



THE ADVOCATE

JOURNAL OF THE AUSTRALIAN RAIL TRAM AND BUS UNION QUEENSLAND BRANCH



Work in the time of COVID-19

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Reach out to workmates in the time of social distancing

President's Report



Bruce Mackie
Queensland State
President
07 3839 4988.

It would be odd if I started this column without addressing the elephant in the room; COVID-19. But you might see that this edition of The Advocate isn't just focussed on the virus and its wide-ranging impact on work, life, family, and community.

We are starting to flatten the curve, but the world of social distancing is here for the next couple of months at least. Laws, regulations and the response from employers change day-to-day. To try and put it all in a printed journal would make it old news before the ink dried.

Your union has up-to-date information at www.rtbu.com.au about COVID-19, its impact on your work, and what we are doing as a collective to minimise the impact on members. We are also giving updates to our members via email — as soon as we know, you know.

If you are not getting these emails, please contact the RTBU Office at (07) 3839 4988 or email info@rtbu.com.au.

This edition, like the last, talks a lot about safety; including our feature article, about

Provisional Improvement Notices (PINs) — written notices with legal force used to get health and safety issues resolved at work.

More than ever, we need a strong delegate structure to keep our workplaces safe, to keep members working, and help members who may be doing it tough. We have a great story about Jodie and Emma — two delegates in Rockhampton who keep winning for their workmates, even stopping a restructure in its tracks.

Your frequently asked questions about your rights at work during COVID-19 are answered on page six.

Keeping mentally and physically healthy may prove difficult during this time. Don't be afraid to reach out to workmates you think might need someone to chat to — on the phone, skype, zoom or via one of the many other options available.

If you are one of our many members who are still working in the community, getting goods or people to where they need to go, thank you. □

We are the people who literally keep our community moving

Secretary's Report



Owen Doogan
Queensland
State Secretary
07 3839 4988.

Employers have a part to play

Many employers have taken measures to ensure that workplaces are clean, and workers are free from unnecessary risk. Other employers are not taking it quite so seriously.

Workers have the right to a safe workplace at all times. Right now, that means a workplace with the proper steps taken to avoid infection.

- Has your employer provided you with enough hand wash and sanitiser?
- Is your workspace receiving more frequent cleaning?
- Do you have the current and/or sufficient protective clothing for your work?
- Is your employer placing you in situations or environments you do not need to be?

Remember, you always have the right to cease work if you believe there is an immediate risk of injury or illness.

If you have any questions that relate to your work in the time of COVID-19, please firstly talk to your Delegate, Organiser or the RTBU office on (07) 3839 4988. □

BELOW: Public transport is just one of the many essential services that our members provide which have been kept running during the COVID-19 crisis.

It is our members who are keeping our community moving during this uncertain time. The challenges ahead of us are tough, but I proud to say that the work of our members is essential.

The spread of COVID-19 is a challenge, unlike anything our workplaces have faced, since the Spanish flu. During the outbreak of 1918/19, 40 per cent of the country fell ill, and 15,000 Australians died. More than 50 million died worldwide.

I don't say this to alarm you. Our health systems have advanced so much in the last hundred years. Improved medical technology and practices mean we are much better placed to manage an outbreak.

This virus is entirely new, and none of us has natural protections that control the spread of other infections like influenza.

We are sick of hearing it I know, but we need to "flatten the curve". By slowing down the rate at which the infection spreads, our universal health care system, and its workers, can cope with the crisis. And we are doing it! Australia has had one of the best responses to COVID-19 in the world.

Workers play their part

So far, controls have meant closed shops, social distancing, and everyone who can work from home doing so. But public transport and freight continue, and many of our members are still working in public-facing roles.

Take note during this time who is and is not essential. It is the nurses and doctors and other health workers. It is the police. Firefighters. RTBU members are out there as well.

It is also supermarket workers, aged care workers, childcare workers, and many other workers that employers and government are all too shy about acknowledging when it is time to negotiate for pay. They are the ones who when all else stops, have to keep going.



Who's who at the RTBU?

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Labour Day 2020: United, if distant.

Union members across Queensland still celebrated the wins of working men and women despite restrictions on gatherings because of COVID-19. Even though restrictions meant that our traditional marches and family fun days across the state would not be held for the first time in 129 years, it was more important than ever to celebrate the positive role unions play in our working lives.

Union members were anything but silent about Labour Day, showing their pride online through social media, and in the community by wearing their shirts and starting conversations. The impact of COVID-19 pandemic shows unions are more important than ever in the struggle for decent wages and conditions, secure jobs, and workplace health and safety.

Premier Anastacia Palascszuk recorded a special message for Queensland workers, saying “...while we may be celebrating differently this year, nothing will break our solidarity.”

Regional radio stations from Cape York to Coolangatta got in on the act as well, playing union messages and workers’ songs all day.

Queensland Council of Unions (QCU) General Secretary Michael Clifford said the COVID-19 pandemic shows the importance of secure work for the smooth running of society .

“Our communities can rely on the workers who have kept things running because these workers have secure jobs they can rely on.”

“Fighting for secure jobs and healthier communities is central to why unions exist – to make our society better for all,” he said.□

Workers from many Queensland Unions still wore their union t-shirt or waved their union flag to celebrate Labour Day, even though there was no march.

RTBU Youth Members, Rian and Macca, flying the flag on Labour Day whilst practicing good social distancing.



my office window today...

Pat Grace, Locomotive Driver for Aurizon Callemondah

some RTBU members get to spend their workdays in the most remote, beautiful, and awesome locations on earth.

if you have a photo you would like to share, email it to info@rtbu.com.au



RTBU and Maurice Blackburn: Your COVID-19 Questions

As the outbreak of COVID-19 – or “coronavirus” – continues to spread through Australia’s general population, RTBU members should be aware of their rights and responsibilities when it comes to taking personal leave, Workcover entitlements and accommodating quarantine requirements.

This article explains you and your employer’s rights and obligations.

This advice is only general in nature and may vary in specific circumstances. Always consult your union before taking action.

What rights do workers have when quarantined?

If an employee is diagnosed with COVID-19 and is declared unfit to work by a doctor, they must take paid personal leave in accordance with the National Employment Standards in the Fair Work Act 2009 (Cth) (FWA), or the Queensland Employment Standards in the Industrial Relations Act 2016 (Qld) (IRA) if they are a Queensland state or local government employee, or their industrial instrument. The employee would likely be required to provide a medical certificate for that period.

