

S.The Signal

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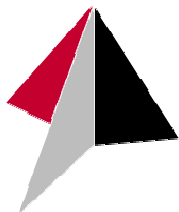
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TELSTRA EMPLOYEES SAY NO!

Telstra Employees in Wholesale and Service Advantage (Call Centric) have voted "NO" to the Management non-negotiated, non-union Employee Collective Agreements.

Telstra Employees are giving everyone a loud and clear message. Sensible, good faith negotiations should resume and resume quickly. Telstra employees are telling the management that it's time to get back to the bargaining table and come up with an acceptable agreement.

Telstra Employees have been belted from ars**e to breakfast time by 12 years of ideological nonsense from the Howard Government's anti-union/anti-worker laws and Telstra Management's worship of them, and now they are telling everyone.....

"Whether we are union members or not we want proper, fair dinkum negotiations between the Management and the Unions to produce an agreement that will have our support; now get on with it."

DEPUTY PRIME MINISTER GIVES TELSTRA A FIX

In a letter to the ACTU, (printed below), the Deputy PM Julia Gillard explains what's wrong with Telstra Management's behaviour.

"Thank you for your letter of 27 August concerning Telstra's offer of a collective employment agreement to employees in the proposed *Telstra Wholesale Employee Collective Agreement 2008-2011*.

You have asked whether two aspects of the offer are consistent with the Rudd Labor Government's workplace relations policy, Forward with Fairness and the Forward with Fairness Policy Implementation Plan.

I recently requested analysis by my Department, the Department of Education, Employment and Workplace Relations.

On that basis, I can offer the following response:

1. Different entitlements for Part A and Part B employees

I am advised that the redundancy entitlements and salary increases for new employees are significantly lower in the proposed agreement than for existing employees.

Where an agreement contains significantly different terms and conditions for employees depending on the date they commenced employment, it may be said in reality to constitute two different offers to the two different groups.

Where this could lead to a harsh or oppressive result for the minority group, this would be contrary to the *Forward with Fairness* policy that parties should be required to bargain in good faith.

2. Consultation during redundancy

The proposed Agreement removes any reference to union consultation when a redundancy decision is made by Telstra.

Forward with Fairness states that: *"Labor will give effect to important workplace rights that are essential to a functioning democracy (including) the right to representation, information and consultation in the workplace"*.

The policy also notes that freedom of association is a basic democratic right for all Australian workers, and that under Labor, all workers will be free to decide whether or not to join and be represented by a union, or participate in collective activities.

In summary, the specific proposals relating to the redundancy

entitlements and salary increases for two different groups and the consultation during redundancy do not meet either the spirit or the letter of Labor's *Forward with Fairness* policy."

SUPERANNUATION RIP-OFF BY TELSTRA MANAGEMENT

As we reported before, thousands of Telstra employees employed on AWAs have had or about to have their take home pay reduced by a self-interested, profit-hungry Management.

Recently, employers like Telstra were required to pay employees' 9% Superannuation contribution on all parts of an employees pay, including performance-based incentives and commissions, not just base pay.

Instead of paying the increased superannuation required, Management used their own "clever" wording in its AWAs to recoup the extra payments from employees' pay.

Remember this is an employer that has been receiving a profit of 3 to 4 billion dollars per annum for many years from its employees' efforts.

In a disgraceful act Management is forcing its employees to pay, out of their "at risk" component.

This is a Management currently trying to convince everyone, that it can be trusted in its claims about its employee collective agreements (ECAs).

You've got to be joking.

THE EBA BLUES

[Written by a member, to the tune of *Summertime Blues*]

We're gonna raise a fuss and a few loud hollers
So Telstra will negotiate to pay us more dollars
Every time we meet, they say we have to wait
And now they've closed the negotiating gate

So we must decide what we are gonna do
To overcome the EBA blues.

The unions have met and laid out their plans

Telstra doesn't like the union demands

Now they are offering a deal of their own

It's so smelly I wouldn't take it home

So we must decide what we are gonna do

To overcome the EBA blues.

We've talked to the Government and the Minister too

Both have said we agree with you
Telstra's messages have fallen from the skies

Some people think they're the truth in disguise

So we must decide what we are gonna do

To overcome the EBA blues.

