

S.The Signal

Issue No. 579

1 May 2009

■ **In this issue:**

1. Parliament Passes Fair Work Bill
1. CEPU Ask ILO To Rule
2. Asbestos In Bushfire Areas
2. Postal EBA7
2. Mobile Phones & Tumours
2. Labor's Fibre Plan Questions
3. Telstra Cuts Construction & Field Workforce
3. Telstra Service Complaints

■ **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

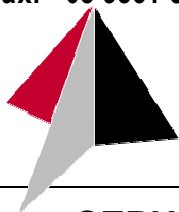
Email

cdtsvc@victs.cepu.asn.au

Clayton Office

Ph: 03 9545 1503

Fax: 03 9561 5599



PARLIAMENT PASSES FAIR WORK BILL

After much last minute manoeuvring with the independent Senators, Fielding and Xenophon, the Rudd Government has at last gained parliamentary approval for its Fair Work Bill. The legislation is scheduled to start taking effect from July 1st this year.

The *Fair Work Act* will do away with many of the worst aspects of the Howard Government's industrial relations regime, especially those introduced by the notorious WorkChoices laws. For instance:

- Employers will no longer be able to refuse to negotiate with unions as Telstra is doing now. They will have to bargain in good faith.
- Employers won't be able to unilaterally terminate agreements, throwing employees onto poorer conditions.
- Employees will no longer lose a minimum 4 hours pay when they take industrial action. The loss of pay will only be for the actual lost time.
- There will be no penalties for including "non-permitted" content in agreements – such content will just not be enforceable.
- Unfair dismissal rights have been restored to some 3 million workers.

And of course there will be no more new Australian Workplace Agreements (AWAs). In fact it has been illegal to offer new AWAs since Labor introduced legislation to that effect early last year.

It would be a mistake, however, to think that the *Fair Work Act* is everything the labour movement would like it to be. Many aspects of the Howard Government's *Workplace Relations Act* remain intact, especially the severe restrictions on industrial action,

including the WorkChoices secret ballot requirements.

The union movement is now gearing up to push for further reforms to the old Howard laws and will be pressing its claims at the ACTU Conference and ALP National Conference later this year.

CEPU ASKS ILO TO RULE ON FAIR WORK ACT

In a further indication of the level of concern about aspects of the *Fair Work Act*, the CEPU's three divisions have all agreed to refer the legislation to the International Labour Organisation (ILO) for comment.

The CEPU's National Council made the decision at its most recent meeting.

There are precedents for such a move. The ACTU referred the Howard Government's industrial relations laws to the ILO on several occasions to establish whether they were in breach of internationally agreed labour standards.

In 2006, the ILO expressed grave concerns on the impact of WorkChoices on the internationally recognised rights of working people to organise and to bargain collectively. It called on the Australian Government to explain how WorkChoices complied with key international conventions (Nos 87 and 98) in this regard.

Needless to say, the Howard Government failed to respond to these concerns, arguing instead that its laws created employment and that any job was better than no job.

At the last Federal Election, the majority of Australians showed they disagreed with this view. The question now is whether their clear wish to see WorkChoices thrown out altogether has been met by Labor's new laws.

The CEPU's move is designed to keep this question before the Australian public and the international community as the labour movement begins its campaign to strengthen the *Fair Work Act*.

ASBESTOS IN BUSHFIRE AREAS

The potential danger came from asbestos in both damaged telecommunications facilities and in nearby buildings which had, in many cases, been reduced to ashes.

The CEPU has raised the issue with Telstra who have responded in the following terms:

"All Telstra field employees are trained in the safe handling and disposal of asbestos material. Employees are all provided with disposable protective overalls (serial 034/357-361), disposable respirators (serial 034/207), protective gloves (034/126-127) and appropriate marked bags for disposal (serial 034/269). All of these items are available through Telstra's approved providers.

Telstra employees are also provided with resource material through the Field Essentials online portal. The portal clearly outlines the practices to be adhered to in the event of encountering suspected asbestos material.

In addition, Telstra prepared and provided bushfire specific safety briefings contained hazard awareness information to all staff commencing from 16 February 2009. These briefings covered issues such as asbestos, treated poles, fallen powerlines, wild animals, damaged structures, fatigue and emotional strain.

Telstra has an incident/exposure notification process that captures any known even and is reported through Telstra's Health and Safety Performance Management system. If at any time an em-

ployee believes they are affected from an asbestos related condition, Telstra provides a claim management process and system which supports both current and past employees."

Any CEPU member with concerns about asbestos exposure should contact his/her state branch as well as notifying management of the issue.

POSTAL EBA7

Talks have continued with Post management regarding EBA7. Some headway has been reached in re-including into your new wage agreement some protections on contracting out, franchising and use of casual/agency staff.

However the parties remain some distance away on issues such as dispute resolution, protection of penalty rates and use of facility nominated doctors by Australia Post.

Hopefully by next week, both management and the unions will have drafted revised clauses on the areas of broad agreement.

The union will also be putting forward clauses to deal with Future Delivery Design.

MOBILE PHONES AND BRAIN TUMOURS

Members may have seen recent Media coverage relating to the link between usage of mobile phones and the incidence of brain tumours in human beings. There have been reports the ABC's Lateline programme and Channel Nine "Sixty Minutes".

An international study on the "Interphone Survey" was completed in 2006 but it appears the outcomes from the study have been pigeon hold. The Australian link to this study is Professor Bruce Armstrong, his views on the study are as follows:

"It suggests an increase risk of glioma (tumour) on the same side of the brain as mobile users"

"Enough to be a cause for concern."

"Limit exposure, especially for children to as low as reasonably achievable."

