



# TRANSPORT REFORM

**PASSED**



**TWU**  
Carrying Australia



# CONTENTS

## How we won transport reform

|                          |    |
|--------------------------|----|
| Member pledges           | 1  |
| Client actions           | 3  |
| Convoys                  | 5  |
| Tackling the gig economy | 7  |
| Job security fight       | 9  |
| Uniting an industry      | 10 |
| Lobbying                 | 11 |
| A 20-year fight          | 16 |

## What it means for workers

|                                |    |
|--------------------------------|----|
| A powerful voice for transport | 15 |
| Addressing deadly pressure     | 16 |
| Job security for all           | 17 |
| All transport workers covered  | 18 |

## How the system works

|                   |    |
|-------------------|----|
| Automatic rights  | 19 |
| Setting standards | 20 |

## First applications

|                        |    |
|------------------------|----|
| What first?            | 22 |
| Fairer contract chains | 23 |
| Food delivery          | 24 |
| Parcel delivery        | 24 |

## Next steps

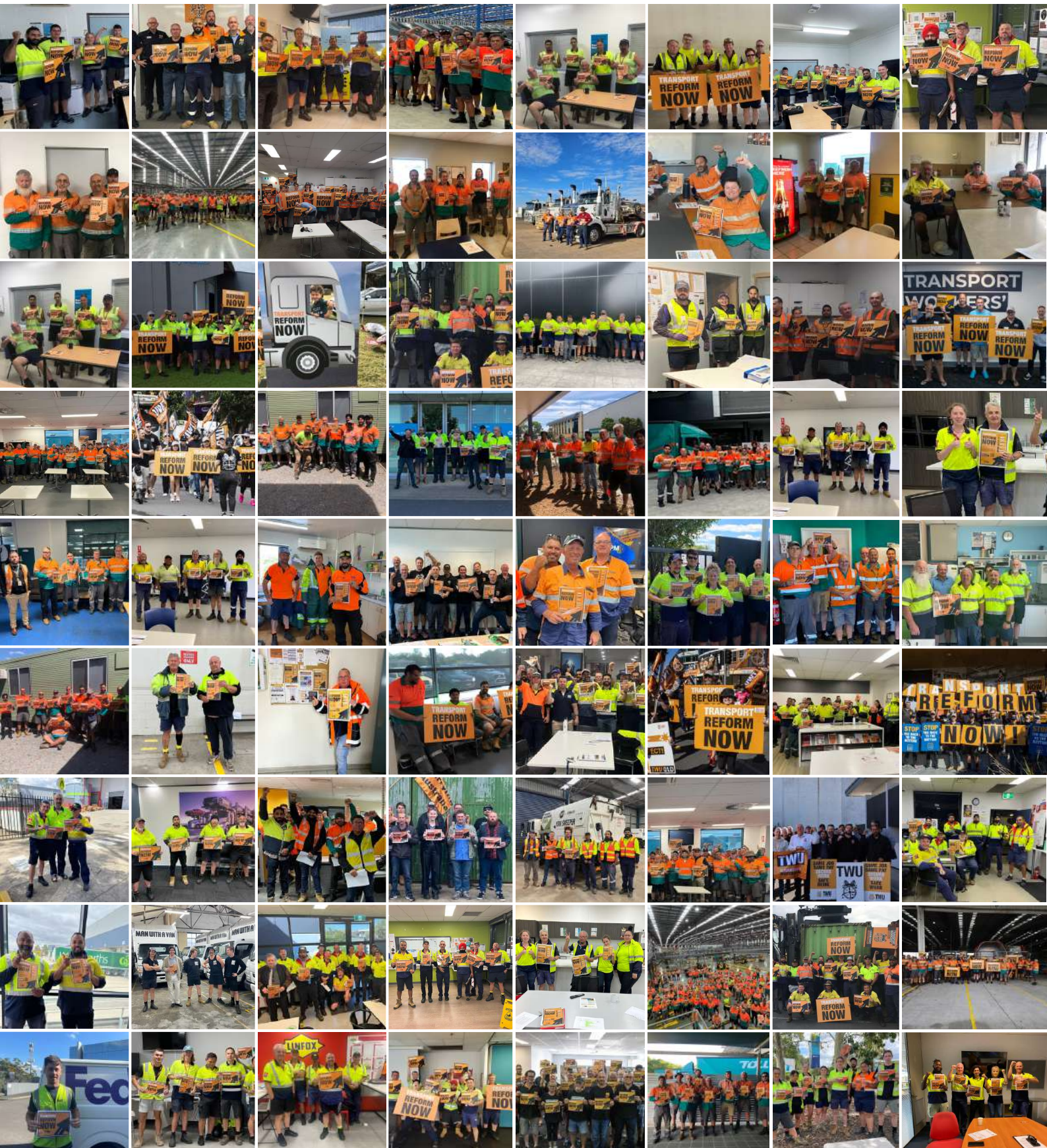
|   |    |
|---|----|
| Building to 2026                              | 25 |
| Bringing together road transport and aviation | 26 |
| What you can do now                           | 27 |
| Transport reform resources                    | 28 |

