

Special Signal

Issue No. 569
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EBA08
SECURING YOUR JOB

CEPU's EBA IN TELSTRA MEETINGS FOR MEMBERS AND OTHER STAFF

- * **CBD METRO**
THURSDAY 20 NOVEMBER. 12.15PM – 1PM & 1.15PM to 2PM
COOPERS INN 282 Exhibition St. (Corner Little Lonsdale St)
- * **OUTER METRO**
NORTH: 7PM THURSDAY 20 NOVEMBER: PRESTON
MASONIC HALL 382 Bell Street
- * **GOC (CLAYTON)**
TUESDAY 25 NOVEMBER. 12 Noon to 2PM. 47 Henderson Rd
THURSDAY 27 NOVEMBER 12 Noon To 2PM. 47 Henderson Rd
- * **Items for discussion:**
Protected Industrial Action Ballot
The Draft List Of Claims
The planning for any industrial/political/public campaign that is necessary

PROTECTED INDUSTRIAL BALLOT

As you know, in order to implement protected, legal industrial action to win a new, good quality EBA for Telstra employees, we are required by law to have a ballot of members.

The ballot will involve all members on the EBA and members on expired AWAs.

The Australian Electoral Commission (AEC) will open the ballot on the 21st November 2008, and members should begin to receive the ballot papers to their homes on Monday 24th or Tuesday 25th November.

The ballot will contain five generic headings summarising the possible industrial action we will embark on. You will be asked to vote YES or NO to this generic industrial action list.

In part, it will say: "Do you for the purpose of advancing claims in the negotiation of a union collective agreement between (your union) and Telstra Corporation Ltd authorise industrial action against Telstra..."

THE CEPU STRONGLY RECOMMENDS YOU VOTE YES TO THIS QUESTION

What if I'm an eligible to vote, but don't receive a ballot paper? Contact Shane Lanning at the Australian Electoral Commission on (03) 9285 7145 or shane.lanning@aec.gov.au and let your union know immediately.

What if I'm on the EBA or an expired AWA, but not a union member? You will not get a vote in the ballot but you can still join to take part in any industrial action. You can do so by contacting the union office on 9349 4411 Email: cdtsvic@victs.cepu.asn.au

Where can I find out more? For more background on the reason for this vote go to www.yourrightsattelstra.com or call 1300 362 223.

The ballot will close on the 8th December. We expect to know the result on the 9th December 2008.

PLEASE NOTE: One of the requirements of the ballot is that over 50% of members must vote otherwise the ballot is declared in the negative.

If that were to occur and we couldn't take legal, protected industrial action, some Telstra's employees would be more likely to be caught up

in/forced into Telstra's non-negotiated, non-union ECA, because of lack of a viable alternative in the short term.

WE CANNOT ALLOW THIS TO HAPPEN!

We must make sure that, not only do we get the 50% return, but we must send Telstra management a very powerful message by achieving a massive YES vote.

Please do your best to remind all members to vote and campaign as hard as you can between 24th November and 8th December to get a massive YES vote.

Please let us know of any difficulties.

- * Management are bad enough now, imagine if they didn't have the union breathing down their neck
- * Everyone on the EBA or an expired AWA in the catchment area, must get a vote on the non-union ECA by law. However, it only requires the majority of voters in the catchment to make a decision, which is then binding on ALL employees in the catchment area.

A DISGRACEFUL SHAM - TELSTRA'S LATEST ECA BALLOT

Some weeks ago Telstra tried their hand at a vote on their discredited, non-union, non-negotiated, Employee Collective Agreement.

They carefully chose two very small areas of Telstra where they believed they had the best chance of getting a vote yes. One was Wholesale and the other was Service Advantage Call Centric. Both areas rejected their third rate offer.

Service Advantage Call Centric consisted of one centre in Queensland and one centre in Perth. We are told that the employees in Wholesale, and in Call Centric

Queensland rejected management's crappy deal overwhelmingly, whilst employees in Perth Call Centric rejected it by 2 votes.

The desperation of Management since their defeat, has led to Management behaviour which can only be described as despicable, by a management that has got form anyway.

The very courageous employees in call centric Perth, and particularly those that voted no, have been the subject of constant bullying, harassment and coercion by Management since that time.

They have:

- held "one-on-ones" with their employees to pressure them over the ECA,
- held in-hours meetings with their employees sometimes of two hours duration to pressure them,
- bombarded their employees with information (most of it false and misleading), several times a day,
- insisted on deadline dates for "expressions of interest",
- given the clear impression, and sometimes stated explicitly, that if employees didn't put in an expression of interest then they were not entitled to vote, even though Management know that this is absolutely incorrect in law,
- have even gone as far as requiring team leaders to categorise staff into "for," "against" or "undecided" as another means of pressure. Whatever happened to the secret ballot concept?