Where an employee is not sick and is ready, willing and able to work, a request by an employer that they do not attend work is effectively a direction to stop work. This should be followed by the employee, as such a direction is likely lawful and reasonable.

However, the employee should not be required to take personal leave. The employer should continue to pay the employee at their normal rate of pay while the direction to stop work remains.

If an employee obtains a medical certificate clearing them to return to work, the employer should allow the employee to return to work.

If practicable, the employer may direct the employee to work from home during that period. An employee cannot be directed to take annual leave under the FWA. However, they can under a term of an industrial instrument if that term is reasonable. Under the IRA, an employee can be directed by their employer to take annual leave, if they cannot agree on when annual leave is to be taken; however, the employer must provide at least eight weeks written notice of the starting date of the leave.

If an employee is required to look after a dependent who has been quarantined, the employee should use their personal leave as normal. Employees are also entitled to two days unpaid carer’s leave, and in rare circumstances, two days compassionate leave. Alternatively, the employee may request to implement a “flexible

working arrangement” with their employer. Such a request can only be denied on reasonable business grounds, for example, if it would be impractical or too expensive for the employer to implement. Those covered by the IRA have the right to bring an industrial dispute if their flexible work request is denied or only approved in part.

Can employees be treated differently after a COVID-19 diagnosis?

If an employee is diagnosed with COVID-19, they are entitled to take their personal leave just as if it were the common cold or flu. If an employer were to take any “adverse action” against them for exercising such a right – for example, by terminating their employment or reducing their shifts – they might be in breach of the FWA or the IRA, as well as State and Federal anti-discrimination legislation.

When the employee has recovered and is declared fit for work, their employer must allow them to return. If the employee’s illness has left them with some impairment, the employer cannot discriminate against them on the basis of that impairment, provided they can still meet the inherent requirements of the role.

In the event that an employee is dismissed due to having been diagnosed with COVID-19, or for taking leave to self-quarantine or look after family in quarantine, the dismissal may be unfair under the FWA or the IRA.

What are the rights of casual workers?

Casual workers are not entitled to paid sick leave. However, they may be entitled to two days unpaid carers leave if they are required to look after an immediate family member who has been quarantined, and in rare circumstances two days unpaid compassionate leave.

If a casual employee is not able to work any of their rostered shifts, they must inform their employer and may be required to provide a

medical certificate. Importantly, it is also unlawful for employers to discriminate against casual employees who have been unwell or have had to take time off work to self-quarantine. Employers are not entitled to dismiss those casual employees or to stop giving them shifts on that basis.

What if a workplace closes?

If an employer has no choice but to close the workplace, they may initiate a “stand down”. In that situation, employers do not have to pay employee wages. This can only be used where the cause of the stoppage is one for which the employer cannot be reasonably responsible. Examples of such situations include natural disasters or extreme weather events, but may possibly be extended to include disease pandemics. Whether an employer can do a COVID-19 shut down would depend on the particular circumstances.

Employees should also be directed to their employment contract, or applicable modern award or enterprise agreement for specific terms outlining workplace “shut downs”, and when their employer may force them to take annual leave.

What are the obligations on employers?

Employers must take “reasonable steps” to ensure the health and safety of their employees. This may include directing an employee to obtain a medical certificate declaring them fit to work. If they are not fit for work, the employee must take personal leave. However, if they are ready, willing and able to perform their duties, the employer must allow them to do so. An employer’s direction to an employee to take personal leave when they are not sick may be an unlawful and unreasonable direction.

If an employer does not want an employee to attend work, even though they are not unwell, they should be prepared to pay them at their base rate of pay for that period.

Alternatively, employers may look to implement flexible work arrangements, such as the direction for employees to work from home on full pay.

Can I make a Workcover claim?

To be able to make a Workcover claim, an employee must be able to demonstrate that work was a reasonably significant factor in catching the disease. Medical evidence would need to

be obtained, confirming that to be the case. To date, general practitioners have been reluctant to confirm that catching a common cold or flu was obtained from work. However, if a medical practitioner is prepared to confirm that the likely cause was from work exposure, then a claim may be open. Either way, please reach out to the RTBU or Maurice Blackburn Lawyers for advice on this issue.

Can I claim on insurance through my super fund?

Most superannuation funds provide default life and disability insurance for members over 25, with an account balance greater than \$6,000. If you have income protection and are unable to work due to any injury or illness, including COVID-19, you may be able to claim monthly payments while you are unwell. Waiting periods apply and can vary from a few weeks to several months, depending on your policy. Lump-sum insurance is also common. Members will be able to claim if they become totally and permanently disabled due to any injury or illness.

Members may also have cover for time off work through EBA, employer, or personal insurance policies. It is important to check. Some policies may have exclusions for pandemic or epidemic related illnesses. If you are unsure if you are covered, Maurice Blackburn provides members with a free super & insurance check, so you know where you stand.

What if I had to cancel travel plans?

As a result of COVID-19, many people have been forced to cancel their bookings due to newly imposed travel bans. How travel insurance responds to Pandemic related cancellations will depend on when the bookings were made, and the approach taken by accommodation, airline and other travel companies.

Not all travel insurance policies are the same, and the exclusions put in place by insurers vary. If you or your members have been affected, more information can be found here: www.mauriceblackburn.com.au/blog/2020/february/28/coronavirus-and-travel-insurance-cover-and-claims/.

□

IR changes under cover of COVID-19



Peter Allen
Queensland Principal
Industrial Officer
07 3839 4988.

In this article, I want to make the point that as workers and union members, we need to stand hyper-vigilant against actions taken by employers and a hostile federal government under cover of the COVID-19 pandemic.

The ideological warriors of the Liberal National Party (LNP) would have no problem using the most significant economic crisis since the Great Depression to further their agenda of weakening workers and their unions and strengthening the power of employers to control our lives.

For instance, without fanfare or consultation, the federal LNP Morrison Government has slashed the time employers are required to consult with their staff before putting a change to their Enterprise Bargaining Agreements.

LNP Industrial Relations Minister Christian Porter changed the regulations of the Fair Work Act himself to cut the minimum notice for staff ballots on proposed EBA



changes from seven days to just 24 hours!

This change to our workplace laws is framed as a response to the pandemic but is just another assault by the LNP on our rights at work.

Workers could be presented with extensive changes to their EBA, and they (and their union) are given only 24 hours to read, digest and discuss the changes before they are required to vote on changes to their pay and conditions.

These amendments will last at least six months. The LNP federal government are making these changes for the express purpose of allowing employers to ram through reductions in pay and conditions without proper consultation or examination. There are already employers who have proposed their own variations to Enterprise Agreements, hoping to cut pay and conditions with only 24 hours' notice.