We want Telstra back to the negotiating table

To talk some sense - that's if they're able

We want to be happy and sleep at night

We may not achieve this without a fight

So come and join us if we have a blue

To get an EBA that's good for me and you!

AN EXTRA PUBLIC HOLIDAY FOR NEARLY 500,000 VICTORIANS – CEPU EFFORTS PRODUCE RESULTS

Nearly 500,000 more Victorians will now enjoy an extra public holiday each year after the Brumby Government moved to formalise the state's public holiday arrangements.

The Brumby Government is taking action to ensure all Victorians receive the same number of public holidays no matter where they live.

All areas will now benefit from a Melbourne Cup Day public holiday, unless their council nominates a different day of regional

significance to celebrate a public holiday.

Those councils who had not gazetted a public holiday and will therefore now celebrate Melbourne Cup Day as a public holiday include Alpine, Ararat, Bass Coast, Baw Baw, Benalla, Campaspe, Colac-Otway, Corangamite, East Gippsland, Glenelg, Golden Plains, Greater Shepparton, Hepburn, Indigo, Loddon, Mansfield, Mitchell, Moira, Mount Alexander, Pyrenees, South Gippsland, Southern Grampians, Strathbogie, Surf Coast, Towong, Wellington, West Wimmera and Wodonga.

The CEPU spent several years lobbying and working to achieve this objective.

PROTECT TELSTRA WORKERS, POLL FINDS

[The Australian 15 Sept 2008]

FEDERAL Labor MPs will be lobbied today to have the Rudd Government intervene directly in the Telstra dispute, after the Australian Industrial Relations Commission found it was powerless to take action.

MPs will be presented with union commissioned polling that says 90 per cent of voters believe Labor should intervene to ensure that Telstra workers are represented by their union if they choose.

The poll of 1200 voters showed 88 per cent believed it was unfair of Telstra to refuse to negotiate a collective agreement with staff.

Ed Husic, national president of the Communications, Electrical Plumbing Union, said the survey was "proof that the Australian community wants the federal Government to protect the rights of Telstra workers".

"This is a clear message to the federal Government - step-in quick, intervene and change

legislation to make Telstra bargain in good faith," Mr Husic said. "Despite Telstra workers wanting to negotiate a collective union agreement, Telstra wants to squeeze member entitlements in the dying months of John Howard's unpopular Work Choices laws.

"The Australian people voted down Work Choices at the last election, and companies like Telstra need to respect the community's demand for fairer workplaces."

Employees in Telstra's wholesale and service advantage divisions will vote today and tomorrow on a non-union deal after the commission said the existing workplace laws prevented it from intervening.

But senior deputy president Brian Lacy said Telstra should not "take any pride" in his decision handed down on Saturday.

"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," he said.

On the Work Choices laws, Mr Lacy said: "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."

He said he was disappointed by Telstra's conduct.

TELSTRA'S IR DOGFIGHT HAS LESSONS FOR ALL EMPLOYERS

[Peter Vitale Principal CCI Victoria Legal]

If you thought the new Labor Government meant that workplace relations were going to get simpler, think again. We report

on the IR wrangling that is testing these boundaries.

In recent weeks, Telstra's post WorkChoices strategy has hit the headlines in a big way. What lessons can small and medium business learn from the stance being taken by Telstra in one corner and the ACTU in the other?

The developing saga originated with Telstra's offer of Australian Workplace Agreements after the election of the Rudd Labor Government in late 2007.

Already with a large number of AWAs in place, Telstra sought to take advantage of the now closed window before the new Government could implement its policy of abolishing AWAs.

The company has an agreement with the unions that covers employees other than those who have an AWA which passed its nominal expiry date earlier this month. The unions, supported by the ACTU, are campaigning strongly to do a new collective deal that excludes AWAs. The push for AWAs led to a complaint to the workplace Ombudsman, which was subsequently dismissed, asserting that Telstra was applying duress to try and get employees to sign new AWAs.

The unions then attempted to lock Telstra into collective bargaining through a "constructive relationship agreement" at the same time as trying to negotiate the new union collective agreement. Telstra refused to enter the agreement in July and broke off negotiations entirely, and the legal bun fight began in earnest. It subsequently advised sections of the workforce that it intended to try and negotiate a non-union collective agreement.

