

INQUIRY INTO NSW TAXI INDUSTRY

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Wayne Forno **State Secretary****Confidential Submission to the Select Committee on the NSW Taxi Industry by the Transport Workers' Union of New South Wales:****Background to the Submission:**

The Transport Workers' Union (TWU) is recognised as the pre-eminent representative of bailees/employees in the Taxi Industry in NSW. The TWU conducts employee/baileedriver industrial training as part of the Taxi Council Silver Service driver training. The TWU also assists members with workplace issues.

The taxi industry is quite fragmented and the workforce is highly transient. As a result of this industry structure employee/bailee drivers are in a poor bargaining position and generally have a low level of understanding of their rights. Therefore compliance with the Taxi Industry Contract Determinations is sporadic at best.

Not only do these issues affect the employee/bailee drivers, in terms of rates of pay and working conditions, but they also affect passengers as it is highly likely that their driver will be inexperienced, not properly trained or remunerated and therefore can also be quite ineffective and disgruntled in their role. This is not a criticism of these drivers but the industry structures that produces these outcomes.

Responses to Terms of Reference:

The TWU wishes to comment on only those matters that affect the working conditions of taxi drivers and any related impacts on consumers. Other matters will not be commented on.

1. (c) *The effect of limits on the provision of unrestricted taxi licences* – we acknowledge that limits on unrestricted taxi plates can impact customer service but it is also important to recognise that plate holders have made a not insignificant investment based upon a policy framework that was in place when they made the purchase; that there was a limited supply of these plates which would maintain and potentially grow their investment.

The current system has created a situation where growth in taxi plates has been such that it difficult for drivers to acquire them. On the flip side many plate owners have made this investment for their long term financial planning needs. These factors need to be balanced so that we have an increase in accessible and affordable taxi plate without destroying the investment of current plate holders. How the solution is devised needs to be through appropriate financial modelling and industry consultation.

(k) *Working conditions and entitlements for taxi drivers* – The TWU has great concern over the treatment of employee/bailee drivers in the industry, specifically in relation to the following matters:

- (i) Unregulated driving hours in the industry which typically requires drivers to complete a standard 12 hour shift. In addition to these long standard hours employee/bailee drivers state they are encouraged to work semis or reverse semis; for example working a Saturday day shift, a Sunday night shift and Monday day shift.



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- (ii) These work practices lead to driver fatigue which creates a risk for the drivers, their passengers and the general public.
- (iii) While the TWU provides employee/bailees driver industrial rights training, they have expressed concerns that their employers do not provide them with OHS training and in most cases do not have an OHS policy.
- (iv) When dropping off and picking up passengers drivers run the risk, in many parts of Sydney, of breaching road and parking regulations. Drivers report receiving penalty notices for parking breaches after Infringement Officers have photographed a taxi driver in breach of parking regulations.
- (v) Employee/bailee drivers tell us that when they are in at fault accidents they are required by their bailor to pay the applicable excess.
- (vi) Drivers report that they are fined when the vehicle they are driving is defective. Employee/bailee drivers are required to inspect a vehicle before they drive it but they also pay to drive the taxi which they expect to be in roadworthy condition. The entire onus is on the driver in this regard.
- (vii) In some cases employee/bailee drivers advise us that increases in the "pay in" by employee/bailee drivers is not consistent with or time in conjunction with IPART increases.
- (viii) Employee/bailee drivers are commonly required to provide their own uniforms.
- (ix) Employee/bailee drivers report that they do not receive sick leave, holiday pay, long service leave and sufficient downtime to ensure adequate rest and personal time.

Given the number of hours that drivers can potentially work the TWU recommends that the Select Committee investigate appropriate measures to ensure suitable working hours are in place in the industry and that there are appropriate mechanisms in place to ensure compliance. Such measures would support safety for the drivers, their passengers and the general public. Furthermore, we recommend that the Select Committee consider putting in place a standardised OHS policy for the taxi industry backed by appropriate training delivered by appropriately skilled providers.

It also appears that there is a need to review and provide recommendations in relation to industry practices as to who pays defect notices for defective vehicles and the excess in at fault accident cases to ensure fairness and equity in the system.

Taxi drivers are expected to work long hours, they regularly risk sanction from Infringement and Police Officers for offences not related to safety, have to pay for their own uniforms, commonly receive remuneration below the contract determination rates and commonly do not receive sick leave, holiday pay, long service leave or superannuation.



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Therefore it is not surprising that the industry has high staff turnover and difficulty attracting appropriate recruits. The TWU contends that if these issues are resolved that the quality of taxi drivers would improve as a result of improved standards and remuneration for drivers feeding into a better overall customer experience.

We trust that this submission will assist the Select Committee in its review of the taxi industry. Please either Garth Mulholland or Darcy Waller on 9912 0700 for further information.

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