

# S.The Signal

Issue No. 576  
24 February 2009

■ **In this issue:**

1. CEPU Members' Feedback
2. Industrial Action Impact
3. Vale Noel McCormick
4. Know Your Rights OT & Recalls
5. Telstra Backs Down Before Court
6. Telstra & Human Rights
7. What Will They Stoop To Next?

■ **Contact a CEPU Official:**

**LEN COOPER**  
Branch Secretary  
0438 389 302

**JOHN ELLERY**  
Assist Secretary  
0419 823 580

**WOODY**  
First In Call Taker  
Ph. 9349 4411

**SUE RILEY**  
CSO Call Centres  
0439 762 455

**GREG CABANOS**  
CSO – Contractors  
0415 154 352

**COMMUNICATIONS  
UNION (CEPU)**

**Main Office**

1/139 Queensberry Street  
Carlton South 3053

Ph: 03 9349 4411

Fax : 03 9349 3488

Email

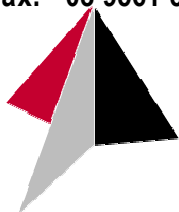
[cdtsvic@victs.cepu.asn.au](mailto:cdtsvic@victs.cepu.asn.au)

**Clayton Office**

47 Henderson Rd  
Clayton 3168

Ph: 03 9545 1503

Fax: 03 9561 5599



## **CEPU MEMBERS' FEED BACK: SITUATION POSITIVE AS THINGS STAND**

Some of the sentiments being expressed by our members (below) in the current industrial dispute tells its own story we think.

*"We have a continuing right to take legal, protected, industrial action and given the way we have been treated by our management for the last 10 or 12 years this is a good thing to redress the balance at work. This is the best thing that has happened for us at work for years."*

*"We need to get the right to arbitration in our agreement, because once we get an agreement, we will no longer have the right to strike. Therefore only the right to have unrestrained access to our union, and to arbitration, will prevent Telstra from being the judge, jury and executioner when there are issues between us and the management."*

*"The industrial action to achieve a new EBA is not about money. Even though we haven't received a pay increase for a while there are more important issues, like protecting all our conditions, including the entire redundancy agreement."*

*"All of our current conditions of employment are currently protected by the 2005/2008 union negotiated EBA and while that EBA continues our conditions continue."*

*"Our redundancy agreement, (that is the entire agreement), including the various protections and the right to arbitration to seek fair treatment on redundancy matters, is protected while the 2005/2008 EBA is retained."*

*"Despite all management's propaganda and PR about how good they are to their employees, and how good they are as an employer, we don't trust them with our conditions of employment,*

*and with our rights, and we don't trust them to deliver fair treatment."*

*"We see the need to win union rights, to win arbitration rights, to win the right for AWA staff to return to the EBA without disadvantage, to win the right to regulate Telstra's performance management system to prevent it's misuse against us, as amongst the key issues for us."*

So the current situation is protecting all of our members' conditions, and at the same time gives them the right to strike which they wouldn't normally have. How is that for a "win/win" situation?

## **TELSTRA AND HUMAN RIGHTS: A CASE OF DOUBLE STANDARDS**

Telstra's contribution to the national human rights debate is raising eyebrows, especially around the labour movement.

In an unexpected and unusual move, the company has made a submission to the panel currently conducting a consultation on Australia's human rights position. The panel will consider whether we need a Bill of Rights such as those that exist in many other countries.

Telstra's submission suggests that under the Howard Government, Australia's human rights record was nothing to be proud of.

The CEPU fully agrees. The treatment of refugees, the mandatory detention of illegal immigrants (including children) and the introduction of laws that threatened civil liberties are among the most obvious examples of the abuses that occurred during the Howard years.

But labour rights are human rights too. And for twelve years Telstra has fully exploited the opportunities to abuse labour rights that the Howard Government's workplace laws provided.

The International Labour Organisation repeatedly warned that government their laws breached basic ILO conventions on collective bargaining. Where was Telstra then? And where are they now?

The Howard Government's attacks on political dissenters, refugees and immigrants were completely of a piece with their attacks on working people. A selective criticism of this agenda is not enough. Anything short of a complete rejection of the Howard Government's stance in these areas is a case of double standards.

### **VALE NOEL McCORMICK**

Long time Gippsland CEPU activist and Victorian Branch and Sub Branch official Noel McCormick sadly passed away recently, and his funeral at Wonthaggi Wednesday 18<sup>th</sup> February 2009 would have to have been one of the largest in that area. Noel had been battling cancer for some years, and in January this year, went through a Bone Marrow Transplant in order to try and arrest the cancer. Subsequently, complications arose and he died in Monash Medical Centre on Thursday 12<sup>th</sup> Feb.

Noel's contributions, commitment and advice to the Telstra and Silcar membership in the Gippsland and Victorian areas were second to none. If there was to be a sanity check done, Noel was the "go to" man. In addition, his contribution to the community of Wonthaggi via his CFA work was recognized by a guard of honour that lined the route of the funeral procession. A very sombre moment indeed.

