

**Submission  
No 16**

**INQUIRY INTO IMPACT OF TECHNOLOGICAL AND  
OTHER CHANGE ON THE FUTURE OF WORK AND  
WORKERS IN NEW SOUTH WALES**

**Organisation:** Australian Rail Tram and Bus Industry Union, NSW Branch  
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## LEGISLATIVE COUNCIL

*Select Committee on the impact of technological change on the future of work and workers in New South Wales*

### SUBMISSION OF THE AUSTRALIAN RAIL TRAM AND BUS INDUSTRY UNION, NSW BRANCH

1. The Australian Rail Tram and Bus Industry Union, NSW Branch (**RTBU**) represents workers in the Rail, Tram and Bus industries and is an “industry” union meaning that it has coverage of all workers in those industries regardless of occupation.
2. The RTBU’s submission to the Select Committee will touch upon, specifically:
  - i. the automation of work; and
  - ii. workplace surveillance laws; and
  - iii. workplace change obligations and consequences.

#### The Automation of Work

##### **Automation of Railway Systems – Metro Trains**

3. Automation of government work should not occur unless there is a tangible benefit to taxpayers. It is an accepted and generally adopted principle that customer service is a valuable commodity in both the public and private sectors.
4. Recently the preferred mode of railway for the NSW Government in Sydney has become a “metro” style, single deck, train similar to trains seen on the London Underground. The trains are much smaller than others operating around the Sydney Metropolitan Network known as “Heavy” rail.
5. Relevantly to this inquiry, these “metro” trains are driverless. This method of operation does not provide any tangible benefits to commuters, and beyond a gimmick able to be sold to the public by the Government, seems only to benefit the private foreign owned company that won the right to operate the railway, Metro Trains Sydney Pty Ltd (**MTS**).
6. In the process of enabling the driverless train, the Government has allowed MTS to operate with very few staff in commuter facing roles meaning that trains rarely have staff on board, and stations resemble ghost towns. In its contract with MTS, the Government mandated that only 50% of trains must have staff on board, and only during peak hours.
7. Throughout NSW railways, the presence of a safety critical worker, be it station staff, guards, or drivers, ensure that:

- i. trains arrive and depart stations safely, including ensuring that passengers board and disembark the train safely;
- ii. trains operate on the network safely; and
- iii. any person aboard the train (commuter or worker) remains safe.

Safety critical workers have been vital to the railway industry for over 150 years.

8. What is curious is that MTS have trained the few staff who are aboard the trains, known as Customer Journey Coordinators – Trains (**CJC-T**) to drive the train if something should go wrong. This fact, while comforting to those on a broken down train with a CJC-T aboard, is not much use to a commuter unlucky enough to be on an empty train stuck halfway between North Ryde and Macquarie Park stations with nobody to render any form of assistance.
9. Under this “metro” automated model of railway operation, MTS profits, and taxpayers suffer. The model theoretically shifts work away from customer facing positions, and into control rooms. However, whilst the control rooms used by MTS may perform slightly different work to those workers employed by Sydney Trains at a location like the Rail Operations Centre in Mascot, the model certainly does not increase or even maintain levels of employment.
10. Commuters also see no benefit when it comes to fare prices. Despite losing any semblance of effective customer service and comfort provided by the presence of safety critical workers, the cost of travelling on the Metro line is the same as the rest of the metropolitan train network.
11. In net terms, all the automation of the Chatswood to Tullawong railway line has done is eliminate traditional railway roles. Any suggestion that this work has been replaced by “new forms of work” or results in any financial benefit to commuters is a folly.

#### **Automation of buses – Homebush and Newcastle**

12. Although not yet a common feature on our roads, the NSW Government has flirted with the concept of driverless buses in Homebush and Newcastle. Once again, the benefit to the travelling public is nowhere to be seen.
13. Passengers on these services lose the benefit of a driver for:
  - i. On board safety;
  - ii. On board assistance should something go wrong;
  - iii. Agility in operation where the unexpected occurs; and
  - iv. Customer service.
14. Once again, the benefit of such automation seems to be in the political novelty of a bus operating without a driver, rather than anything that would actually assist commuters. Further the RTBU understands that the Government intends for these services to be privately operated, shifting any potential windfall to the corporate sector.