Potential changes that employers might try to force through include pay cuts, delaying or cancelling pay increases, more power to direct hours of work and when workers take leave, and removing restrictions on part-time employment..

Sadly, the Liberal National Party (LNP) has form in trying to shift more burden from business to workers. In August 2018, the LNP was forced to abandon its plan to cut corporate taxes to 25 per cent because of a great campaign by unions and workers like you.

The Morrison Government already announced in April that part of THEIR plan for getting the country back on its feet is to cut taxes for big business, and broad-scale industrial relations reform. Scotty from Marketing has already promised an "aggressive, pro-business strategy".

The Prime Minister followed up this announcement with another at the Press

Club in late May in which he flagged another "overhaul" of industrial relations.

Let us never forget the attempt by this government to pass the anti-union Ensuring Integrity Bill which would have penalised unions and their members just for doing the right thing. The Morrison LNP re-introduced these laws in December after losing the first time around in the Senate, but say they will no longer pursue them as an "act of good faith".

We just do not know yet what will come of this "overhaul", but with the Liberal National Party in charge, we can safely bet that whatever comes won't be an improvement for workers, their rights, and their pay and conditions.

The LNP should know better than to take this road, to use the COVID-19 pandemic as a stalking-horse to re-introduce unfair industrial laws. But they can't help themselves. Like the fable of the Scorpion and the Frog, it is the very nature of LNP politicians to make life harder for working people. When John Howard and Peter Costello tried it with WorkChoices, the entire union

movement came together and campaigned with the community defeat John Howard at the 2007 federal election. We even kicked him out of his own seat.

But Scott Morrison wasn't there in 2007. Not one of his ministers was. He didn't see the flogging first hand. And so, he and his Ministers are trying it again. The problem is, it is almost impossible to unscramble an egg.

The union movement is STILL trying to undo all the damage WorkChoices did in its very short life. We have to stop the horse before it bolts.

The LNP is taking this crisis as cover for their ideological obsession with making life harder for workers and unions. We learned in the Great Depression that austerity and attacks on workers don't help; they only make things worse. This is why we need more vigilance than ever – we cannot let the LNP and their friends in big business take advantage of workers unawares.☐

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

  **WE FIGHT FOR FAIR**

Two women delegates leading the charge in Central QLD

Women's Report



Carla Jones
Queensland Industrial
Officer and Women's
Officer

You can never tell who will turn out to be the ideal delegate. So when you get two, life is pretty sweet. For Central Queensland District Organiser Craig Allen, good delegates come in pairs with two women in the Aurizon Central Queensland Coal Network (CQCN) kicking goal after goal. Jodie Wickens and Emma Irvine (pictured below) are resolving issues, winning fights, and assisting members left, right and centre.

Going from strength to strength with their union work, they keep telling their organiser

Craig “we haven’t lost yet, and we are not about to lose”.

Both Jodie and Emma started in CQCN at the same time, even completing Network Control School together. They both joined their union at this time as well.

Seven years later, they are teaming up again to look after their comrades during a restructuring process. Aurizon, which operates the CQCN, want to reduce the number of control boards from 11 to 8 and close some local control boards altogether. Such an action would drastically reduce the safety of the network. Jodie and Emma took Aurizon management on, pointing

out the lack of analysis and the flippant attitude taken to the concerns of workers.

Aurizon has just announced it is postponing the restructure — thanks to the efforts of these two dynamo delegates and other workers who made it clear that “RTBU members will not let Aurizon mess with their safety.”

“I decided I wanted to put my hand up as a delegate during the last EBA negotiations with Aurizon,” said Emma.

“Watching workers stick together during that round of industrial action was awesome. To have workmates there waiting for you and cheering when you walk off the job, that was just so inspiring.”

Jodie agrees that wanting to help people is the essential mark of a good delegate.

“A lot of the time when members come to you with an issue, they might be cranky or angry because a work issue has affected them. So you need to be patient. You also need to be able to determine the difference between what someone wants to happen, what they need to happen, and what is possible.”

The women have formed a close bond and share the delegate role.

“We talk to each other about everything going on,” said Emma. “One of us might take the lead on one issue and the other on another issue.”

Although initially daunted by the role of delegate, both women have stepped up and proven themselves time and time again.

“It was terrifying to issue my first dispute notice,” said Emma.

“But now they aren’t such a scary thing.”

“I think we have been so successful this far because of the work we put in before we even put pen to paper.”

Jodie and Emma, along with delegates from all over Central Queensland, have just completed two days of training. There Jodie and Emma led workshops with other delegates explaining how they keep getting wins for their members and how they have kept management accountable.

As RTBU Organiser Craig Allen says: “an apathetic workforce is a boss’ best friend. Only by being actively engaged in processes like this will the bosses have to listen to issues raised by workers.” □



RIGHT:
Rockhampton
Aurizon Network
Control Delegates
Emma Irvine (left)
and Jodie Wickens
(right). These two
have been scoring
serious wins on
behalf of their
workmates.



The Central District

Central District Union leaders make the journey to improve their workplace skills.

The best thing about rail is that a high proportion of our members work in Queensland's regions. It is our members who make sure that products from our mines and farms get to where they are needed. Anywhere a train line goes, so do our members, and the regions are where many of our most energetic and experienced delegates live.

Pod Macnamara is a Train Driver from Cloncurry. 2020 is his thirtieth year working in the railways. He has driven trains carrying everything from freight and cattle, to high-class passengers on the inlander on the Mount Isa to Townsville line.

"I've just worked my way up. I started in the Flood Protection Gang in 1990, working in several other gangs after that. And I was a member of the union since the day I started."

Despite always being involved in his union, and always willing to help his comrades with problems at work, Pod stepped up fourteen

months ago to become a ridgy-didge RTBU Delegate for his workgroup.

"It's not too bad," said Pod. "You get a few calls a day and get the chance to help your mates."

Pod is also the lead negotiator for the Aurizon Bulk agreement for the North-West. The RTBU sent Pod MacNamara to Brisbane to get some ACTU training along with Organiser, Jaime Cummings.

"The main thing I learnt at this workshop was the importance of having a strong network of workmates who can help you in your role as a delegate. How to build and maintain those networks."

Pod says that for him, the difference between being a good delegate and a great delegate is having that network of mates to fall back on and realising you can't do everything yourself.

"I have a few fellas on the go already. Young fella is keen to be a proxy delegate, and another guy from the roster committee is dead keen to get involved."

"I really enjoy helping people, it isn't about me, if they don't have delegates, then they have no one."



