

THE SIGNAL No. 562 2nd October 2008

Main Office: CEPU (T&S) Vic, 1st Floor, 139 Queensberry St, Carlton South 3053 Ph: 03 9349 4411 Fax: 03 9349 3488
E-mail: cdtsvic@victs.cepu.asn.au Web site: www.cepuconnects.org Telstra EBA: www.yourrightsattelstra.com

Clayton Office: 47 Henderson Road, Clayton 3168 Ph: 9545 1503 or 9545 1516 Fax: 9561 5599

CEPU's EBA IN TELSTRA MEETINGS for members and other staff

- * **GOC (CLAYTON):** TUESDAY 7 OCTOBER 2008 12 Noon to 2PM LINK ROOM
THURSDAY 9 OCTOBER 2008 12 Noon To 2PM at 47 HENDERSON RD
- * **CBD METRO**
TUESDAY 14 OCTOBER 2008 - 12.15PM to 12.45PM; 12.45PM to 1.15PM; 1.15PM to 1.45PM
SCOTS CHURCH HALL, 90 Russell St, (Rear of Church)
12 NOON TO 2PM - THURSDAY 16 OCTOBER 2008
COOPERS INN 282 Exhibition St. (Corner Little Lonsdale St)
- * **OUTER METRO**
SOUTH EAST: 7PM WEDNESDAY 14 OCTOBER 2008: CLAYTON - 47 HENDERSON ROAD
NORTH: 7PM THURSDAY 16 OCTOBER 2008: PRESTON MASONIC HALL 382 Bell Street
WEST: 7PM WEDNESDAY 15 OCTOBER 2008: WERRIBEE COMMUNITY CENTRE, 4 Synnot Street extension, Werribee
- * **Items for discussion:**
 - The real reason Telstra walked away from the talks
 - The critical EBA issues yet to be secured by unions
 - The formal bargaining period and the union's log of claims
 - The planning for any industrial/political/public campaign that the Telstra Management may force us into

Please use these opportunities to be involved in your EBA, which is vital to your conditions at work and your living standards.

COUNTRY BASED MEMBERS TELEPHONE HOOKUP RE EBA

TUESDAY 21 OCTOBER 2008 at 7PM.

As part of the Branch programme to provide more opportunities for members to get their issues considered by the union, a country-based members' out-of-hours telephone hookup has been set up (at no cost to participants). It's very easy to participate, simply dial in. The **contact no is 1800 333 803, pin no. 3218#**. This forum is your chance to have a say on the issues that affect you – please join us.

- In this issue:
1. Will They Ever Learn
 2. Where Is Telstra
 3. Car Tracker Devices Drive Employees Over The Edge
 4. Telstra Fails To Gag Unions
 5. Labor's IR Reforms A Mixed Bag

1. WILL THEY EVER LEARN

Telstra's tired, discredited old Corporate Management persist with their drive for non-negotiated, non-union enterprise agreements despite being constantly rejected by employees.

Why? Because their Part A/Part B model contains huge savings for them over time, at the expense of your pay and conditions.

REMEMBER:

- * Cost of living increases at present are 5.7% and growing.
- * Telstra is refusing to allow you to have the Arbitration Commission available for settling disputes – they will be the judge, jury and executioner.
- * Telstra totally controls the performance management system and performance pay system, and do and will, use it to your disadvantage with no checks and balances.
- * Telstra will use the facilitative clauses to change your hours of duty, your span of hours and your days in the week.
- * Telstra is not offering to protect the current redundancy agreement. In fact if you support their ECA you will be removed from the protective elements of the agreement.

- * Once adopted the ECA would be used to manipulate major downgrades of positions across the board, without any recourse for employees.
- * The Part A and Part B model guarantees that the more expensive Part A employees will be managed out of the business, in favour of the cheaper Part B employees.
- * In a non-union agreement the constraints against effective union representation and involvement are considerable.

Who would want to pick up a shonky deal like this?

2. WHERE IS TELSTRA?

Telstra employees have delivered a stunning rebuff to management by rejecting the two non-union, non-negotiated agreements.