# HOW WE GOT HERE

Transport reform to make road transport safer, fairer and more sustainable would not have been possible without the efforts of thousands of members from right across the country.



In huge numbers members turned out to pledge support for transport reform. From hundreds of yards, you made it clear to the entire country that **transport reform could not wait**.



# CLIENT

Over years, TWU members took the fight to the top of the supply chain, calling on supermarket giants to come to the table on supply chain safety.

Relentless actions saw Woolworths and Coles sign up to charters with the TWU.

Woolworths 

# coles



# ACTIONS

Your actions have shone a spotlight on the responsibilities of wealthy clients for good standards in their supply chains.

Aldi is still yet to commit to a supply chain charter with the TWU, instead taking us to court and losing twice, trying to silence truck drivers on safety, and our efforts continue.



# YEARS OF CONVOYS

2023



SOUTH AUSTRALIA

QUEENSLAND



VICTORIA



WESTERN AUSTRALIA

NEW SOUTH WALES TO ACT



NORTHERN TERRITORY





2005



2011



2019

# TACKLING THE GIG ECONOMY

The gig economy arrived in Australia with the promise of shiny new technology and flexible work.

**But it soon became clear that what the gig economy offered was actually old-fashioned exploitation. Worse, it threatened the whole transport industry with its model which placed workers outside of the protections of traditional work.**

TWU members exposed the gig economy's exploitation early into its arrival and have been fighting ever since for minimum standards for gig transport workers. Transport reform will change the game not just in Australia but globally.

## IN THE COURTS

Since the arrival of the gig economy we've taken court cases on behalf of gig workers and their families to pursue justice. The system was stacked against workers, who first had to prove that they had the right to have their case heard as an individual. With the new laws, workers in the gig economy will have automatic access to the Fair Work Commission, and minimum standards to ensure that in many cases, they won't need the legal system in the first place.

2018



### FOODORA WAGE THEFT

In 2018, Foodora delivery rider Josh Klooger spoke out about pay and conditions, and was sacked by the company. He won an unfair dismissal case supported by the TWU, and riders received a world-first payout when Foodora fled the country and was found to have underpaid them - but they only received 29 cents on the dollar of their underpayments.

2020



### UNFAIR DISMISSAL CASES

With gig workers classified as independent contractors and not employees, they're not entitled to protections from unfair dismissal. In Diego Franco's case, the full Federal Court found he was unfairly dismissed but could not find he was an employee—just because of the wording of his contract.

2021



### COMPENSATION CASES

We've filed cases on behalf of families whose loved ones were killed on the job as food delivery riders. If these riders were killed in any other workplace, there'd be no question as to whether their families should receive the proper amounts of compensation.