RIGHT: Delegates in the Blackwater region came together for two days of intensive delegate training.



Craig Allen
Central District
Organiser



Bruce Mackie
Queensland State
President
Central District
Organiser



defend the rights of our members and ensure we communicate with our members on all matters. We are best when we are united because unity is strength.

Pacific National Loco avoids deraillment at Prarie Creek

A Pacific National freight train traveling east over the Prarie Creek Rail Bridge (south of Taroom) narrowly missed derailment in January.

The 8320 locomotive was travelling on Australia day before it crossed the Prarie Creek rail bridge at about 6:30am during a morning with heavy rain and flash flooding.

Floodwaters washed out the ballast on the track, and it was quick action of the driver that prevented the train and its carriages flying off the rails.

It travelled moderately along the damaged track, but managed to stop before it was too late. It was then pushed to safety. □

Both Jaime and Pod learnt the importance of presenting a united front when educating people about the union movement. The take-home message from the training session is that it is all of our jobs help workers understand what union values are.

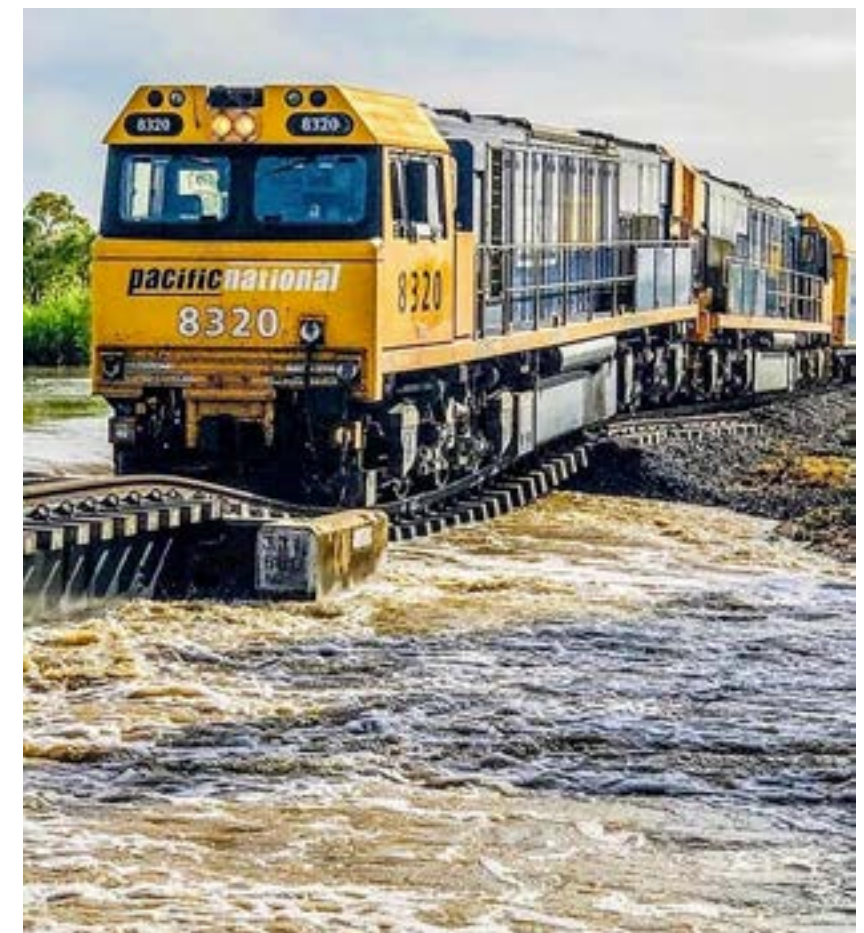
Blackwater delegates share wins and lessons

Delegates across all companies in the Blackwater region came together to teach and learn from other at an intensive collaborativbe workshop held in March.

The workshop included a presentation from delegates Jodie Wickens and Emma Irvine (See women's report) who explained and broke down their recent wins in the Central Queensland Coal Network.

RTBU Delegates from all over the Central District, and from Pacific National, Aurizon, Queensland Rail and Aurizon Network joined forces to build on our strengths.

Delegates resolved unanimously that this training course of RTBU delegates from all companies resolves to ensure we meet our objectives and strategies to ensure the RTBU is the force to be reckoned with. We will



The Southern District

Newest member of the Southern District Team: Jaime Cummings

Jaime Cummings is the newest face in the RTBU offices in Brisbane, taking up a three-month role as organiser for the Southern District - following the retirement of long-time Southern District Organiser Ross Schimke.

Thirty-four-year-old Jaime has worked for Queensland Rail for more than seven years, working the last four in Traincrew. She first got involved with union activities through RTBU Youth and loved it. When the opportunity came up to do even more to improve the lives of her comrades, she leapt at it.

“The most immediate challenge for me is the upcoming negotiations for a new Traincrew



Agreement. Timed with the Queensland election in October, we want to ensure we get as many wins as possible locked in before the elections takes away the government’s focus,” said Jaime.

Already Jaime has been out-and-about meeting as many members as possible.

“I went out to the Tennyson Pacific National Depot with Craig Allen recently for a barbeque and to talk with the boys about their upcoming agreements.”

“All the members and the people in the union office have been so nice as I come to grips in this new role.”

“Ready to Listen”

RTBU Youth has started a new campaign called “Ready to Listen” to improve workers’ mental health, and prevent unnecessary mental injuries.

RTBU Youth comprises RTBU Queensland members under 35 who wanted to get together and campaign on issues that matter to them. Byron Cubit is one of the South-East Queensland Convenors and a champion of the “Ready to Listen” campaign.

Byron tells of several workmates who have committed suicide, or tried to take their own life. Unfortunately, Byron is not alone, or even unusual in this respect.

“Just recently, I heard about an old mate from Aurizon who had also committed suicide. And after a while, you start to notice how many there are. It is too many.”

RTBU Youth surveyed members to find out more about the current mental health of workers.

“We found through the survey that there is a big ‘suck it up’ culture that only hurts workers. It encourages an environment where workers push it down and don’t get the help they need.”

Everyone is feeling mental stress in the time of COVID-19. It is important to know your rights and entitlements. Our Agreements have strong provisions for leave to look after your mental health, and most employers offer Employer Assistance Programs (EAPs) which include confidential counselling and therapy – it doesn’t have to be work-related.

If you would like to find out more about RTBU Youth or its mental health campaign “Ready to Listen” email youth@rtbu.com.au.