All this, and when they were "hesitantly confident" that one or two employees were pressured enough to change their vote, they trotted out their third rate ECA for another vote in Perth only, not

Queensland. In real Telstra management dictatorial style, you will keep voting until you get it right. Yes aren't this Management pathetic? All this deception, pressure and coercion to force 32 employees onto their 3rd rate ECA. That's 1000th of the Telstra workforce.

But, unfortunately the story doesn't end here. No, there is more.

Because Telstra are allowed, by Howard's laws (which haven't been changed yet), they entered into a commercial arrangement with the Australian Electoral Commission to conduct their ECA ballot.

Telstra controls the major aspects of the ballot because they are the paying customer.

Telstra did not allow scrutineers of the ballot so the count is not monitored, as Federal and State elections are. Telstra did not and does not allow the publishing of the votes for and against. We have to accept their word for the results. Even if the ballot is not shonky it appears to be.

Now a system like this no doubt suits a management like Telstra, but what sort of a system is this?

Another question needs serious examination. How is it possible that management can organise a ballot of current employees that in effect forces future employees to accept poorer wages, working conditions and rights as they will be required to accept in part B of their 3rd rate, non-negotiated, non-union deal?

Now it is clear that Telstra employees right across the company are getting angrier and angrier at the dishonesty and duplicity of Telstra management. They are entitled to be angry.

The best thing to do is to channel your anger into a massive YES vote for the protected industrial action ballot that will

begin next week. Send a huge message to Telstra Corporate Management that you are prepared to fight for the decent union negotiated EBA you deserve.

TELSTRA UNIONS STILL IN YOUR CORNER [Joint Union Circular]

Telstra staff in Service Advantage (Call Centric) in WA have endorsed an employee collective agreement for that area.

The agreement follows an earlier ballot in September when staff across Call Centric including the Townsville site, rejected the Telstra offer. We understand thirty-two people were eligible to vote in this ballot – **that's one-thousandth of the Telstra workforce.**

Union members in Call Centric WA reported they were put in a difficult position by Telstra, with one on one briefings and calls at home designed to place pressure on individuals to register interest in an agreement. WorkChoices allows Telstra to put agreements to staff without proper negotiation or consultation with staff or their unions, and to split the workforce any way it chooses and into smaller and smaller groups.

I work in Call Centric in WA – what does this mean for my rights?

Unions will continue to campaign for a better Telstra. Whilst your union organisers can no longer enter your workplace to conduct meetings, we will continue to organise meetings off site so you can have your say.

I don't work in Wholesale or Call Centric, but I'm on the EA – what happens next?

Its possible Telstra will move quickly to roll agreements out in other areas, based on their "Sample ECA". The rejection of Telstra HR's proposals by Service Advantage/ Call Centric and Wholesale

staff in September forced some improvements, eg in redundancy entitlements for new staff. However, most aspects of that agreement remain. By rejecting the sample ECA if it's offered in your area, you will maintain the right to join with other Telstra staff to seek a fair agreement across the company. CEPU and CPSU members will have the chance shortly to vote on the right to take protected industrial action in support of a better deal.

Let your union know what's going on in your area: If you hear anything about a proposal being put to a vote in your area, let your union know directly or contact the ACTU on 1300 486 466.

Some Questions about Telstra's "sample ECA"

Does the pay rise stack up? Telstra HR's latest offer does not even keep pace with the current cost of living. It also compares poorly with the increases awarded to senior managers. Did you know CEO Sol Trujillo's latest annual increase was 14%, taking his total pay packet up to a staggering \$13.4 mil a year?

What's Telstra really saying about money? Telstra are trying to have it both ways. To you they say the current offer is out for a limited time, and "future pay offers will be reviewed in light of global economic circumstances." But Chief Financial Officer John Stanhope told investors last week "History shows that during periods where the economy slows or even declines, Telstra and its sector continue to grow at rates above GDP (gross domestic product). We would expect that to again be the case." (The Age, 7 November 2008).

Will you lose your rights at work?

If the proposed agreement gets up, you will no longer be able to have union meetings in your workplace to discuss workplace issues. It will become illegal. The company will no longer be under any obligation to consult with unions about major changes. It will also be harder for

unions to enforce the agreement as they will have a reduced role in dispute resolution.

Divide and conquer? Telstra HR's strategy is clear and predictable – they want to 'divide and conquer' staff by splitting the workforce into tiny groups so they can reduce your bargaining power.