# GIG WORKERS FOR TRANSPORT REFORM



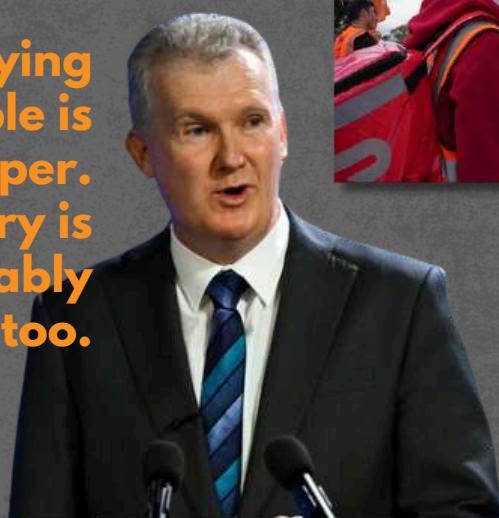
**Gig transport workers in food delivery and rideshare have taken up the fight for minimum standards in road transport.**

They've joined convoys, organised protests, spoken up in the media and exposed the gig economy's exploitation. What's clear is that without these members speaking up and putting pressure on gig companies to sign charters supporting reform, we would not be in the position we are now.

Gig workers sharing their stories with politicians, particularly key Senate crossbencher David Pocock, were essential in getting transport reform through Federal Parliament.



**Underpaying people is cheaper. Slavery is probably cheaper, too.**



Industrial Relations Minister  
Tony Burke  
The Press Club

# JOB SECURITY FIGHT

In 2021, workers at major transport companies around Australia fought for job security, up against threats of outsourcing and lower-paid labour hire.

In Toll, Global Express, StarTrack and FedEx, workers took strike action—some for the first time ever—while those at BevChain and Linfox voted in Protected Action Ballots and pushed their companies to better agreements.

There is nothing more powerful than workers standing shoulder to shoulder to lift standards across the industry for all transport workers.



**Change only happens when we make noise.**

**Watch the 2021 job security fight.**



# UNITING AN INDUSTRY

The passing of this world-first reform has been made possible by bringing the **whole road transport industry together**, through:

- ▶ **A TWO-YEAR SENATE INQUIRY** which heard from 150 witnesses from the transport industry, including TWU members, employers and transport associations
- ▶ **AN INDUSTRY ROUND TABLE** of supply chain clients, gig companies, major operators, employer associations, owner driver representatives, and workers unanimously endorsed principles for reform
- ▶ **CHARTERS WITH GIG COMPANIES** Uber, DoorDash and Menulog have signed charters with the TWU all calling for reform to lift standards for transport gig workers
- ▶ **NATIONWIDE CONVOYS** in July 2022, August 2023 and November 2023 which involved over 1,000 workers and industry representatives calling for reform



**THIS IS AN INDUSTRY-LED WIN**

# TAKING THE FIGHT TO PARLIAMENT

For years road transport workers, including gig workers, have travelled to Canberra to lobby politicians and tell their stories about the need for change in road transport.

Briefly, with the establishment of the Road Safety Remuneration Tribunal by the Gillard government, we had a system that would have been able to enact real change.

But the system was poorly implemented, the industry was divided and the Turnbull government tore down the RSRT - and left nothing in its place.

## But that didn't stop us.

The TWU is nothing if not relentless, and we knew we had to come back stronger than ever.

TWU members, this time joined with others from around the industry, headed back to Canberra calling for a system that all of road transport was behind.



TWU members telling their stories in Parliament to those from right around the political spectrum were instrumental to securing transport reform.

**In 2023 we ramped up the delegations to Canberra, bringing along representatives from major transport companies, employer and industry associations and academics—from right across the transport industry.**

Our unanimity showed the scale of the crisis in road transport, and was vital in shutting down opposition and securing the support of key cross-benchers.

Members' stories showed the importance of continuing the fight for reform, and the tragic results of inaction.

As transport reform passed the Senate, members who'd been fighting for this legislation for decades cheered from the gallery.



# 20 YEARS IN THE MAKING

For over 20 years, thousands have contributed to a campaign to make the road transport industry not just a safer one to work in, but one that people *want* to work in.

Through convoys, vigils, protests, sit-ins, lobbying, member petitions, inquiries, international solidarity and more, it is a fight for which the legacy will last for far longer than the journey to get here.