Life membership for champion of Acacia Ridge Aurizon Yard

A stalwart of the Acacia Ridge Aurizon Union Committee, Greg Reed is retiring. Greg is the last man standing from the committee of the 1990s. He was thrust into the Senior Delegate role at Acacia Ridge because of the continual restructures and privatisations that have occurred in Queensland Rail throughout 1990s and right up to today.

National President of the RTBU Shayne Kummerfield said Greg was a good friend.

“I met Greg when I first ran as Branch Organiser in 2005. Since then, I have been through many, many training sessions, campaigns and challenges with him.”

Former RTBU Organiser Ross Schimke said Greg always made sure he was there at every Labour Day march, both in Brisbane and his home town of Ipswich. “His help in organising the RTBU contingent in the Ipswich march was always of great help, and always very much appreciated.”

Greg always put members and colleagues first when he dealt with managers or his union, never

working to see what he could get out of a situation — only ever for his comrades.

One time, Management at Aurizon placed surveillance cameras inside all the forklifts at the Acacia Ridge yard. Over a coffee with his workmates, a plan of action was developed. Led and supplied by Greg, members drove their forklifts wearing sombreros.

“Management started kicking and screaming at this,” said Shayne. “but Greg calmly pointed out that workers were merely taking the SunSmart message very, very seriously.”

“I was honoured to be his Organiser, but appreciate his friendship and comradeship in our battles even more”

The Rail Tram and Bus Services thanks Greg for his tireless service to his mates and his union. Delegates like Greg are always missed, and the RTBU has presented Greg with life membership. □

OPPOSITE PAGE: Jaime Cummings has joined the RTBU temporarily as Southern District Organiser with Natalie Neideck.

BELOW: The RTBU Queensland Branch is very happy to present Acacia Ridge Champion Greg Reed with Life Membership of his union.



RIGHT: Byron Cubit (RTBU Youth), Amy Graveson (Fleet Delegate), Leanne Gorman (Bus Delegate) & Rian Parkin (RTBU Youth). — at Emma Miller Place Roma Street. in 2018



The Northern District

Peter Campbell is Townsville born and bred, and currently lives in the suburb of Heatley. He started work on the Queensland Railways in 1975 and is retiring this year.

"I started work in the yards. But in 1988, QR wanted to get more into the tourism side of things. At that point, I applied and started work as Passenger Service Supervisor on Traveltrain in 1989."

A Passenger Service Attendant is the person in charge and responsible for everything that happens on a Traveltrain while en route — apart from the driving. In the early days, before the mobile communications of today, this meant many hours in which there was no support and the Passenger Service Supervisor was the first and last decision-maker for the train.

Peter says he was always union.

"I was a member of the Australian Railways Union [ARU - the predecessor to the RTBU]. In fact, I was the ticket seller."

Before EFTPOS, Direct Debit and other conveniences, a Union ticket seller would go around to workmates in their area with a ticket book. Members would pay cash for the dues, and that was their "union ticket".

"I feel perhaps the union does too good a job. So many workers today aren't joining their union because they get the pay rises and the improvements in conditions, without having to do anything and without seeing how it happened."

"I have done a few EBA negotiations, and the hard work and sacrifice that goes into each one is hard to communicate."

"I was so happy in my work on the trains and so happy and proud to be a union member. We tried to recruit everyone."

Peter has many stories in which being the person responsible for a train with hundreds of passengers, travelling between two regional locations — has some exciting moments.

"I remember once working on the Sunlander from Rockhampton to Townsville. One guy on the train, well, he went absolutely troppo in the morning. He was on something different — this wasn't just booze. He was getting obnoxious. I rang the police and let them know there was a pick-up for them when we reached Bowen. But before we got there, this guy started going off. Then an old lady stood up and told him to 'shut his face!'. Well... that's when things got very interesting."



RIGHT: Peter Campbell is retired after 45 years in rail, most of that time spent as the Passenger Service Attendant on Travel Train.

"What do I do? If I intervene and the guy punches me, management would want to know why I inflamed the situation. If he punches the old lady, then what happens?"

"Well, the coppers turn up at 6am, but they have no handcuffs, and they can't control this guy. The local cops ask for help, and luckily some federal police were in the area, checking on migrant workers on tomato farms."

"A couple of weeks later, I get a call from the police. They are looking for a statement. It turns out he was riding the train on the way to court for assaulting a police officer."

Sometimes you must call "bull" on the Bosses – Aurizon Vehicle Safety Standards

Congratulations and well done to Pring Locomotive delegate Dave Bulloch, who has been keeping Aurizon on their toes because of their insistence that employees use un-roadworthy vehicles for travel.

These vehicles travel many kilometres along rural roads day and night. They inevitably cross the paths of wildlife and other hazards and thus need constant maintenance.

At first, Aurizon didn't seem interested in even acknowledging Dave's WHS dispute, but Dave now has management at the table and planning is well underway to resolve this critical safety issue.

Unfortunately, Aurizon is a repeat offender with un-roadworthy vehicles, so members in Aurizon are advised to keep a look-out for dodgy vehicles. You have the right always to demand a roadworthy vehicle, and your union is always willing to back you up.

Aurizon fails to honour the EBA

Aurizon has failed to honour the EBA in giving its employees real say in their rosters. Members fought hard and long for roster committees with a real voice. There is no way we will stand by while Aurizon attempts to ignore them.

Members fought hard to get input and consultation into rosters so that they could get a better work/life balance. Aurizon, however, has been using its own creative interpretation of the EBA.

Northern District Organiser Les Moffitt has been filing disputes left, right and centre that will hopefully force management at Aurizon understand that they can't just ignore clauses in the EBA they agreed to.

Workers at the world-famous Savannahlander vote in new EA

It is hard to imagine a world-famous locomotive driver, but Wil Kemp from the Savannahlander might be the closest thing.

The ex-wildlife park employer, and reptile lover has quite a profile up North. He's always on local TV, or Australian radio talking trains and radio, or on the Discovery Channel's *Railroad Australia*. He reckons he has had the best job in the world for the past nine years — driving the Savannahlander.

He is also an RTBU member and a delegate for the Savannahlander, where members have just voted in a new Enterprise Agreement with their employer Savannah Cairns Railway Pty Ltd.

Thank you Wil and all the other delegates and members who gave their time to make this Agreement a good one. □

RIGHT: Well done to workers at the Savannahlander who have just voted in a new EBA. This includes loco driver, wildlife manager, and RTBU Delegate Wil Kemp. Photo supplied: Wil Kemp



The Bus & Tram Division

It has many names. Chroming. Huffing. Sniffing or Rexing. Whatever it is called, the practice of inhaling chemicals to get high, and doing it on Brisbane City Council Buses is on the increase. February and March this year have been terrible for incidents of drivers affected by chroming.