The unions see these negotiations as a big test of Labor's transitional laws, and Telstra is seeking to validate its individual bargain-

ing strategy with its employees in the new environment. Neither is willing to give ground easily. In an unusual move, the Minister for Workplace Relations, Julia Gillard, has expressed her support for the unions' position.

Telstra next accused the ACTU of lying about the company's attitude to the proposed constructive relationship agreement. This was later backed up by legal action in the Federal Court seeking injunctions to prevent the unions continuing with the allegedly offending communications to employees.

In a portent of what's to come when the Rudd Government introduces its "good faith" bargaining rules, the unions made an application to the Australian Industrial Relations Commission seeking an order for Telstra's employees to take part in a secret ballot to determine what form of agreement they preferred.

Such a ballot would not have bound Telstra, but a vote for the unions would have given their campaign more steam. Telstra did not send any representation to a subsequent mediation called by the AIRC, and its further application to force Telstra to mediate, saying the current union agreement obliged Telstra to bargain in good faith.

The union's ballot application failed with a ruling by the AIRC at an urgent weekend hearing that the current legislation did not give it the power to intervene in the dispute.

In the meantime Telstra's injunction application was rejected by the Federal Court.

The fight now moves to the first employee vote on Telstra's proposed non-union agreement, which is due this week.

The lessons for employers:

If you thought the Rudd Government brought a promise of simpler industrial relations, think again.

The union movement has clearly flagged its intent to exploit "good faith bargaining" rules to the full. Employers could find themselves entangled in litigation just to determine the rules of engagement.

This is likely to become a key forum for disputes of all kinds to be brought to the yet-to-be-created Fair Work Australia.

SOUND FAMILIAR?

Workers take Federal Court action against boss

Workers at a country Victorian truck trailer plant will today sue their employer for allegedly refusing to allow them union representation.

Two workers from Maxitrans Australia in Ballarat, 100 kilometres west of Melbourne, will today take their case to the Federal Court..

They will sue the company over their right to freedom of association and alleged discrimination against union members, the Australian Council of Trade Unions (ACTU) said in a statement

If found in breach of the law, the company could incur fines of up to \$33,000, the ACTU said.

Australian Manufacturing Workers Union Victorian assistant secretary David Nunns said today the union had been locked out of collective agreement bargaining by Maxitrans, despite having several requests from workers to represent them in the negotiations.

"We've been locked out of all negotiations at the Ballarat site," Mr Nunns said.

"We've had numerous written and verbal requests by workers wanting to be represented by the union and at each and every hurdle we've been blocked."

Mr Nunns said a significant proportion of the 280 workers at the plant were union members.

Maxitrans management was not available for comment this morning

VISITORS TO OUR CLAYTON OFFICE

Please be advised that John Ellery, Assistant Secretary of the Branch, will be working in the union's Carlton office for several days from Thursday morning 18th September.

Should you need John (or any other official for that matter), please contact our mobiles or Carlton Branch office phone: 9349 4411

Please note that calls to the Clayton office telephone number – 9545 1503, are already automatically diverted after so many rings.

LEN COOPER
Branch Secretary

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BALLARAT TELSTRA EBA MEETING at 7PM TUESDAY 23rd SEPTEMBER, TLC 26 Camp St, Ballarat
The meeting will discuss:

- The real reason Telstra walked away from the talks
- The main issues in the negotiations before Telstra walked away
- The critical EBA issues yet to be secured by unions
- The formal bargaining period and the union's log of claims
- Planning for any industrial/political/public campaign that Telstra Management may force us into

If you have non-member workmates who are interested, then they will obviously be welcome, based on your invitation

6PM on 24th SEPTEMBER 2008, Branch office, 1st Fl, 139 Queensberry St, Carlton South
CEPU GENERAL MEETING followed by: COMMITTEE of MANAGEMENT MEETING

CEPU Communications Division Secretary Ed Husic advises members that the Division's Financial Statements are available on the CEPU website: www.cepucconnects.org or by request via Email: cddo@cepu.asn.au