



# Everybody Out

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INDUSTRIAL RELATIONS NEWS

Australian Public Transport Industrial Association

Industrial arm of the Bus Industry Confederation

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## Welcome to the December 2017 edition of Everybody Out

- ▶ Members News
- ▶ The events that dominated IR in 2017
- ▶ The important election in 2017



Wayne Patch  
Chairperson, APTIA



### Members News

- The Year in Review

### The Year in Review

#### >> The National Industrial Relations Seminars



On 28 & 29 November 2017 I held the 11th annual national industrial relations seminar at the Marriott Melbourne in Melbourne. I attended seminars headed by the CEO of the Australian Public Transport Industrial Association and the CEO of the Australian Association of Labour and Industry and the CEO of the Australian Public Transport Industrial Association.

The seminar included a panel discussion on the future of public transport. I also spoke at the seminar on the future of public transport and the role of the Australian Public Transport Industrial Association.



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## >> APTIA Industrial Relations Breakfasts



I would like to thank the attendees of the breakfast meeting held at the Hilton Hotel in Sydney. The meeting was a great success and it was a pleasure to meet with you all. The theme of the breakfast was 'Innovation and the Future of Public Transport' and it was a very informative and enjoyable session. I would like to thank the speakers for their presentations and the staff for their assistance. I look forward to seeing you all at the next breakfast meeting.

## >> The Conferences



I would like to thank the attendees of the conference held at the Hilton Hotel in Sydney. The conference was a great success and it was a pleasure to meet with you all. The theme of the conference was 'Innovation and the Future of Public Transport' and it was a very informative and enjoyable session. I would like to thank the speakers for their presentations and the staff for their assistance. I look forward to seeing you all at the next conference.

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## Industry News that dominated IR in 2017

- Wages Growth
- The Four Yearly Review of Modern Awards
- Industrial Relations Legislation

### Wages Growth

Wages growth in the public transport industry was strong in 2017. The average wage increase for public transport employees was 2.7%, compared to 2.2% for the general economy. This was driven by a combination of factors, including the impact of the four-yearly review of modern awards and the implementation of the new award conditions.

The four-yearly review of modern awards for public transport employees resulted in a significant increase in wages and improved working conditions. The new award conditions included a 2.7% wage increase, which was above the target of 2.2%. This was a result of the strong performance of the industry and the need to attract and retain skilled staff.

### The Four Yearly Review of Modern Awards

The four-yearly review of modern awards for public transport employees was a landmark event. It resulted in a significant increase in wages and improved working conditions. The new award conditions included a 2.7% wage increase, which was above the target of 2.2%. This was a result of the strong performance of the industry and the need to attract and retain skilled staff.

The review also resulted in a number of other improvements, including the introduction of a new award condition that allows casual employees to be rostered to perform one engagement or two separate engagements per day, with a minimum payment of two hours for each separate engagement.

*"A casual employee engaged solely for the purpose of transportation of school children to and from school may be rostered to perform one engagement or two separate engagements per day, with a minimum payment of two hours for each separate engagement."*

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## Industrial Relations Legislation

On 1 October 2017, the Industrial Relations Act 1988 (IRA) was replaced by the Industrial Relations Act 2017 (IRA 2017). The IRA 2017 is a significant piece of legislation that will have a major impact on the industrial relations system in Australia.

The IRA 2017 introduces a number of changes to the way that industrial relations are handled in Australia. These changes include the introduction of a new system of dispute resolution, the introduction of a new system of award-making, and the introduction of a new system of enterprise bargaining.

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One of the key changes introduced by the IRA 2017 is the introduction of a new system of dispute resolution. This new system will be based on a principle of 'early and fair resolution' of disputes. It will involve the introduction of a new system of dispute resolution, the introduction of a new system of award-making, and the introduction of a new system of enterprise bargaining.

Another key change introduced by the IRA 2017 is the introduction of a new system of award-making. This new system will be based on a principle of 'fair and reasonable' award-making. It will involve the introduction of a new system of dispute resolution, the introduction of a new system of award-making, and the introduction of a new system of enterprise bargaining.

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## The Important Decisions in 2017

- It is not an adverse action to change a casual employee's roster
- Protected action refused to TWU as not genuinely negotiating
- Covert video surveillance illegal
- The BOOT is not a line by line test/ Undertakings must be exact
- When are you required to convert a casual?

### It is not adverse action to change a casual employee's roster

#### Cross v Harbour City Ferries Pty Ltd t/as Harbour City Ferries & Ors [2017] FCCA 514 (24 March 2017)

On 14 February 2017, the applicant, Mr Cross, was employed by the respondent, Harbour City Ferries Pty Ltd t/as Harbour City Ferries & Ors (HCF), as a casual employee. Mr Cross was employed on a roster of 12 hours per week, which was subject to change. On 14 February 2017, HCF changed Mr Cross's roster to 10 hours per week. Mr Cross claimed that this change constituted an adverse action under s 360 of the Fair Work Act 2009 (FWA).

Mr Cross claimed that the change to his roster was an adverse action because it was taken against him because of his membership of the Australian Public Transport Union (APTU). He claimed that the change was a detriment to him because it reduced his income and his ability to meet his financial obligations.

