



Rail, Tram & Bus Union

Tram and Bus Division NSW Branch

29/10/21

Dear Member,

As we move forward in Region 7 there are two main issues we need to deal with to ensure our workplace is fair and we don't throw away 90 years of struggle and sacrifice.

1. The Greenfield Agreement

A Greenfield is a type of Enterprise Agreement that is made for a new workplace when there are no employees. There are rules around this, for example it has to be a new enterprise, you can't just take over an existing business and call it new. This is exactly the argument we're having in court; Busways are saying it's new for a variety of little reasons and we're saying it's not for a variety of big reasons. This is an argument we've had in front of a full bench of the Federal Court and for which we're waiting on a decision.

It should be noted that earlier this week the Federal Court ruled an application by TfNSW to keep evidence used in the Greenfield appeal confidential. That was not a verdict on the appeal itself- we're still waiting on that.

If we lose this case and the Greenfield is upheld, we have two legal options to consider, one of which is an appeal to the High Court. The other is not something that needs to be advertised at the moment.

If we win the decision and the Greenfield is struck down, that decision can (and probably will) be appealed in the High Court by the company. That leaves us with the question of 'what conditions do new employees have?'. The company has indicated that they will still use the Greenfield as a template for the conditions new drivers work under. This means that there will still be two separate groups of employees.

Both of these outcomes only deal with a part of the problem, the other problem is-

2. Replacing the STA Award

Negotiating a new Enterprise Agreement is important for several reasons.

- a) It gives employees confidence of what their employment conditions will be going forward.
- b) It gives new employees surety in what their working conditions are if the Greenfield is struck down.
- c) Through negotiation we can work to unify the conditions of the two groups, ex-STA and new drivers.

Be aware though, this will not be an easy process. The company has used the Greenfield as the basis for their calculations on how much it will cost them to run the business. These are the numbers they used to win the contract in the first place.

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ORGANISING WORKERS IN THE TRANSPORT INDUSTRY
PROTECTING AND BUILDING RIGHTS AT WORK

After privatisation, the game changes. We won't be bound by the industry allowance, and should negotiations break down industrial action (after we tick certain boxes) can legally be taken.

Remember you can only take part in any industrial action if you're represented at the bargaining table. Following the RTBU/TWU peace deal the RTBU is the only union for bus drivers in Region 7, and we're only going to get this situation fixed together. If you know drivers who are not Union members, please encourage them to join.

The company has indicated they are keen to find a solution, what that solution looks like will be up to members. There will be no negotiation before transition (as we did in region 8) because the game plan has to be different and we're still waiting on a decision about the Greenfield. Because of this, members can feel free to return their Letters of Offer.

The union will always negotiate in good faith; the goal here isn't necessarily to cause pain to the company but to protect worker conditions and avoid a two-tiered workforce. If it comes to taking action then we will; members will always have the final say and steer the direction we travel and we're not going to short change our future.

In Solidarity,



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