Members spent years protesting for supply chain safety at Coles and Woolworths, and eventually the two retail giants signed charters with us.

We had a system, briefly, that would have made a difference, but which became a victim of poor implementation and political games. When it was torn down, the TWU got back up and put the wheels in motion to come back even stronger, with a better system and the industry united behind it.

Over two years, Senator Glenn Sterle's inquiry into trucking brought the whole industry together, where once there had been opposition.

In major transport companies, workers fought for job security and thousands went on strike around the country.

In a move that astounded many, we brought gig companies to the table, joining our calls for reform - for their own regulation.

**But to make a real difference we knew we needed legislation to hold those companies at the top of the supply chain to account.**

It is sobering to remember the lives lost over this 20-year campaign, and a powerful reminder of its importance, and what can now be achieved with the tools at hand.



WATCH THIS DOCUMENTARY OF OUR 20-YEAR FIGHT.



2023



2011







# WHAT THIS MEANS FOR WORKERS



# 1 A POWERFUL VOICE FOR TRANSPORT

The TWU will sit on a **Road Transport Advisory Group** to give workers a powerful voice and lead industry consultation to recommend safe, fair, sustainable standards to the FWC.

This includes sub-committees depending on the standards being applied for, which the TWU will be part of convening.





# 2

## ADDRESSING DEADLY PRESSURE

Standards will apply throughout supply chains, **stopping the squeeze from wealthy clients** that puts deadly pressure on operators and drivers.



# 3 JOB SECURITY FOR ALL

Standards to end exploitation in the gig economy and protections against unfair contract terminations will mean all transport jobs and the standards protecting them will be more secure.

Some of these rights will be automatic.





# 4 ALL TRANSPORT WORKERS WILL BE COVERED

The FWC can set standards for any section of the transport industry, covering anything related to transport.

Under the legislation, a new **Road Transport Objective** must be satisfied, which is for a safe, sustainable and viable transport industry.

**This is a system for all TWU members.**



# HOW THE SYSTEM WORKS

- ➔ We've now won a Road Transport Division of the Fair Work Commission
- ➔ This is guided by a Road Transport Advisory Group, which the TWU will be part of
- ➔ A Road Transport Expert Panel will be able to set standards throughout the transport industry
- ➔ It can also involve sub-committees depending on the standards being applied for

## AUTOMATIC RIGHTS

These laws will allow us to apply for standards across the transport industry, but there are some rights that automatically kick in from February to protect transport jobs.

### ➔ Protection from unfair contracts, and unfair contract terminations

We know transport operators and drivers are under immense pressure from the top of the supply chain. Often this involves unfair contracts. Applications can be made to the Fair Work Commission if there's been an unfair contract in place, or if a contract has been unfairly terminated.

### ➔ Protection from unfair deactivations

Gig transport workers are often deactivated from a platform without ever speaking to a person, or even knowing why they've been deactivated.

These laws mean gig workers who are unfairly deactivated don't have to go through lengthy court processes to prove an unfair dismissal.



**1 IN 4**

Gig workers have been deactivated from a platform

# SETTING STANDARDS

As well as these automatic rights, a dedicated Road Transport Expert Panel will have the task of establishing and maintaining industry standards. As part of the legislation, those standards must fulfill a new **Road Transport Objective**, which is to ensure that the road transport industry is safe, sustainable and viable.

There are four different ways standards can be established.

**Importantly, all transport workers and industry participants can be covered by the system.**

## Varying Awards

The Expert Panel has the power to vary all 5 transport Awards, covering businesses and employees to enforce the Road Transport Objective of ensuring a safe, sustainable and viable industry.

## Minimum Standards Orders

Not everyone in the road transport industry is covered by an Award. Many drivers are not employees. Many don't wish to be. So for owner-drivers and "employee-like" gig workers, the Expert Panel has the power to protect them through Minimum Standards Orders (MSOs).

Importantly, the Expert Panel is required by the legislation to balance the protections it puts in place for employees, owner-drivers and gig transport workers to ensure no group is placed at a disadvantage in the market.

## Collective Agreements

The Expert Panel can also register and enforce collective agreements between any industry participants.

