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OH&S Harmonisation

On 4 April 2008, the Minister for Employment and Workplace Relations, the Hon Julia Gillard MP, announced a National Review into Occupational Health and Safety Laws, this has led to a process called OH&S Harmonisation.

At present there are 8 different OH&S Laws operating in Australia. The Federal Government and all the States and Territory Governments have agreed to move towards a simpler more streamlined approach to OH&S law in Australia. In fact many State governments have already made agreements to deal with cross border issues on OH&S and some aspects of workers compensation law.

Employer Associations have been lobbying Federal and State governments for years to adopt a single national OH&S system claiming that confusion and red tape are preventing good OH&S Laws.

When Howard got control of the Senate we saw what the employer's real agenda was. Howard stripped back worker's rights and benefits under Federal OH&S Law and changed the federal Workers Compensation Act to allow some national employers to escape from the State laws to Federal laws. He tried to remove the trade union right of entry, the right of unions to represent their members, the right for Unions to sue under NSW law and escape industrial manslaughter legislation being adopted to varying degrees by some governments

Unions have supported harmonisation, not for the same reasons as employers to reduce workers rights to the worst OH&S Law in Australia, but in fact to use the harmonisation agenda to increase the rights of all workers to the best OH&S law operating in Australia as the basis of any national OH&S Model law.

At the moment some workers are worse off than others merely because of the State or Territory they work in, or because they are covered by a weakened Commonwealth OH&S system.

More information on the harmonisation process will be provided as it comes to hand.

WorkChoices Still Alive

Negotiations for a collective agreement with the Rail Technical Support Group (RTSG) have been set back by the recent take-over by Gemco (a subsidiary of Coote Industrial Ltd, that also have a controlling interest in Sothern & Silverton)). The pre-sale review by the company (which operates in NSW, Victoria and South Australia) determined that the operations at Broken Hill may need to be down-sized and the Parkes Depot may be closed.

The company has commenced its operations by putting off maintenance staff at both NSW locations and presenting a non-union agreement for the remaining employees.

The RTBU in Victoria, South Australia and NSW, in conjunction with the AMWU, will attempt to continue discussions with the new owner to protect members wages and working conditions. In the short term we will be providing support to members that have been retrenched.

Australian Rail Training

A new training company, based in Parkes, NSW has commenced operation. Australian Rail Training was developed and is being operated by people with a wealth of railway experience, including working on the footplate. They have a long term-term vision and aim to be the best railway training provider in Australia, with top quality trainers, extra incentives for trainees and employers, hands on training tools, training DVD's, easy to understand workbooks and assessments and comprehensive face to face training workshops.

They have also come up with a new way of getting new recruits to the railways in Australia via a \$49.95 month 'Club Membership' program. This will allow people who would not otherwise be able to afford it the opportunity to get a nationally recognised qualification within the rail industry without huge upfront expense of time or money.

They are also looking for any input from current railway employees about what they feel should be included in training for the Railway Industry.

If members or their families are interested in a career as a Train Driver particularly in Country Freight please check out their website (www.australianrailtraining.com.au) this is where you can also sign up for a free newsletter and find out information about other courses that they offer.

World Youth Day – Rosters & Diagrams

Further to our previous Circular and Footplate on this dispute, where it was advised to claim the lift up and lay back allowance from the original Master roster whilst the dispute was in progress, negotiations with the CEO of RailCorp and the Lemma Government have failed to achieve a suitable outcome, they continue to maintain that correct entitlements have been paid.

We now request that Depot meetings be held to discuss/debate this issue and we will then determine the appropriate course of action.

Driver Trainer Position Description Hearing

Submissions are now finished in relation to the arbitration of the dispute between the RTBU and RailCorp on whether or not RailCorp can unilaterally change a Position Description using managerial prerogative.

The RTBU is arguing that a Position Description is, in fact, a Condition of Employment and therefore requires agreement for any change to occur. We are now awaiting a decision from the Australian Industrial Relations Commission.

One issue that arose out of this dispute is that whenever you do duties over and above what is required of you, as a favour to help out for example, RailCorp will document that goodwill and use it against you in these types of disputes.

Our position is clear, don't do "favours" for RailCorp as they will not only then expect it from you in the future, they will demand it!

Pacific National Safety Training

Northern Coal Division are presently putting several people through a new course designed by a company called PAQS (People and Quality Solutions Pty Ltd) they included safety representatives and an R.T.B.U. delegate. Pacific national also had some of the senior managers trained so that they would have a good understanding of the course. The results of this initiative obviously are unknown at this point, but eventually it is hoped that this training will lead to a reduction of safety incidents. Our point of view is that any safety initiative should be fully explored and our only criticism at this stage is that some more information on this initiative should be distributed to the employees.

Award Modernisation

The Australian Industrial Relations Commission, under instructions from the Federal Government, have embarked on an exercise of, what is called, "Award Modernisation".

It essentially means that, in the future, there will only be Industry Awards.

What that means to us is that, currently there is 5 Awards governing most Drivers across Australia. There are also numerous Awards for all the other Classifications in the Rail Industry. In the future there will only be one Rail Industry Award covering all rail classifications across Australia.

The criteria for inclusion into this new award are that, for example, an allowance must cover all States. The difficulty we face is that there is very few allowances that do that. This is because of 160 years of State Governments using rail as their own political tool and therefore entitlements were negotiated at a State level.

Whilst we would like to see all of the NSW allowances and conditions in this Award it won't be possible for that to occur. There is a 5 year transitional phase that allows all current allowances and conditions contained in our award to continue, however after that period all outstanding allowances and conditions will cease to exist.

We have been protecting our various entitlements by placing them into the relevant EBA's and Deeds of Agreement, a good example of this is with the RailCorp EA compilation process and all of the consolidated information will be in the 2008 agreement, when it goes out for the ballot.

Pacific National Random Drug Testing Policy

Pacific National have introduced a quick test into their Drug testing policy to enable a quick indication of drug traces in the urine sample. The RTBU believes that while it is permissible to do this under the safety legislation it would be beneficial for the company to communicate the change to its employees and we have requested a copy of their revised policy. They have also verbally advised that they will continue to ensure that normal entitlements are met and the new changes will not adversely affect our members, unless of course if it is found that the member has been taking drugs.

Authorised by Alex Claassens, Divisional Secretary

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