To Noel's wife Pat, and his children and grandchildren, CEPU passes on our condolences, and humbly recognises the contribution made by a "real good bloke". Rest In Peace GOF (Noel's name chosen by his grandchildren – Grumpy Old Fart!) We will miss you mate.

### **TELSTRA BACKS DOWN BEFORE COURT**

[ZDNet - 18 Feb 2009]

**Telstra has backed down from a fight in court over the legality of its employee collective agreement ballots, despite showing defiance right up to the day of the hearing.**

The Community and Public Sector Union (CPSU) had lodged an application in the Federal Court to prevent Telstra from going ahead with a ballot on an employment agreement in its Consumer Marketing and Channels division. The application was set to be heard on Monday.

The company has been holding ballots with small numbers of employees since an agreement, offering 12.5 per cent pay increases and up to 7.5 per cent in performance-based bonuses, was put to its Wholesale and Service Advantage divisions as a whole and was voted down by workers in September last year. The unions believe that this so-called "divide and conquer" strategy is taking away employees' ability to make an informed decision.

The unions asked Telstra on Friday to stop the Consumer Marketing and Channels ballot because employees had no "reasonable opportunity to decide". Telstra wrote to the union on Monday that its claims were "without foundation".

Yet when Telstra turned up at the court on Monday, it said it would withdraw the agreement in question. According to the union, the withdrawal supported its argument that the ballot process was flawed and undemocratic.

The unions were using the agreement as a test case under the Workplace Relations Act to probe the lawfulness of Telstra's HR strategy of offering agreements to

small groups of employees around the country.

The question, according to CPSU counsel Josh Bornstein, partner at Maurice Blackburn Lawyers, was whether putting the agreement to small groups of employees denied them a reasonable opportunity to decide whether to accept the offer.

"Even more fundamentally, the case raises questions about what is meant by a collective agreement under federal law," Bornstein said in a statement. "The strategy adopted by Telstra completely deprived the process of any collective input from the employees."

Telstra did not reply to requests for comment.

Since Telstra's decision to withdraw the agreement, the union was considering its options, CPSU national president Louise Perse said.

The unions had already approached the Australian Electoral Commission with concerns that the ballots were not being held correctly. The commission agreed, but Telstra laid any blame at the commission's own door, saying it always met the commission's standards.

Telstra no longer uses the commission for the ballots, having instead commissioned privately owned share registry firm Link Market Services.

Unionised employees have been striking since December to force Telstra to come back to the negotiating table after it walked away from talks in July last year. Ed Husic, National President of the Communications Electrical and Plumbing Union, said that although Telstra's strikes had been put on hold in areas which might affect the bushfires, there were

the other areas where the union would continue action.

His union will also be exploring legal avenues to further the cause, he said. He believed Monday's action was a success. "It helps the employees who were going to vote on a dud deal," he said. "People are voting down this non-union deal left, right and centre. They've kicked the tyres and know they're getting a lemon."

## INDUSTRIAL ACTION IMPACT

Telstra Management are like the proverbial "Three Wise Monkeys", (see no impact, hear no impact, feel no impact), in regards to CEPU members' industrial action.

**Up to this point the CEPU members have been trying to contain the impact of their action on the general public, whilst applying pressure on Telstra Management to move away from their unsustainable, stupid and unacceptable position of not negotiating a new EBA. Part of our campaign as usual has been to exempt life and limb, and the Victorian bushfire work.**

Instead of changing course as management will have to do eventually, they keep repeating like a Monk's chant:

*"The industrial action is having no effect; employees are choosing to stay at work serving the customers." etc, etc.*

Now for the record, let us summarise just some of the impact so far:

- \* Major disruption in at least 3 states in the EFTPOS and ATM service. Complaints from major customers, petrol stations and the Australian Grocers Institute. A major Bank transformation project is threatened in this area.

- \* *The design installation and commissioning of the inter-connection of major services for large customers has been severely disrupted and some are describing it as chaotic.*
- \* *In customer fault management Severity 4 (S4) and Severity 3 (S3) customers are not being attended to at weekends or whilst strikes are occurring, resulting in a lot of angry customers. S4 and S3 downgrades mean that up to 500 customers are without service in fault situations, and not considered to be urgent.*
- \* *During the period of strike action in the mobiles groups, (GOC and Field), the red light alarms were so extensive, management actually "removed the alarms" to cover up the lack of attention to the faults. There were failures in SA and WA, including Adelaide CBD, resulting in complaints from prominent customers.*
- \* *In HFC/NBOC/DHOC, (Foxtel/Bigpond/TV stations), essential maintenance work is held up due to weekend OT and recall bans. Alarms are being downgraded to try to cover up the impact. Bigpond and Foxtel customers in their thousands have been without service for periods well beyond normal delays.*
- \* *Service Delivery. Extensive delays in tickets of work have been created for weeks and still exist in many areas. Telstra Management has been offering unlimited overtime in many areas, and trying to pressure staff to work on weekends and rostered days off.*

*There are continuing customer complaints about restoration delays. The fault and provisioning queues are much*

*larger than usual, in many areas.*

- \* *Construction Transformation projects are being delayed.*

**What is more, right across the company, Managers are running around like "chooks with their heads cut off" and desperately trying to cover-up the bad news, so that the industrial action "is having no effect" illusion can be maintained. Try telling the Managers the action is having no effect.**

Now why do they persist in this "there has been no impact" fallacy? Because they have locked themselves into a stupid, impossible position.