## Contract Chain Provisions

The Expert Panel can also establish standards for all contract chain parties through a Contract Chain Order. This power is crucial to the system. It will ensure that those wealthy clients at the top of the supply chain—like Aldi and Amazon—pay their fair share in the industry and stop the squeeze that puts deadly pressure on operators and drivers.





TRANSPORT  
REFORM  
IS A **TOOL**  
TO BEGIN CREATING  
A SAFER  
AND FAIRER  
ROAD TRANSPORT  
INDUSTRY.

**AND WORK HAS  
ALREADY BEGUN.**



# WHAT FIRST?

## GETTING OUR PRIORITIES IN ORDER

**After decades of inaction, there is a lot to tackle.**

This is our chance to ensure meaningful, lasting change in road transport.

A staged approach will allow us to put a safety net in place as soon as possible, with standards that can be built up over time.

Work is underway to use this powerful new tool to lift standards across the industry.

Three key areas have been identified for urgent standards applications, based on:

- Critical needs
- Impact on the industry as a whole
- Ability to deliver quickly and efficiently

While these urgent applications are made, we'll be carefully working through more complex issues. Read on to the next page to find out more.

## STANDARDS INFORMED BY INDUSTRY CONSULTATION

**This system gives transport workers a powerful voice.**

All standards will be subject to a thorough consultation process to ensure they're informed by industry experts. With such a diverse industry, there are unique settings we have to get right, and that process will take time.

Every step of the way there are mechanisms built in to ensure that these changes are industry-led, and that they work in practicality.





# FIRST APPLICATIONS

Here are some of the priority areas we'll tackle with the laws.

## ➔ FAIRER CONTRACT CHAINS

If you're part of this industry, whether you're an owner driver, employee driver or operator, you know first-hand what unfair payment terms can mean for a business.

They transfer all the financial risk onto those with the most to lose, from the ones who gain the most from the hard work - wealthy clients at the top of the supply chain.

Many businesses are already on razor-thin margins, but are having to wait up to a shocking 120 days just to be paid.

**Maximum 30-day payment terms need to become standard.**

Fairer payment terms are a rational and reasonable standard to set immediately. We will also look to prohibit unfair terms like 'efficiency dividend payments' which pressure operators to dangerously cut costs.

Contract chains are complex, and there is a huge amount of work to do to hold wealthy clients to account. This is a quick fix to be actioned and improved over time.

### COLLAPSE OF SCOTT'S REFRIGERATED LOGISTICS

When Scott's Refrigerated Logistics collapsed, after being an industry leader, administrators said unsustainable contracts were a key reason for its demise.

The company was having to use debt funders just to pay its people. The trucks never stopped running at Scott's, but if the contract settings aren't fair in the first place, disaster can be just around the corner, no matter the size of your business.



# → FOOD DELIVERY

Food delivery workers in the gig transport economy are among Australia's most exploited workers.

After costs many make below minimum wage, under deadly pressure to speed and take risks to earn enough, and to avoid being deactivated from an app.

Since 2017, 17 food delivery riders have been killed on our roads. Urgent standards can help save lives.

**But the gig economy is also a huge threat to the rest of the transport industry.**

We need to get a safety net in place in food delivery so that workers are paid appropriately, can access leave, injury insurance and union representation.

Though we won't achieve everything from the beginning, this first phase is crucial in bringing up the gig transport economy to protect workers and the rest of the industry. We'll also be consulting with rideshare drivers on standards that work in the context of the passenger transport industry.



Gig transport workers have been a huge part of the fight for a safer, fairer, more sustainable transport industry.

**17** food delivery riders have been killed since 2017



# → PARCEL DELIVERY

Sometimes called “the last mile”, parcel delivery from businesses to customers has exploded in Australia, along with entrants like Amazon Flex.

Amazon's role as both an economic client and a gig company puts pressure on the rest of the transport industry from both sides.

**We'll be working to set a new floor for last mile deliveries.**

**THIS IS JUST THE START.**

Change takes time, but if we want to get things right that time will be worthwhile. We'll be working to put in applications across all of transport, including in retail, cash-in-transit and rideshare. These first applications are about creating an immediate safety net while more complex applications are considered.