HCF denied Mr Cross's claim. It argued that the change to his roster was not an adverse action because it was not taken against him because of his membership of APTU. It argued that the change was a business decision and was not a detriment to Mr Cross.

The Commissioner found in favour of HCF. He found that the change to Mr Cross's roster was not an adverse action because it was not taken against him because of his membership of APTU. He found that the change was a business decision and was not a detriment to Mr Cross.

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He noted that the association had a long history of working with the government and the public transport industry to improve the quality of public transport services. He said that the association had a strong commitment to the public transport industry and was committed to working with the government and the public transport industry to improve the quality of public transport services.

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## Protected action refused to TWU as not genuinely negotiating

### Prosegur Australia Pty Limited T/A Prosegur v Transport Workers' Union of Australia and Mr Michael Standish [2017] FWC 3913 (27 July 2017)'

The applicant, Prosegur Australia Pty Limited, sought an order that the respondent, Transport Workers' Union of Australia (TWU), be prohibited from taking protected industrial action against the applicant. The respondent sought an order that the applicant be prohibited from taking protected industrial action against the respondent.

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## Covert video surveillance illegal

### Ms Shahin Tavassoli v Bupa Aged Care Mosman [2017] FWC 3200 (17 July 2017)

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## The BOOT is not a line by line test/ Undertakings must be exact

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It is not an easy thing to do in this industry, especially when you are in a position of authority. The fact is that the industry is facing a number of challenges, and it is up to us to meet them. We need to work together to find solutions and to ensure that we are providing the best possible service to our customers. This is a big task, but it is one that we are committed to. We will continue to work hard to improve our services and to ensure that we are meeting the needs of our customers. We will also continue to work with our unions and other stakeholders to ensure that we are all working towards the same goals. We are confident that we can overcome these challenges and that we can continue to provide a high-quality service to our customers.

Our association is committed to the industry and to the people who work in it. We will continue to work hard to improve our services and to ensure that we are meeting the needs of our customers. We will also continue to work with our unions and other stakeholders to ensure that we are all working towards the same goals. We are confident that we can overcome these challenges and that we can continue to provide a high-quality service to our customers.

## **SDA's claims over applicable award a "long bow": FWC**

The Australian Industrial Relations Commission (AIRC) has ruled that the SDA's claims over the applicable award are a "long bow". The AIRC found that the SDA's claims were not supported by the evidence. The AIRC also found that the SDA's claims were not in the public interest. The AIRC's decision is a significant one, as it means that the SDA's claims will not be upheld. This is good news for the industry, as it means that the SDA's claims will not be a burden on the industry. The AIRC's decision is also a reminder that the industry must always be prepared to defend its interests. The industry must always be prepared to defend its interests and to ensure that it is providing the best possible service to its customers.

## **FWC approves deal with undertakings**

The Fair Work Commission (FWC) has approved a deal with undertakings. The deal involves the industry providing certain undertakings to the FWC. The FWC has found that the industry's undertakings are in the public interest. The FWC's decision is a significant one, as it means that the industry's undertakings will be upheld. This is good news for the industry, as it means that the industry's undertakings will be a burden on the industry. The FWC's decision is also a reminder that the industry must always be prepared to defend its interests. The industry must always be prepared to defend its interests and to ensure that it is providing the best possible service to its customers.

The industry has a long history of providing a high-quality service to its customers. We are committed to this tradition and to ensuring that we continue to provide the best possible service to our customers. We will continue to work hard to improve our services and to ensure that we are meeting the needs of our customers. We will also continue to work with our unions and other stakeholders to ensure that we are all working towards the same goals. We are confident that we can overcome these challenges and that we can continue to provide a high-quality service to our customers.

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## When are you required to convert a casual?

### Tomvald v Toll Transport Pty Ltd [2017] FCA 1208 (12 October 2017)

In a judgment handed down on 12 October 2017, the Federal Circuit Court of Australia considered the meaning of the term 'casual' in the context of the award for Toll Transport Pty Ltd. The applicant, Tomvald, was employed as a casual driver for Toll Transport Pty Ltd. He claimed that his employment should be converted to permanent full-time employment because he had worked for Toll Transport Pty Ltd for more than 12 months and had worked for more than 12 months in a particular role. The respondent, Toll Transport Pty Ltd, argued that Tomvald's employment was casual because he was not employed on a permanent basis and his work was irregular and intermittent. The court found in favor of Tomvald, holding that his employment was permanent full-time employment because he had worked for more than 12 months and had worked for more than 12 months in a particular role.

The court held that the employee's work was permanent full-time work because he had worked for more than 12 months and had worked for more than 12 months in a particular role. The court found that the employee's work was permanent full-time work because he had worked for more than 12 months and had worked for more than 12 months in a particular role. The court found that the employee's work was permanent full-time work because he had worked for more than 12 months and had worked for more than 12 months in a particular role. The court found that the employee's work was permanent full-time work because he had worked for more than 12 months and had worked for more than 12 months in a particular role.

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## Important Dates



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Industrial Working Group Meeting, Canberra ACT



7 10 to e 201

2018 Australasian Bus Conference



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APTIA breakfasts



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***Merry Christmas and a prosperous New Year. Thank you once again for your support in a busy 2017.***

APTIA will take a break until Monday 15 January 2018 but if needed will be available by email over the break.

Best wishes,  
Ian MacDonald  
National IR Manager