One driver from the Sherwood Depot was overcome by chroming fumes whilst doing an inbound 125 route from Garden City. By the time he reached Kessells Road, three chroming passengers had to be removed from the bus. Police attended and detained the three offenders.

After reporting the incident on the radio, the driver agreed to complete the route; however, by the time he reached Fortitude Valley, his initial negative reaction to the chroming fumes transformed into a severe headache and burning in his eyes. His ability to drive safely was impaired. By the end of his route, even Transport for Brisbane (TfB) recognised the scale of the member's impairment. They put him in a cab and towed the bus back to the depot. Forty-eight hours after the incident, the driver still felt unwell and visited his GP for treatment.

The most frightening part of chroming on buses is not just that its frequency is increasing — even though it is. The most frightening part is the cavalier attitude taken by TfB management that stands in stark contrast to their attitudes to impairment of drivers caused by alcohol, prescription or illegal drugs.

Your union has heard reports that managers over the radio are asking drivers if they are “okay to get the bus back to depot?”.

Unfortunately, some drivers are too young to know that they have the right (and duty) not to take the bus back, or they do not “want to cause a hassle”. TfB is using this reluctance of drivers to report their true condition to save money and trouble.

TfB is not honouring its own impairment policy by allowing drivers to take the bus back to depot after a chroming incident.

Asking drivers to take buses back to depots after incidents of chroming puts not only the driver, but the public, at risk of injury or worse. It is a grossly irresponsible practice from TfB.

A driver exposed to chroming should be regarded as impaired and relieved from duties for the rest of the day. This is the same as if the driver took food or drink with alcohol or codeine or was exposed to fumes as the result of an industrial accident. This is the strict BCC policy on impairment and should be applied to victims of chroming fumes as well.

The relationship between chroming and assaults

In another incident, a passenger who was chroming on a bus physically attacked another passenger who objected to the smell. They then robbed the driver on the way off the bus at Buranda Interchange.

On Sunday 8 March 2020, a 60-year-old Garden City driver was assaulted at Cannon Hill Interchange. The driver was punched in his face when two aggressive males tried to force their way onto his bus. Smartly, the driver hit the duress alarm which was heard by a shopping centre security guard who called the police and came to the driver's aid. Police were on the scene within minutes and arrested two suspects nearby. Well done to the guard and Police, let's hope the judiciary does its job too.

The lack of action on chroming taken by TfB looks negligent against the strong response by Queensland Rail (QR). QR has maintained its crew of 30 Authorised Officers who are fining and removing individuals and groups for creating a nuisance. This is great news for the Citytrain network and well done to our RTBU Authorised Officers in rail. However, this has pushed many anti-social behaviours onto the bus network, which the LNP Council of Adrian Schrinner has done nothing to address.

In fact, rather than protecting its employees, your union has heard reports that drivers have received instructions that the “No Child Left Behind” policy trumps “Zero Harm for Drivers”.

Even if drivers believe passengers may cause trouble or harm, they are left with the strong implication that they may face disciplinary action if they try to protect their safety and the safety of passengers by refusing passage to suspicious persons. This is outrageous.

Assaults on drivers must be punished and the punishment must fit the crime and act as a deterrent against further anti-social behaviour on buses.

Passengers aid Driver after assault

Matthew Satterly has been driving Brisbane City Council buses for more than 14 years.

“I love driving buses. But yeah. I've been assaulted, spat on, abused...had coins thrown at me.”

Matthew was assaulted in July 2019 while driving the 184 route, which travels along Vulture Street from the city, and then up Cavendish Road all the way to Garden City.

When he arrived at the Coorparoo Junction stop, one aggressive passenger comes on board — doesn't pay and doesn't scan his GoCard.

“He got on the bus and he said ‘I don't have any money. Keep driving’ and he sat down. That day I had already let, drunks, schoolkids, and homeless people ride the bus for free. There is no alternative, they just need to get where they are going.”

“But this guy and his attitude. He was just too much.”

“I told him he needs to pay. I told him he can't just go around like this and expect to not have to pay when all the other passengers on the bus had done the right thing.”

Standing up for himself was Matthew's first mistake. While other passengers were appreciative of Matthew's attempt to get the passenger to do the right thing, a Council employee on the bus decided to step in and tell Matthew everything he was doing wrong. Plus, the freeloader thought he might start throwing some verbal abuse around.

At that point Matthew told him he had to leave the bus.

“They [the passengers] said ‘you are wrong, this guy needs to get off’. They stood up for me. They were fantastic. I am so grateful to them. And they kept saying how they were sick of this stuff happening on buses, but the council employee just wanted me to drive on.”



Tom Brown Tram and Bus Secretary
0430 539 579



Bennett Roche Tram and Bus Organiser
0419 769 130

RIGHT: RTBU Bus Division Secretary Tom Brown has been fighting for the issue of bus driver safety from inhalents. He appears on Brisbane's 7 News in February to discuss the spike in chroming incidents on Brisbane's Buses.





RIGHT: Matthew Satterley with the sign he is glad he never had to finish. Following Matthew's return from leave and back to work has been seamless thanks to the help of his union and his own determination to do what is right.

It was while the Council Employee was telling Matthew to let the man ride the bus for free, the assailant whipped a windmill slap around the Council Employee, slamming Matthew's head into a hard surface and damaging his ear drum.

It was MAN rigid bus with absolutely no barrier. While Matthew was in a daze, the assailant left the bus, as did three other passengers as they ran after the assailant, caught him, and brought him back to the bus until the police arrived.

It is a sad fact that drivers like Matthew have come to expect violence as part of the job.

"I used to drive the Manmeet's route not long after he was murdered. Everytime we got to the stop where they murdered him...and they have made it a bit of a shrine..well I didn't know it at the time but I started developing a lot of avoidance practices and anxieties around it. I didn't feel safe."

In this instance, management at TfB acted in a similar fashion; blaming the worker, disputing accounts, and trying to avoid the problem.

That is why Matthew was determined to speak to the media. To let the public know about the true state of affairs for Brisbane bus drivers.

I wanted to speak to the media about mental health, the assault problem, the screens, Kym and Petra (other drivers who have been assaulted). I

spoke for about ten minutes and feel better for it. But I was sure they weren't going to let me come back to work.

"I honestly thought they would suspend me. I was ready to hold a sign on Victoria Bridge and everything."

However, through negotiation and the help of his union Matthew is back driving buses.