# BUILDING TO

# 2026

We're gearing up for a huge opportunity in 2026, when hundreds of agreements will expire across the transport industry.

We're stronger together. With a powerful new legislative tool, and thousands of TWU members bargaining at the same time with the potential for mass protected industrial action, this will be our next big chance to lift standards across transport.

**Together, we will:**

- Improve pay and conditions across the industry
- Make good jobs more secure
- Take the fight to the top of the supply chain
- End undercutting by lifting everyone up together

## WE KNOW THIS WORKS BECAUSE WE'VE DONE IT BEFORE.

In 2021, TWU members across 9 major transport companies achieved huge improvements to pay, job security and conditions by standing together, and in many cases by **taking action**.



## BUILDING STRONG YARDS STARTS NOW.

Our focus for the next two years is on:

- ▶ Enforcing agreements
- ▶ Safety
- ▶ Making sure we have strong structures in workplaces



# THIS NEXT PHASE IN OUR FIGHT WILL BRING ROAD TRANSPORT AND AVIATION TOGETHER FOR THE FIRST TIME.

Over the last few years we've seen huge wins in aviation and thousands of members joining our fight:

- ▶ Defeated Qantas in the Federal Court, Full Court of Appeal and High Court over the **illegal outsourcing** of 1700 workers
- ▶ Were instrumental in getting **Virgin Australia** back in the air after administration
- ▶ Achieved strong improvements to work-life balance, job security and pay increases up to 20% through **enterprise bargaining**
- ▶ Won a first-ever prosecution for discrimination against a **health and safety representative** at Qantas, with compensation and a criminal conviction

Across the roads and the skies, we carry Australia. With our combined strength and simultaneous bargaining in 2026, we will have the power to bring clients to account and lift standards right across the transport industry.



# WHAT YOU CAN DO NOW

## HAVE A CONVERSATION

Talk to your workmates about what transport reform will mean for their jobs.

### ISSUE

### CURRENT PROBLEM

### WHAT REFORM WILL MEAN

#### Pay

We can't get a decent pay rise or cost recovery because transport is trapped in a race to the bottom, with wealthy clients undercutting transport operators and drivers.

These new laws mean finally we have a tool to hold clients to account. We will start with fair payment times in their contracts and stopping the undercutting through gig work and then start to rebuild fair rates ensuring they pay across the supply chain.

#### Job security

Our jobs and contracts are always under threat from cheaper contracts, outside hire and now gig transport. This also limits our ability to set fair and safe wages and conditions.

Reform will remove the incentive to outsource work to labour hire and gig models, by ensuring same job same pay and a safety net of minimum standards for all.

#### Safety

Undercutting means drivers and operators are pressured to cut corners on safety and delay vital maintenance.

Decades of research has shown the link between pay and safety. Minimum standards will eliminate incentives or pressure to cut corners on safety by forcing clients to be accountable for safe, sustainable rates of pay.

## ISSUE

## CURRENT PROBLEM

## WHAT REFORM WILL MEAN

### Cost recovery

Owner drivers and operators can't recover costs from wealthy clients, even as fuel and other costs skyrocket.

Wealthy clients will be held to account for safe, fair cost recovery so drivers and operators are not out of pocket, as well as fairer payment terms.

### Consultation

People in the road transport industry are held responsible for when things go wrong, but don't have a seat at the table to talk about how to improve issues.

Reform will mean workers and other representatives from the industry will be consulted when decisions are being made about road transport as part of a Road Transport Advisory Group.

### The gig economy

Workers are being exploited and have no minimum standards, which also brings down the rest of the industry.

Gig workers will have minimum standards regardless of their label, bringing up the floor and eliminating the incentive for employers to take the low road of the gig model.

# TRANSPORT REFORM RESOURCES



Your one-stop shop for information, social media tiles, news alerts and key dates on transport reform.

[twuaustralia.com/transport-reform](http://twuaustralia.com/transport-reform)





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**JOIN TODAY**