn BCC's decision to reject the driver's claim for compensation.

The Regulator went further, directing BCC to engage an ear, nose, and throat (ENT) specialist to assess the extent of Max's hearing loss and its cause.

Taking into account Max's lack of exposure to loud noises in previous jobs, the ENT specialist

## CAUTION



was categorical that Max's hearing loss was due to noise he experienced driving buses for BCC.

Even at this point, BCC refused to accept the specialist's considered opinion and went back to their original noise report. Maurice Blackburn appealed to the Workers' Compensation Regulator, which ordered BCC to accept the claim. Eighteen months after the fight began, Max finally received the compensation he was entitled to.

Maurice Blackburn, Max, and the RTBU showed incredible perseverance to get this case across the line. Some employers will go to ridiculous lengths to prevent workers from receiving compensation.

**Max's story also shows what can be achieved with your union and the right legal representation.**

If you've had trouble getting a claim accepted, or have been kicked off payments without receiving your full benefits, talk

to your union. Union members may be referred to Maurice Blackburn Lawyers who are experts in work injury claims. Maurice Blackburn will also be able to assess your superannuation entitlements if you are off work for any medical reason, including work injury.

"Many more bus drivers have come forward with hearing loss claims since news of this case broke," said RTBU Bus Division Secretary Tom Brown. "Council may need to deal with a growing problem on their hands."

Hearing loss is a serious condition. Because of its gradual nature, it can sneak up on any one of us. Hearing tests are generally free through Medicare, but the first port-of-call if you notice any change in your hearing (and even if you haven't) is your local GP.

If you wind up in a tricky spot, if you have been denied justice at work, don't wait. The earlier you get legal advice, the better. As a member of the Rail, Tram & Bus Union it won't cost you a cent to find out where you stand. □

*\* Not his real name.*



**You spend your life staying on track, so do it for your family too.**

**Prioritise the ones who matter most.**

As an RTBU member, you (and your partner) are entitled to a free standard Will. Our new online service is fast, easy and includes expert legal advice. Have peace of mind knowing your loved ones will be looked after.

**Don't put it off any longer.**  
**[Unionwills.com.au](http://Unionwills.com.au)**



Maurice Blackburn  
Lawyers  
Since 1919

**WE FIGHT FOR FAIR®**



# Under surveillance

You're not paranoid. You are being watched.

There are two things about surveillance in 2020 Australia that you need to know.

The first thing is: yes, there are governments and spy agencies across the world doing all the things you think they are.

The second thing is: not even George Orwell quite foresaw the internet, social media and its effect on employment.

**We are not just talking about the boss putting CCTV cameras anywhere they please. It is a little less overt than that.**

It doesn't take the full force of a spy agency's best hackers and supercomputers to find something you have done online that might affect your employment. All it takes is a Millennial in HR with an internet connection and thirty minutes.

**Private lives aren't so private anymore.**

Employees can face legitimate disciplinary action for political statements, negative statements about their company, about their

managers, or for anything else that violates your workplace's code of conduct. If you can find it online, and people can tell where you work, it counts as public and is fair game.

The ACT and NSW have some laws that protect employees from unfettered surveillance at work. Queensland does not. Although, the Palaszczuk Labor Government is investigating Workplace Surveillance laws like those in the ACT and NSW, and is waiting on a report from the Queensland Industrial Relations Commission. In the meantime, take it as a given, especially if you work for a private-sector enterprise, that your emails can be checked by your employer at any time and without your consent.

For example, this part of the Queensland Rail Code of Conduct<sup>1</sup> highlights the line drawn between your behaviour on social media and your employment:

*This Standard applies to those .....where their behaviour impacts, or has the potential to impact, Queensland Rail, including (without limitation) when:*


- at work/on duty for Queensland Rail

<sup>1</sup> <https://www.queenslandrail.com.au/about%20us/Right%20to%20Information/Pages/Code-of-Conduct.aspx>



Lucas Kennedy  
RTBU Workplace  
Health & Safety  
Officer



- 
- attending ...a work-related event or function.
  - wearing Queensland Rail clothing
  - they can be identified as working for Queensland Rail (including when using social media at or away from work)...

**If you have posted something on social media that the company doesn't like, and it is clear who you work for, you can face disciplinary action.**

Password access and login codes may give you the impression that your work email, web browsing activities, and what you do on a work-provided mobile phone are private. They are not.

These activities can be scrutinised by your employer. Your work email, computer, and mobile phone are on loan. Please think of them as such. There are little grounds for defence if you have used these media inappropriately, or have derided your manager or employer online.

There is, however, some defence against dismissal if your employer simply doesn't like something you have done or said on social media. Just because it might be considered antisocial and inappropriate, such behaviour does not automatically amount to grounds for dismissal. The employer must take care to ensure any dismissal is not **harsh, unjust and unreasonable**.

Your employer should have a social media, as well as work email and device policy. If you cannot find them, ask your manager. If you would like help from the union office, we are very happy to provide assistance.

Here are some very basic things you can do to make sure your private life stays private.

1. Assume nothing disappears from the internet.

Because nothing, ever, really does. People can screen record your posts before you delete, and other methods can be used to dig up the past.

2. Clean your activity and check your privacy settings.

On many social media platforms, you can check your settings (what is public and what is private) and delete previous activity.

3. Don't criticise your boss or your employer.

If you must vent, save it for face-to-face, or over the phone. Try to avoid email and social media.

4. Your work email is not your property. Neither is your work phone or work laptop.

If you have been given equipment such as a mobile phone or a laptop or iPad, it is not your property. Your employer may request to view your equipment at any time. They may also legally have surveillance apps on the devices already.

Your work email is not private. Assume every email you send is read by your boss because if it ever really hits the fan, that's exactly what your boss will do.





# Transport workers keep Australia moving.

*And rt health is the fund to keep RTBU members moving.*

rt health has been looking after transport workers for 130 years. We exist only to give our members great value health cover at the best possible price. If you do need advice, want to compare funds, or simply have a chat, call our dedicated RTBU hotline on **1300 782 810**. Our team are experts on health cover and the Australian health care system.



#### Already a member?

Introduce a friend or family member to rt health fund and we'll thank you with a \$200\*\*\* WISH gift card

#### On joining rt health you will receive:

- ✓ 4 weeks\* of free health insurance up to \$900\*\* if you join before 30th June, 2020
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- ✓ \$150 Woolworths WISH gift card as a welcome gift
- ✓ Dedicated hotline & website for RTBU members

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**rt health**

\*See [www.rthealthfund.com.au/terms-and-conditions/4-weeks-free](http://www.rthealthfund.com.au/terms-and-conditions/4-weeks-free) for more details.

\*\*Based on NSW Family with Gold Premium Hospital – Family extension and no Excess plus Premium Extras – Family Extension claiming no Government Rebate.

\*\*\*See [www.rthealthfund.com.au/mim-gift-cards](http://www.rthealthfund.com.au/mim-gift-cards) for more details.