Second class employees? The introduction of a two part agreement means new and AWA employees will miss out on guaranteed pay increases, have lower conditions of employment and get less say over hours of work.

There is a better way!

We saw in September that when Telstra workers stick together and reject these unfair agreements we can get a better deal for all Telstra workers. The Government is also about to introduce new industrial relations laws that will restore some fairness in the workplace.

TELSTRA AGM – BE THERE IF YOU CAN

The unions and the ACTU will be demonstrating outside the AGM on Friday 21st November, starting at approximately 8AM. The doors open at 9AM. The address is John Batman Theatre, Melbourne Convention Centre, Corner Spencer and Flinders Streets, Melbourne.

We will be organising a media conference to highlight problems being experienced by Telstra employees due to Telstra Management's unacceptable behaviour. We will also be highlighting the flawed approach by Telstra Management relating to their bid to win the NBN roll-out.

Of course, we will also be raising issues from the floor of the AGM as well, in order to seek public explanations from the Board and Senior Management.

If you can, please join us outside the Convention Centre between 8.30AM and 10AM

SUPPORT THE NURSES – Don't phone Nurse-On-Call!

Nurses are taking action and regrettably won't be able to answer phone calls.

Nurse-On-Call, the Victorian government initiative, phone-in diagnostic service, run by McKesson Asia Pacific Pty Ltd (owned by McKesson Corporation – America's 16th richest industrial company), refuses to negotiate a nurses' union collective agreement..

We are obviously having similar struggles with Telstra.

Please support the nurses by contacting McKesson Corporation, 03 8330 9000, and courteously calling on the company to change course and negotiate a union collective agreement for nurses.

THE MICK ROCCA DEBACLE

In earlier information to you we dealt with the nonsense and false claims by Mick Rocca GMD Telstra Network & Services, and some of his fellow managers. If you wish to read the documents from the unions that they quoted out of context, please go to www.yourrightsattelstra.com and look for the following two documents: *Shareholder Risks Associated With National Broadband Network* and *Fibre To The Future*.

JOIN NOW AND GET A DISCOUNT

If you become a union member soon, you will:

- get a 50% discount start-up union rate for the first half of a year's membership, (and remember, everyone's

union dues are fully tax deductible).

The current union rates are based on a percentage of salary as follows:

CATEGORY A \$19.80 per fort
Based on salary equal to or greater than \$64,798

CATEGORY B \$18.00 per fort
Equal to or greater than \$52,522, less than \$64,798

CATEGORY C \$14.40 per fort
Equal to or greater than \$37,147, less than \$52,522

CATEGORY D \$7.20 per fort
Based on salary less than \$37,147

If you pay annually you receive a further 10% discount on your annual dues. This 10% discount is available to all members.

Sign up with the union and be part of the campaign to win an EBA which will benefit us all.

For current members, if they help sign up a new member they will go into the draw for another Flat Screen TV and they will get 2 free movie tickets for every new member they help sign up.

Build and strengthen our membership to secure a good EBA.

■ STOP PRESS.

CEPU WIN RE PAYMENT FOR EMERGENCY DUTY ON PUBLIC HOLIDAYS

The CEPU has won a case on behalf of a member in the New South Wales Magistrates Court. This matter has been a long standing concern and reflects problems relating to the payment of emergency duty on public holidays for award/certified agreement employees.

The dispute follows the introduction by Telstra of the "My Activity" computer payment system. As a result deductions were made from the double time payment as provided under Clause 18 of the Telstra Corporation General Conditions Award.

The CEPU put a view that when performing emergency work on a public holiday an employee should receive a double time payment in addition to their normal salary for the public holiday. We argued that this is consistent with the payment made to employees rostered to work on a public holiday, who are paid a penalty payment of 150%, together with their normal salary for the public holiday. The CEPU submitted to Telstra and the Magistrate that it would be incongruous for an employee not rostered to work on a public holiday and who performs emergency work to receive a lesser penalty payment than an employee rostered to work on a public holiday.

The Industrial Magistrate Hart agreed with the union's interpretation that the Clause 18 entitlement of double pay for a minimum of 3 hours is an entitlement payable in addition to ordinary pay. The Court found our member was entitled to the money that should have been paid on March 24, 2008.

This precedent should now be followed up.

If members believe they are affected by this decision or have been affected in the past by Telstra's incorrect interpretation of the Award/EBA, please contact the Branch office.

LEN COOPER
Branch Secretary

**WHEN THE PROTECTED ACTION BALLOT COMES
VOTE AND VOTE YES!**