

S.The Signal

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REGIONAL EBA MEETINGS

BALLARAT

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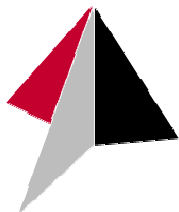
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OUR EBA IN TELSTRA - THE TALE OF TWO COURT CASES

There have been two court cases in recent days regarding the EBA in Telstra, which Telstra Employees should know about.

COURT CASE 1- FEDERAL COURT

Telstra attempted to gag the unions in the run up to the ballot of employees on Telstra's non negotiated, non union EA in Wholesale and Service Advantage (Call Centric), which takes place on the 15th and 16th of September.

To do that, Telstra applied for an injunction in the Federal Court claiming that the union's information being distributed to employees regarding Telstra's non negotiated, non union agreement was "deceptive and misleading".

Telstra's tried to claim that the information unions have been circulating, which claims that Management's non negotiated, non union ECA will result in:

- * wage reductions
- * the lack of any effective means of enforcing the agreement and the lack of any means to have the Arbitration Commission ensure fair treatment,
- * reduced conditions of employment
- * the loss of union rights to access workplaces and meet with members and potential members and to properly represent members, was "deceptive and misleading".

The Federal Court rejected Telstra's claims as having "**NO MERIT**".

This was a shameful attempt by Telstra to gag the unions in the hope that it's own attempts to deceive it's employees would go unanswered in the week or so leading up to the employee ballot in Wholesale and Service Plus.

TELSTRA HAS ONCE AGAIN FAILED MISERABLY

COURT CASE 2 - AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION (AIRC)

The CEPU and the other unions notified a dispute to the AIRC over Telstra's failure to negotiate in good faith to achieve a new Enterprise Bargaining Agreement. We requested the AIRC to order that a ballot of all relevant EBA based employees in Telstra be conducted to decide whether employees wanted a union negotiated EBA. We also requested that the ballots of employees to be conducted on the 15th and 16th of September by Telstra be set aside.

Initially, Telstra refused to attend, again demonstrating Telstra's usual arrogance and contempt for the Commission and their own employees. When the AIRC continued to hear the case without them, they turned up to the second and third days. The case finished on Saturday the 13th after Telstra spent the whole time arguing that the AIRC had no jurisdiction to make the orders required by the unions.

In the end the AIRC accepted the very legalistic arguments by Telstra (they avoided the real issues like the plague), that it didn't have the power to accede to the union's requirements basically because of the "workchoices" laws which are still largely on the books at this stage. Telstra Management of course desperately wish to retain Howard's workchoices laws and no wonder.

The following comments were contained (in part) in Senior Deputy President Lacy's summing up:

"I don't think Telstra should take any pride [from today's decision] ... It seems to me that Telstra has been invited to participate in proceedings in the commission. Apart from raising the issue of jurisdiction, it has done nothing to rebuff the material that has been put [by unions about Telstra's bad faith bargaining], and in fact has refused to participate in proceedings."

"I have no jurisdiction . . . The legislation as it stands gives the parties the rights they have taken. There's nothing I can do about what the law is. The law is written by Parliament; it's simply my job, my role, to apply the law as it stands."

"On the material that is before me, it is disappointing that Telstra has conducted itself in the way it has."

HOWEVER IN A SENSE TELSTRA HAVE DONE EVERYONE A FAVOUR IN GIVING YET ANOTHER A REAL LIFE EXAMPLE OF HOW THEY WILL TREAT EMPLOYEES WHENEVER THERE IS A DISPUTE ABOUT THE AGREEMENT OR ABOUT EMPLOYEE RIGHTS.... THEY WON'T TURN UP AND THEY WILL BE THE JUDGE, JURY AND EXECUTIONER, UNLESS A PROPER DISPUTE SETTLING CLAUSE IS NEGOTIATED.

So Telstra management have successfully prevented Telstra employees having a vote and a say on whether they should negotiate a new EBA with the unions.

So you can see from these two court cases that Telstra Management will go to almost any lengths to sell out the interests of it's own employees and even worse at a time when they are running around everywhere telling everyone how they love their employees, how they value them, how they are listening to them, etc.etc.etc.

YET AGAIN THEY HAVE PROVED THEY CAN'T BE TRUSTED HAVEN'T THEY?

Web site: www.cepuconnects.org Telstra EBA: www.yourrightsattelstra.com

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Branch Secretary