

## FAIR WORK COMMISSION

Matter no: AM2014/97

### WITNESS STATEMENT

Name of Deponent: Gary Talbot

Date sworn/affirmed:

I, Gary Talbot of Suite 210, Trades Hall, 4-10 Goulburn St Sydney NSW 2000, National Organiser of the Rail, Tram and Bus Union (**the RTBU**) affirm:

1. I have read the submissions made of behalf of Aurizon, Australian Rail Track Corporation, Brookfield Rail Pty Ltd, Metro Trains Melbourne, Sydney Trains and V/Line Passenger Pty Ltd dated 8 March 2016.
2. In response to these submissions I make the following comments.
3. Paragraph 3 of my statement on 16 October 2015 (**Initial Statement**) refers to my knowledge of the increasing level of casualisation in the rail infrastructure industry. My knowledge of this trend comes from direct experience as a National Organiser for the RTBU. For example, I have been increasingly approached by new labour-hire companies to negotiate enterprise agreements. These companies include, but are not limited to, Morson International, Skilled Rail Services, Safeworking Solutions, Workpac, TrueNorth, Anderson Recruitment Group, 2XM Projects, Kruzer Recruitment, Nash Rail and Sunstone.
4. Paragraph 4 of my initial statement refers to my knowledge of the effects of casual employment. As an Organiser I am in direct contact with the membership of the RTBU on a daily basis. I have had many conversations over the period of my employment with members who have lamented the negative effects of casual employment including, but not limited to, the absence of annual and sick leave, the difficulty of securing a home loan and insecure employment.
5. Paragraphs 6 and 7 of my initial statement refer to involvement I have had negotiating various national agreements. The agreements I have referred to contain clauses that include casual loading when calculating overtime and penalties for time worked on a weekend.
6. Paragraphs 8 and 9 of my initial statement I refer to the Building and Construction On-Site Award 2010 and its interaction with the Rail Award 2010. At present, the Rail Award only covers employees who work for a rail transport operator (clause 4.1). A labour-hire employee company who works on the railways is therefore not covered under the Rail Award, but rather by the Construction Award. This is despite the employees of a rail operator or labour-hire company doing essentially the same work. This is the basis of the overlap and the reason why the Construction Award is often used as a substitute to the Rail Award.