"I went back to work, and my boss was so nice to me. With tea and biscuits."

Luckily, Matthew can still see the funny side of some of it.

"The funniest thing about all this is when they searched the guy's bag they found plenty of money. Enough to pay for a bus ride at least."

The punishment must fit the crime

Your union believes that the punishments handed to offenders who assault bus drivers have been too lenient.

That is why we have started the campaign to let the courts know how much of a problem this issue is. With the LNP Council of Adrian Schinnerer refusing to take action to stop assaults on its drivers, we need the courts to send the right message and set proper deterrents to offenders.

Brisbane City Council (BCC) needs to take responsibility as the employer and take these workplace health and safety issues seriously. No worker deserves to be assaulted at work. BCC must take the action required to stop these gangs using the bus network as their own free ride service, abusing and physically attacking anyone who objects to their behaviour.

The RTBU calls on the Council to stop bus driver abuse, tackle fare evasion and ban chroming on the bus network now to make our buses safe again.

Your union has had a strong presence outside courts courts when driver bashers are facing the legal consequences of their actions.☐

How COVID-19 is impacting investment markets and your super

As the COVID-19 virus spreads across the world and puts more people's health at risk, governments are placing greater restrictions on movement between and within countries. This is having a large and immediate impact on people's jobs, industries and economies worldwide, and in some cases shutting down entire business sectors except the most essential of services.

Investors are trying to evaluate the impact of these multiple signals - with the release of daily virus updates, new economic data and policy announcements all contributing to the large positive and negative swings we are seeing in sharemarkets.

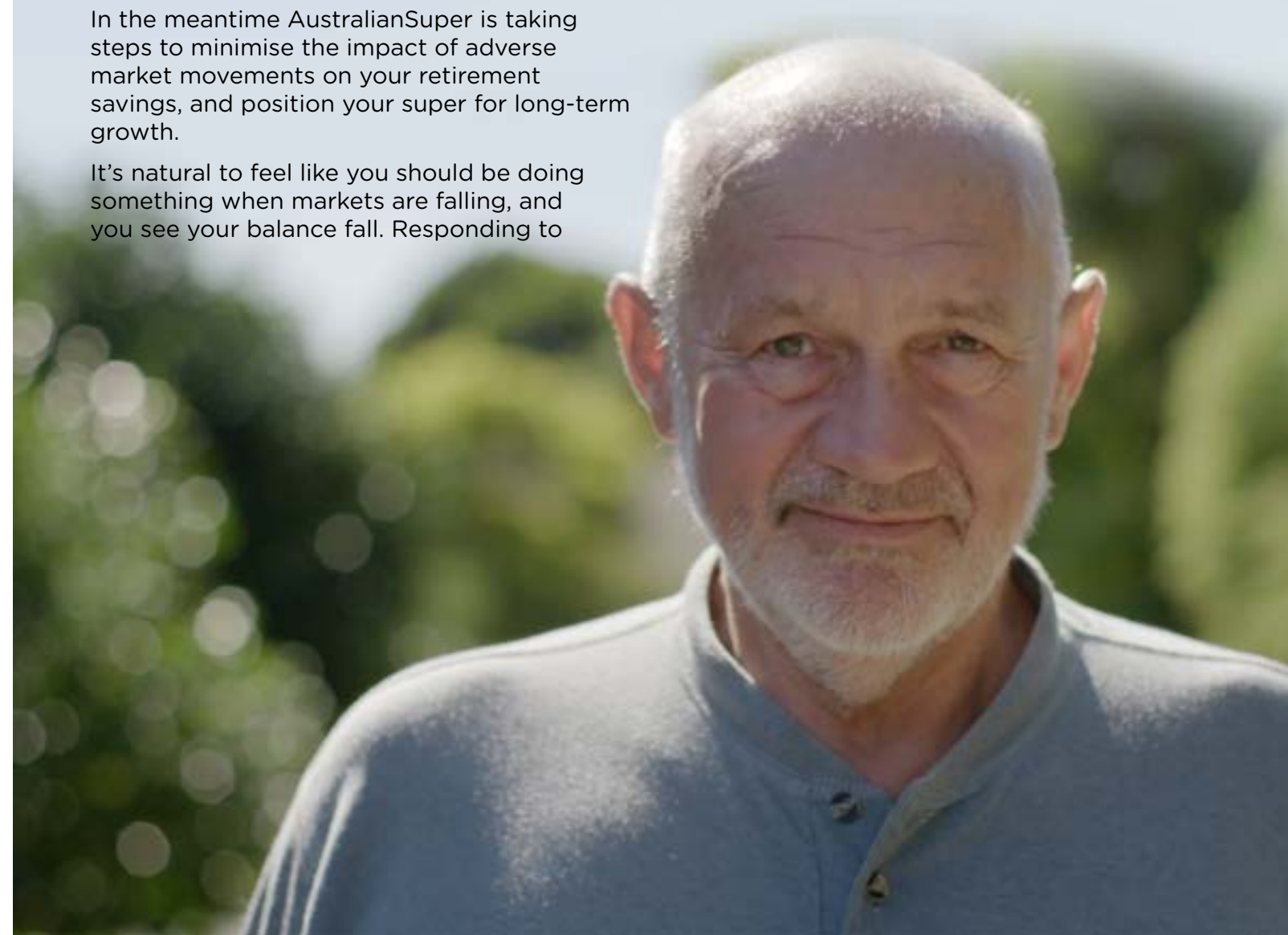
In the meantime AustralianSuper is taking steps to minimise the impact of adverse market movements on your retirement savings, and position your super for long-term growth.

It's natural to feel like you should be doing something when markets are falling, and you see your balance fall. Responding to

the huge swings in market sentiment during highly volatile periods can be a very high risk strategy, as you may sell when markets are down and lock in losses.

As much as possible, we encourage you to take a long-term view of your super and if you have any concerns, it's important to seek advice. You can visit our website for the advice options available to members.

To read the full article please visit australiansuper.com/investments/investment-articles



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When and how to pull the PIN



Lucas Kennedy
RTBU Workplace
Health & Safety
Officer

PINs (Provisional Improvement Notices) can be used by Health and Safety Representatives (HSRs) to get non-immediate and non-life-threatening* dangers in the workplace fixed.

Although only elected HSRs can only issue PINs, all workers should learn the basics because they are such a powerful tool to keep you and your workmates safe at work.

A PIN is a written notice given to your employer that a non-urgent* health and safety issue at work needs rectification, and negotiations to resolve the issue have broken down.