The report suggests under 10 years of mobile phone usage there are no problems with tumours but 10 years and above there is more of a potential problem. Swedish Scientist Professor Linnard Hardell has come to a similar conclusion to Professor Armstrong. Elsewhere in Australia Dr. Vini Khuram a neurosurgeon has also identified problems with mobile phones and brain tumours related to the Interphone Study. It is particularly revealing that the Coordinator of the Interphone Study Professor Elizabeth Cardis was one of several eminent people in France to suggest the need for international agreement restricting the use of mobiles around children.

LABOR'S FIBRE PLAN: QUESTIONS STILL TO BE ANSWERED

Labor's announcement that it will build a \$43 billion Fibre-to-the-Home (FTTH) network has taken the industry by surprise, not least because as recently as February the Government was saying that it would not commit more than \$4.7 billion to its National Broadband Network (NBN).

But the elimination of Telstra from the NBN bidding process last year left the Federal Government with no realistic options for its proposed superfast network project. With the remaining proponents unable to identify sources of funding for a more modest Fibre-to-the-Node (FTTN) network, the whole tender process essentially collapsed.

A central problem was the need for bidders other than Telstra to have access to Telstra's copper at the node. Proponents had argued that this should be done by cutting over the whole of the Telstra network to the new broadband company.

The Government has now revealed that its Expert Panel advised it in January that none of the bids had factored in the costs of compensating Telstra for this acquisition of its property.

The Government's new proposal would sidestep this issue by bypassing the existing Telstra copper network and taking fibre straight to the home – but at some three to four times the cost of the earlier FTTN scheme. How will these costs be recovered?

Fibre-to-the-Home networks are being rolled-out in a number of other countries including Japan and the US, but they have not been making money.

And Labor's proposed NetCo faces the additional problem that it will be a wholesale-only network and will therefore have a comparatively limited revenue base

Then there is the question of whether the Government intends to allow existing carriers, including Telstra, to continue to invest in their own broadband infrastructure. If not, we can expect more job losses in those companies.

The CEPU has welcomed the Government's stated intention of playing a major role in Australia's broadband future. But it will be looking carefully at the details of Labor's plan, as they emerge, to assess their impact on the union's members.

TELSTRA CUTS FIELD WORKFORCE, CONSTRUCTION JOBS

Hundreds of jobs which are of vital importance to Telstra's ability to maintain and develop its network are being cut from the company in management's continuing onslaught on its workforce.

A new wave of redundancies had hit the field workforce, with nearly 100 jobs set to go from NSW and the ACT alone And some 360 positions are expected to be taken out of the network construction area by August this year..

CEPU Divisional Secretary, Ed Husic, has slammed the cuts and called on Telstra to re-think its labour-shedding strategy in light of the possibility that it might wish to participate in the Government's proposed broadband roll-out.

"Telstra hardly has enough people on the ground to help restore phone services after natural disasters hit, let alone pitch in with skilled staff to roll out one of this country's largest ever telecommunications infrastructure projects," he said.

The CEPU is especially concerned about the impacts of the cuts on members living in regional Australia, as finding telecommunications job opportunities in these areas is difficult even in good times.

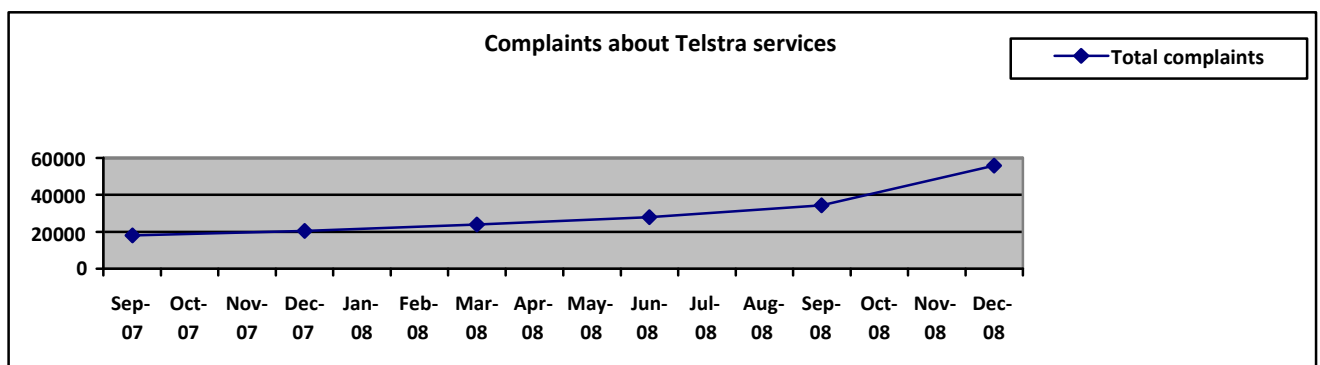
"There are some work opportunities but only if you're prepared to load yourself up with debt and purchase equipment to become a subcontractor," Mr. Husic said.

LEN COOPER
Branch Secretary

TELSTRA SERVICE COMPLAINTS HEAD SKYWARDS

Customer complaints about Telstra services have increased dramatically, according to the latest figures released by the Telecommunications Industry Ombudsman (TIO).

The figures for the three months to December last year show the total number of complaints about Telstra services increasing by 63% over the number in the preceding September quarter. And the September quarter figures themselves represented a 23% increase over the June 2008 numbers.



Going up: the number of complaints about Telstra services increased dramatically last year.

This situation only reflects a small portion of our industrial action which began in late December. Stand by for the quarter to March and then beyond.

THE COMMUNICATIONS UNION (CEPU) – DON'T GO TO WORK WITHOUT US!