**You've heard it – "we will never talk to the unions again, the union can't deliver for you, the union is having no effect, you may as well sign up to the ECA, because it's the best you'll get" etc, etc.**

**So in order to try to win their ideologically driven non-union agenda, and push staff onto third rate contracts designed to lower wages and conditions, they are prepared to let the customers (not to mention the employees), suffer, and they continue to lie to cover it all up.**

This is a management that has gone well past its use by date.

The bad news for them is that the industrial action will now inevitably become more widespread and intense (they have no-one to blame but themselves).

They also know that very shortly the new laws of the land will force them to bargain with the union anyway.

**What a mess these "managers" have created (industrial relations, NBN rollout, share price down and almost out, imported management fleeing the country when the company desperately needs a management doing its job etc).**

**“Get the vision or get the bus” was and is Sol’s message to employees. Perhaps you should take your own advice Sol, and sooner rather than later.**

### **KNOW YOUR RIGHTS – OVERTIME AND RECALLS** **Industrial Dispute and Staff Shortages**

Telstra needs employees to work overtime and respond to recalls/call backs to remain operationally effective in normal times.

This is even more so now-a-days, because it has chosen to lay off tens of thousands of trained, skilled and experienced staff over the years, thus creating severe shortages in many parts of the business.

They lay them off to increase profits and they then rely on the remaining staff to work even harder and longer hours.

**Even worse, during the current industrial action by CEPU members, in order to try to keep some sort of operational efficiency against a mountain of “back-logged” tickets of work, held orders and the like in many parts of the business, management desperately resorts to pressuring, cajoling, even insisting in some cases, that employees work overtime and in many cases unreasonable amounts of overtime.**

They also pressure staff to take recalls/call backs during the week (Monday to Friday), as well as weekends, particularly following the CEPU weekend bans on overtime and recalls, to again try to survive against the mounting backlog in various parts of the business.

Many members and other employees are getting sick of the overwork, the stress and the pressure.

**You need to understand that you cannot be forced to work overtime because in some circumstances the definition of “reasonable” overtime can be zero. It depends on your personal, family and other circumstances. If you find you simply cannot do it, because of certain circumstances, just refuse.**

**Similarly with recalls/call backs. You cannot be forced to respond. Your time is your time, not work time, unless you want it to be. Once again your personal circumstances are primary.**

You would understand of course that if you are unable to respond to emergency recalls/call backs, then you won’t be paid the various allowances you are entitled to when you do work.

It is a fact that the staff shortages and the industrial dispute are due to management decisions and failures, and therefore it is reasonable to reach the conclusion that you shouldn’t wear the stress, pressure and overwork that Management is trying to force on to you.

**Backlogs of work are backlogs and the industrial dispute creating them has been caused by Management’s refusal to negotiate like any normal, sensible management should. Why should you wear the stress, pressure and pain from their mismanagement?**

**If you don’t think you can work OT and recall/call back during the week, particularly because of your health, peace of mind, or family etc, then simply say no.**

Contact the union with any difficulties.

### **WHAT WILL THEY STOOP TO NEXT?**

There is a Telstra Manager in Melbourne who will not stop at anything to do Corporate’s bidding.

He is paying some non-union, Telstra employees thousands per pay to go interstate to scab on their workmates.

Information has it that not only are they being paid this fabulous amount, but on top of that they are paid travel allowance, and they are getting accommodation paid as well. They are set up in vehicles for the duration of the industrial action to do the work of their “mates” who are out on strike or taking other action.

Will these employees put their hand out and take whatever benefits the union wins? Course they will, because it is obvious they have no principles to speak of.

However, the important thing is this particular “manager” who will now have lost any remaining respect amongst his employees, (respect gone forever and rightly so). He has told almost anyone in earshot that he will later target anyone amongst his employees who went out on strike and who voted against the ECA.

We’ve got news for him. This “manager” will need to watch himself because he is in breach of the law and by his Nazi-like approach he has created a lot of enemies and potential enemies from amongst those around him, who will eventually speak out.

In the end you pay the price for going over the top and outside accepted boundaries, simply in the hope that you please your masters. Usually when it is all over, your masters wipe you like the proverbial anyway. Lots of people will be working on it believe us.

**LEN COOPER**  
**Branch Secretary**