The mechanisms surrounding most industrial matters are described and controlled by your Enterprise Agreement or federal legislation like the Fair Work Act. PINs, on the other hand, and all regulations governing health and safety at work are given force by strong state legislation with substantial penalties for employers who do the wrong thing.

These strong state laws give unions, members, and HSRs a lot of power to keep workers safe. Consult with your Union or HSR if you have any safety concerns about your workplace.

If negotiations break down and a PIN is issued, it is not something an employer can ignore. It is

the last resort for the resolution of any non-urgent* health and safety issue in your workplace.

How to drop a pin

Once you have identified a health and safety issue in your workplace, the correct procedure is to **inform your HSR**. If you are the HSR, it is your role to notify the employer (or their representative) clearly and calmly. Whether verbally or in writing, identify the problem and the resolution you and others in the workgroup want. Just because you are raising a health and safety issue with your employer, it does not mean you are “in dispute”. (A Workplace Health & Safety Dispute is another tool workers can use to get a boss to play ball. We will cover that in the next edition of *The Advocate*.)

Fixing most health and safety issues is as easy as alerting management. If the problem is more extensive, there may be consultation and negotiation before a resolution is found.

If the employer:

- refuses to meet with you;
 - refuses to acknowledge the problem;
 - acknowledges the issue but denies it is a problem; or
 - refuses to do anything about it
- then HSRs have the right to issue a PIN.

Make sure you have evidence (such as emails, or diary notes) proving the above conditions before issuing a PIN.

Do not get fooled at this point. The employer may suggest to refer the issue to the Workplace Health and Safety Committee. Negotiations to resolve a health and safety issue happen between an employer and an HSR. It is not the role of the Health and Safety Committee to resolve urgent workplace health and safety conflicts.

On top of that, the committee might not meet for months. If your negotiations to resolve the health and safety issue for your workgroup break down, then you must issue a PIN to keep your workplace safe.

HSRs and other concerned workers should keep in touch with their Union and get all the assistance and advice they can.

It is not too difficult to issue a PIN. There are many pro forma documents and lots of advice on the WorkSafe website to get you started. We have helped hundreds of members get it right and make their workplace safe again. But a PIN is a legal document. PINs can be ruled invalid for minor, technical errors such as not addressing the PIN to the correct person.

Get in touch with your Union before you push the button. If you feel unsafe in your workplace, and this is the action you and your workmates want to take, your Union will support you all the way.

When completing a PIN form, you will need to **make a statement about the health and safety issue, and cite which parts of the Act or Regulations it contravenes**. State whether the problem is ongoing, or had happened in the past and is likely to occur again.

You need to complete a PIN for each issue. For instance, if you have problems with maintenance, the use of chemicals, and equipment, that is three PINs.

Put down a date by which you want the problem fixed. This has to be at least eight days after the day when you wrote the PIN and gave it to the employer.

You may write down how you think the problem or likely problem can be fixed (but you don't have to do this)

Sign the PIN and ask your employer or employer representative to sign the PIN, to show that they have seen it. It doesn't matter if he or she doesn't sign the PIN - it is still valid.

Give the employer or employer representative a copy of the PIN. When you do this, remind them that they have to do something about the PIN within the time you've given them.

This can be either to fix the problem, or to ask a Inspector from Workplace Health and Safety Queensland to come to the workplace.

If your employer calls in an Inspector, that Inspector is required by law to speak with you, the representative who issued the PIN. If this does not happen, contact your Union.

If the employer simply ignores the PIN, then he or she is breaking the law and may be taken to court by Workplace Health &

Safety Queensland (The Regulator). The Inspector investigates the matter and can affirm, modify or cancel the PIN.

Keep a copy of the PIN for your own records, and a copy for your Union. If a PIN is issued, your employer must display a copy of it in a prominent place so that all workers can see it. In certain cases, it would need to be affixed to the piece of equipment which is the subject of the PIN.

***If there is a health and safety issue at your workplace that you believe is immediate or life-threatening then you have the right to cease work until the problem is fixed.**

Every worker has the common law right to withdraw their labour when there is an unreasonable threat to their health and safety.

If you are unsure, please contact the RTBU.
□

Workplace Health and Safety Queensland

FORM 44
Provisional improvement notice (PIN)
WHS 7.18

This provisional improvement notice (PIN) is issued under section 90 of the Work Health and Safety Act 2011 (the Act). This PIN requires the duty holder to whom it is issued to remedy a contravention, prevent a likely contravention from occurring or remedy the things or operations causing the contravention or likely contravention of the Act or Regulations. Depending on the particular contravention, the duty holder may be an individual natural person or an organisation such as a company or public authority. Section 90 of the Act requires that the person to whom a PIN is issued must, as soon as practicable, display a copy of the PIN in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the PIN. There are a number of things that must be done or taken into account before a PIN is issued by a HSR - see reverse side of this form for relevant information.

1. Health and safety representative (HSR):

Name: _____
First name: _____ Last name: _____
Contact number: _____
Work group represented: _____

2. PIN issued to:

Name of duty holder: _____
(Is an individual natural person or an organisation such as a company or public authority as relevant)
Address: _____
State/Territory: _____ Postcode: _____

3. PIN given to (if the PIN is given to someone on behalf of the duty holder):

Name: _____
First name: _____ Last name: _____
Position: _____ Contact number: _____

4. I have consulted with the duty holder prior to issuing this PIN (section 90(3)) of the Work Health and Safety Act 2011:
☐ Yes ☐ No

5. Details of contravention:

Site location: _____
I, _____, reasonably believe on _____ day _____ at _____
that you ☐ are contravening a provision or ☐ have contravened a provision in circumstances that make it likely that the
contravention will continue or be repeated, of the: _____
☐ Work Health and Safety Act 2011, section _____ ☐ Work Health and Safety Regulation 2011, regulation _____
Brief description of how the provision is being or has been contravened: _____
Note: The HSR may, but is not required to, specify measures, in accordance with section 93 (3) of the Work Health and Safety Act 2011, that they believe should be taken to remedy or prevent the contravention or likely contravention or matters or activities causing the contravention or likely contravention.

Workplace Health and Safety Queensland



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
- ✓ 5% discount on health covers (excluding ambulance-only cover)
- ✓ Immediate waiver of ALL 2 & 3 month waiting periods – start claiming straight away
- ✓ \$150 Woolworths WISH gift card as a welcome gift
- ✓ Dedicated hotline & website for RTBU members

1300 782 810

join@rthealthfund.com.au | rthealthfund.com.au/rtbu



rt health

*See 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 for more details.