By voting "NO" they have said that they simply don't trust Telstra to do the right thing by them and offer them a fair deal. And they are asking why their unions have been cut out of the negotiating process.

The NO vote should also tell Telstra that it's not just union members covered by the existing union-negotiated Enterprise Agreement who feel this way. Clearly non-members and employees coming off AWAs are equally suspicious about the deal they were offered and about the real intentions of management.

That's hardly surprising when everyone from the deputy Prime Minister down has criticized the agreement's contents, especially the Part B offer which severely cut entitlements for new employees and those coming off AWAs.

Employees sent exactly the same message to Telstra last year when they overwhelmingly rejected a similar non-union, non-negotiated agreement put to call centre employees.

But Telstra has chosen to turn a deaf ear to that message. So it has only itself to blame for this further defeat.

Telstra employees should not now be punished for management's stubborn refusal to deal with their chosen representatives. Threats of a wage freeze will not help build the positive relationship with its workforce that Telstra needs if it is to meet the challenges ahead of it.

It's time management listened to its employees and returned to the bargaining table to forge an agreement which offers a fair wage rise, protects conditions AND provides the protections of union involvement in all phases of the agreement process, from negotiation to enforcement through the AIRC.

The CEPU stands ready to resume talks now. Where's Telstra?

3. CAR TRACKER DEVICES 'DRIVE EMPLOYEES OVER EDGE'

Employers are fitting out their fleets of company cars with invasive GPS tracking systems despite claims the technology unnecessarily invades staff privacy and contributed to the suicide of a Telstra linesman last year.

One such tracker, the "GoFinder" Reporter, sends employers detailed daily time sheets showing every stop made, parked time, driving time, distance covered, maximum speed and even an estimate of the amount of fuel used. Each location can be displayed on a street map or Google Earth.

Business owners can also log on to a website to view the current position of any of their vehicles at five-minute intervals.

Privacy experts and unions say employers need good justification for snooping so closely on employee movements and even then do not require such highly detailed reports. They question whether employers switch off the tracking outside work hours.

"GoFinder" founder Graham Thomas said the system saved businesses money by ensuring honest overtime and fuel cost claims. It also prevented moonlighting and vehicle theft.

"If you've got a salesman and you trust them to go out and do a visit then you want to know that the guy is actually doing his work rather than sitting at the SCG watching cricket all day," he said.

Most Australia Post and Linfox vehicles as well as many belonging to small business owners are fitted out with tracking devices.

RailCorp, which has been dogged by claims of widespread corruption, this year put out a tender - which

closed in February - looking for suppliers to install GPS tracking systems in its vehicles.

Last year, Telstra was slammed by Victoria's Workplace Rights Advocate and threatened with prosecution after it installed GPS tracking systems in 7000 of its technicians' cars without consent.

The telco was also accused by the communications union of pressuring staff into consenting to the installation of the tracking devices by making it a condition of employment.

To date, no charges have been laid. Telstra argued the trackers would enhance safety and that it should be allowed to set the terms and conditions upon which it provides vehicles to staff.

In March last year, Leon Dousset, a Telstra technician for 32 years, committed suicide. Friends and family told Four Corners this was due to Telstra's stringent performance targets and the installation of the GPS trackers. [THE AGE – 11 SEP 2008]

4. TELSTRA FAILS TO GAG UNIONS

In another set-back to its strategy, Telstra has received a knock-back from the Federal Court in its attempts to stop the CEPU and other unions saying what they think about the non-union, non-negotiated agreements the company has tried to sell to its staff.

Telstra applied to the Federal Court for an injunction to stop the unions putting out information that the company said was “false and misleading”. The Court threw out the application, saying that it wasn't convinced by Telstra's arguments and could “see nothing false and misleading” in the union statements that the company quoted (See details below.)

Those who don't learn from the past are doomed to repeat it.

Telstra's gag attempt is yet another sign that management have not learned the lessons from last years' failed attempt to foist a non-union negotiated agreement on its employees in call centres throughout Australia.

That time round, Telstra tried to convince the Workplace Ombudsman that the CEPU has misled its members and other employees about the dangers of going down that path.

