

Special Signal

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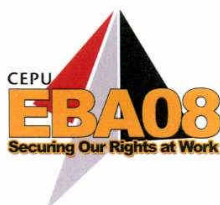
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ENTERPRISE BARGAINING – UNIONS' POSITION VINDICATED

Telstra should now resume genuine negotiations after a groundbreaking win by unions in the Australian Industrial Relations Commission.

Unions have been seeking to negotiate a replacement agreement to the current Telstra workplace agreement, in accordance with the renegotiation clause contained in the existing agreement.

However, to date Telstra has refused to bargain in good faith with the unions, and has instead begun to push a non-union deal to its workforce.

In his decision today, Senior Deputy President (SDP) Lacy agreed with the unions' position, saying that a "fair reading of the documentation" indicated that "Telstra's strategy from the outset was to make it appear that it was prepared to negotiate an agreement with the unions but without any real intention to do so", and that "Telstra intended negotiations to proceed to a particular point in time before diverging on another course".

When the unions sought mediation of the dispute in the Industrial Relations Commission, Telstra sought to block the commission by arguing that the current agreement only allows the Commission to mediate if Telstra gives its consent. Telstra also chose to make its case by letter to the commission and did not attend the first hearing before SDP Lacy.

However, SDP Lacy found that the disputes clause in the agreement gives the commission the power to intervene and act as a "circuit breaker in the event of the intransigence of one party" – that is "where one party to the dispute exhibits a clear intention to withhold agreement to mediation".

This decision vindicates the unions' position and contains a scathing assessment of Telstra's industrial relations strategy.

Unions have always been ready to resume negotiations with Telstra after management unilaterally broke off negotiations in July.

We sought the assistance of the commission in the face of Telstra's intransigence to enter into good faith bargaining.

SDP Lacy's decision upholds the unions' argument that the commission could play a role in resolving this dispute.

Telstra should now accept the Commission's decision and resume genuine negotiations with unions."

SDP Lacy will convene a further hearing to decide whether to oversee a secret ballot of Telstra employees about whether they would prefer a union-negotiated collective agreement or a non-union deal, as the company is insisting.

A copy of the full transcript of SDP Lacy's decision is available from the union office.

A further hearing will be held before SDP Lacy at 10AM on Saturday 13th September.

We will keep members informed.

LEN COOPER Branch Secretary