



Rail, Tram & Bus Union

Tram and Bus Division NSW Branch

11/11/21

Dear Kathryn,

The Tram & Bus division of the NSW Branch of the Australian Rail, Tram & Bus Industry Union formally requests an audit of Transit Systems West Pty Ltd, Transit System West Services Pty Ltd, and Transit (NSW) Services Pty Ltd. Collectively these entities operate the SMBS Region 6 and shall be referred to as Transit Systems (TSA).

As previously discussed, TSA have been in receipt of financial contract continuance from Transport for NSW (TfNSW) during the COVID-19 pandemic. Specifically, during the period of the Delta outbreak which caused widespread service disruptions this year.

TfNSW extended financial continuity partly on the provision that no worker be financially disadvantaged. This was a measure that was extremely welcomed by all concerned and effectively kept the families of workers housed and fed. For that TfNSW should be recognised and congratulated.

Unfortunately, it appears that TSA may have utilised the opportunity to come out ahead at the expense of workers and taxpayers. Below is a short summary of the cause and effect for workers.

- The company had agreed to not roster legacy staff more than 40, 40, 40, 32 patterned weekly hours across a monthly period. This accommodated earning the ADO and meant that the average pay the union agreed to would always be more than the value of the work performed. They have not kept to this agreement.
- There is at least one documented instance where a driver who refused to do rostered overtime was given a Final Warning letter following a disciplinary process.
- Payslips have no daily breakdown making it impossible for drivers to effectively check pay.
- The company claims to be topping up pay when they do roster beyond these agreed to times, it is unsure if this is happening. This is one of the issues being consistently chased with payroll by delegates.
- Some drivers kept at home at the direction of TfNSW and not the Public Health Order due to mask exemptions have not been paid correctly, instead receiving a reduced amount.
- It appears that payslips are simply duplicating week to week in some respects. I have a payslip showing two Sunday shifts worked, and they were paid. The problem is they were paid EXACTLY THE SAME when the shifts themselves were different.
- Part time employees who are on static contract hours are reporting less income. Unsure how this is possible when any averaging of a static figure should remain constant.
- Drivers acting up in relief positions not always being paid as per those duties.
- Local management does not understand and cannot explain the process to workers.

Australian Rail, Tram & Bus Industry Union *Tram and Bus Division*

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

In short, at the request of the company, TSA had come to an agreement with the ARTBIU about pay averaging. The company maintained the comparison system being used industry wide was somehow too difficult for them. The union, after consideration agreed provided certain parameters were observed. This is the limitation of rostered hours referred to previously.

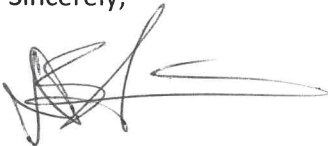
The company has reneged on this agreement, and now seeks to characterise any apparent discrepancy as anomalous. This is factually incorrect. The anomalies are systemic and arise from the deliberate operational choices made by the company.

In the interest of transparency and the accountability of taxpayer funds, as well as the potential withholding of hundreds of thousands of dollars in worker entitlements by a government contractor, the union believes an independent audit is the best way forward.

If the company is genuine in it's conviction that it has done nothing wrong in the face of documented evidence otherwise, there are no grounds to oppose such a request. The union expects that the grounds of public accountability would be sufficient to convince TfNSW that such a measure is warranted.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Babineau', with a long horizontal stroke extending to the right.

David Babineau

Divisional Secretary

NSW Tram and Bus Division

Australian Rail, Tram and Bus Industry Union