And just like the Federal Court, the Workplace Ombudsman found that the unions had no case to answer about the information they had provided to their members.

In persisting in an already failed legal strategy, Telstra is not only wasting shareholders and the unions' time and money, it is also insulting its own employees by suggesting that they are easily misled.

A more productive course of action would be to recognise that the opinions of its employees deserve respect and to return to the negotiations which those same employees have clearly signalled they want resumed.

What the Federal Court said about Telstra's Arguments.

Justice Sundberg of the Federal Court was not impressed with Telstra's claims that the CEPU and other unions had been misleading Telstra employees about its proposed agreements (ECAs).

Here's what he had to say about some of Telstra's arguments.

Telstra contends that the [unions] have recklessly published false and/or misleading statements about the ECAs. It will be apparent ...that Telstra has not made out a prima facie case...

*Telstra contends that the [unions'] **first statement** claims that it is seeking “to drive down the wages and conditions of its employees” by splitting the workforce into two classes “with inferior pay and conditions for all new employees”.... over time the leading position which Telstra employees have secured in the sector will be driven down...*

*The **second statement** is said to claim that the ECAs will result in employees no longer having the right to be visited by their union representatives in the workplace.... The unions in question will not be parties to the ECAs, and accordingly will not have the right to hold discussions under s 760.*

*The **fifth statement** is that Telstra is “using the damaging remnants of the Howard Government's Work Choices IR laws to deny workers the right to be represented by unions”. The statement is neither false nor misleading.*

*The **seventh statement** is that “The non-negotiable pay offer made by Telstra to some staff this week . would cut key conditions such as overtime ... for new employees”. It provides that overtime is not payable to*

new employees who earn more than \$52,000 per annum. This is less than that available to Part A employees and inferior to the overtime arrangements for employees covered by Telstra's... agreements. While the statement is in general terms, it is neither false nor misleading...

*The **ninth statement** is that unions are excluded from the Telstra Wholesale ECA "which has implications for your rights The unions are excluded from the ECA and this does have implications for employees' rights, such as the unavailability of the s 760 right of entry... I can see nothing false or misleading about this statement.*

5. LABOR'S IR REFORMS A MIXED BAG

Judging by the outline Deputy Prime Minister Julia Gillard has now given of Labor's new industrial relations laws, they are going to be a mixed bag for working people.

Gillard unveiled key elements of her IR package in a speech to the National Press Club this week.

It is clear from her presentation that while some of the features of Howard's legislation will be gone in 2010 when the new system will be fully operational, many will stay.

Most features of the broader Howard agenda, put in place in 1996 with his first wave of workplace "reform", will also remain intact.

On the plus side

- Employers will be obliged to negotiate with their employees and their representatives if a majority of them want to bargain collectively – the employers can't just refuse to negotiate as they can now.
- Both sides will have to bargain in good faith and if they don't Fair Work Australia, the successor to the AIRC, will be able to order them to do so.
- A wider range of matters, including items such as salary sacrifice, pay roll deductions and leave for trade union and occupational health and safety training can be included in agreements.
- Small employers will no longer be able to simply sack employees with no warning, counselling or avenue of appeal.

On the other hand:

- Industrial action outside a collective bargaining situation is still illegal and a secret ballot of employees will still be needed to authorise that action.
- Employers will have new powers to dock the pay of employees who take "wildcat" industrial action
- The industrial relations "umpire", Fair Work Australia will have very limited powers to deal with bargaining or other disputes. There will usually be no compulsory arbitration.
- Small businesses (those with fewer than 15 employees) will still have the right to dismiss employees after just one warning.

It will not be possible to judge the full impact of Labor's new laws until the details of them are revealed later this year. But it is already clear that the labour movement's fight to wind back the legacy of the Howard years is far from over.

LEN COOPER
Branch Secretary

Official Contact Nos:

LEN COOPER
Branch Secretary
M. 0438 389 302

JOHN ELLERY
Assist Secretary
M. 0419 823 580

WOODY WOODROFFE
Member Service Officer
Ph. 03 9349 4411

SUE RILEY
CSO Call Centres
M. 0439 762 455

GREG CABANOS
CSO Contractors
M. 0415 154 352