

IN THE FAIR WORK COMMISSION

Fair Work Act 2009 cl.95, Schedule 1– FWC to vary certain modern awards

Matter no: (AM2024/6)

VARIATION OF MODERN AWARDS TO INCLUDE A DELEGATES' RIGHTS TERM

(AM2024/6)

AUSTRALIAN RAIL TRAM AND BUS INDUSTRY UNION'S REPLY SUBMISSION

(RTBU)

Introduction

1. The RTBU has an interest in the Rail Award 2020 and the Passenger Vehicle Transportation Award 2020
2. The RTBU by way of general application, supports and adopts the submissions and draft workplace delates clause filled by the Australian Council of Trade Unions (ACTU) on 1 March 2024
3. The industries in which the Awards operate have a number of common characteristics. For many of the workers, they are employed as shift workers who many work in regional or rural locations. The RTBU recommends that the Commission should include a model clause that recognises the needs of shift workers.
4. Further, the RTBU supports the amendments to the ACTU draft clause as outlined in the AMWU submission at paragraphs [9]-[11] that is:

Right to Represent [section] 'If a delegate is attending the Fair Work Commission, a Court or Tribunal at a time when they would not usually be rostered on to work, they will not be required to attend for a shift that commences late that day without any loss of pay.'

Right to Paid Training Leave [section] 'If a delegate is attending Training at a time when they would not usually be rostered on to work, they will not

be required to attend for a shift that commences later that day without any loss of pay.'

Reply Submission

5. The RTBU relies on the reply submissions made by the ACTU. However, would like to highlight a matter that is particularly relevant to the awards that the RTBU has an interest in.
6. AiG, from paragraph 57 of their submission, suggest that delegates' training should be paid at the minimum rate and should only occur during existing hours.
7. The model clause should not impose a financial cost on union delegates who sought to exercise their rights which would act as a barrier to such exercise. This is particularly relevant for shift workers. For this reason, the RTBU agrees with the ACTU submission that the provision should explicitly provide for payment without loss of pay, at the full rate of pay. Moreover, true facilitation of the exercise of delegates' rights requires there to be accommodations – such as roster changes – made as necessary. The alternative would be a safety risk and has the potential to cause fatigue related issues. Again, the model clause should not impose a health burden on a union delegate who sought to exercise their rights.

On behalf of the Australian Rail, Tram and Bus Industry Union

28 March 2024