



# IMPORTANT UPDATE ON RAIL SAFETY ISSUES

## Fatigue Management Guidelines

Last year ONRSR released a Draft Fatigue Management Guideline which recommended a so-called ‘risk management approach’ to fatigue on rail networks.

The draft guideline stated:

*“By using the principles [of rest and recovery] to manage the likelihood of fatigue, it is possible to design a schedule whereby a higher level of fatigue risk is tolerated for one or two principles, providing that the principles are balanced by of lower fatigue-risk options for other principles.*

*“For example, if for operational reasons it is necessary to schedule a long work shift, even though it represents a high fatigue likelihood factor, the higher fatigue risk may be offset by ensuring that the schedule involves low risk factors on other characteristics.”(p11)*

At the time, they wanted to remove maximum shift lengths in the NSW and Queensland legislation and instead allow operators to determine fatigue based just on this matrix in their guideline.

After a year long battle on this issue, ONRSR has now informed us that although they will continue with a Fatigue Management Guideline, they will NOT remove the maximum shift lengths in the legislation. This is exactly what we wanted! We will continue fighting for prescribed maximum shift lengths and minimum shift breaks in other states and territories.

## Definition of Rail Safety Workers

ONRSR recently advised the RTBU that it had received legal advice to say people who work on rail networks but are employed by third parties not under the ‘management or control’ of a rail operator are NOT Rail Safety Workers.

ONRSR said that an example of an employee who would no longer be considered a RSW under the new definition would be a council-employed gardener who was required to mow grass on a light rail corridor.

The RTBU was concerned that ONRSR’s new definition could undermine rail safety standards, and leave workers exposed. Although they may be technically correct from a legislative perspective, this is no reason to diminish safety standards.

After consultation with the RTBU, ONRSR has agreed to redraft its guidelines to highlight that there is no change to the duties owed to such people by rail operators, and that

operators will still be required to put adequate controls in place to protect such workers.

Therefore, the only difference will be that such workers will not be RSW and will therefore not need to hold a RIW card. They will however be owed the same duties by rail operators and need appropriate controls to keep them safe.

The RTBU will be keeping a close eye on the draft guideline to make sure that it is made clear that the controls operators need to provide compensate for these workers not having RIW cards and the associated training.

## In cab recording devices

**Thank you to all RTBU members who took action to prevent the mandatory use in-cab recording devices in train cabins.**

ONRSR has taken its proposal to make in-cab audio and video monitoring system mandatory on the Australian rail network off the table following a meeting of State and Territory Transport Ministers.

We now have an opportunity to work constructively with ONRSR to develop a new set of rules for in-cab recording. Our starting point is that there must be:

- no live feeds of data;
- no employer access to recordings for disciplinary purposes; and
- any exceptions to these rules can only be made through negotiations with workers.

Let’s be clear: we are, and always will be, opposed to the presence of in-cab video and recording devices. But it is also vital that legal safeguards are put in place to ensure that workers are protected if and when in-cab recording devices are put in place. We say this because technically there is nothing in the law that is currently stopping operators forcing them on us. And if we do achieve agreement, we can make sure the law limits in-cab recording to what we want and not what operators want.

We understand how much this issue means to members. It is one that we all are passionate about, and we continue fighting to make sure we get the best outcome for all rail workers.

Mark Diamond  
**NATIONAL SECRETARY**