#### **Conclusion**

15. In the public transport sphere, it is difficult to see how automation, particularly of vehicle operation, could result in any benefit to commuters or tax payers in general. The only benefits lie with gimmicky political announcements, and to corporate profit.
16. The RTBU has read and supports the submissions of Unions NSW in respect of automation.

#### Workplace Surveillance Laws

17. There is an increasing prevalence in Australian workplaces of employers utilising surveillance equipment to monitor their employees. Too often it used for purposes that do not justify the intrusion into the privacy of those being monitored.
18. The RTBU rejects the use of workplace surveillance where there is not a legitimate safety purpose to be achieved. In circumstances where there is such a purpose identified, the footage, data, or recordings should have their use limited by legislation to that purpose.
19. There are currently restrictions on the use of surveillance in:
  - *Surveillance Devices Act 2007*
  - *Workplace Surveillance Act 2005*
  - *Rail Safety National Law (NSW)*

However, all current legislation lacks the effective restriction in the use of the surveillance to its stated purpose. Although ss.130-132 appears to limit the use of “train safety recordings”, the regulations allow access to the recordings for various purposes outside that of which the surveillance was taken.

20. The most common misuse of surveillance is for employment disciplinary purposes; however there have been instances where it has been used for humiliation and degradation. Managers wishing to dismiss employees without cause are able to trawl through archived surveillance to find their “gotcha” moment.

#### **In cab surveillance – New Intercity Fleet**

21. Although workplace surveillance in the rail industry no doubt has its place to assist in achieving rail safety, the most worrying incursion into employee privacy is the use of cameras in a train’s crew cab that do not face externally, but rather face the driver. The purpose of the device is purely to monitor and watch the actions of the driver.
22. The Government has proposed to utilise these in cab cameras on its new fleet of trains to operate on existing intercity routes. During this process, the RTBU has raised a myriad of employee concerns around the introduction of these cameras, such as:
  - a. Increased fatigue created by the constant anxiety of being watched;
  - b. The lack of any restrictions of access to footage collected by the cameras; and
  - c. No protection of data from third party companies engaged in maintenance.

23. No legitimate reason has been advanced for why this surveillance is necessary, and despite feedback being provided, the Government has refused to limit the access to the surveillance to safety investigators, or for specific events. Although the Government has stated that the surveillance is to be used to increase safety, it is obvious through its actions that it already anticipates using it for ancillary purposes.

### **Conclusion**

24. The use of surveillance devices should be limited to the purpose for which it is obtained. Further, employers should be forced to justify the privacy intrusion by providing grounds and reasons to their employees with sufficient opportunity for administrative or judicial review.

25. The RTBU has read and supports the submissions of Unions NSW in respect to workplace surveillance.

### Modern consultation and deliberate evasion through corporate/employer separation

26. A recent experience of the RTBU demonstrates the futility of modern workplace consultation. In the development of the New Intercity Fleet, which has been designed to negatively affect all employees engaged in its operation, the Government has avoided substantive consultation by separating functions between Transport for NSW, NSW Trains, and a consortium known as RailConnect.

27. Whilst employees may expect to be involved through consultation in:

- i. The trains design;
- ii. The operating model;
- iii. Testing and validation; and
- iv. Physical access to the train;

they have been denied such opportunity due to the removal of features of the rollout from their direct employer.

28. The train design was the remit of Transport for NSW in concert with RailConnect (located in South Korea). The operating model was designed by Transport for NSW in concert with NSW Trains. The testing and validation was performed (and continues to be performed) by RailConnect. Because none of these entities actually employ the end users of the train, they have no obligation to consult the affected workers.

29. There should be an obligation on any entity responsible for changes that affect workers to consult with those workers and make changes to the proposal where appropriate.

30. The RTBU has read and supports the submissions of Unions NSW in respect to workplace change obligations and consequences.

### Submission of the Centre for Responsible Technology

31. The RTBU has read and supports the submission made by the Centre of Responsible Technology to the Select Committee.

32. The RTBU particularly notes and endorses the submissions relating to:

- The push to driverless trains and remote security; and
- the call for unions to have access to how their members data is being collected as a first step to control and for fair compensation.

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**31 AUGUST 2020**