

S.The Signal

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■ **In this issue:**

1. EBA Campaign in Telstra
1. CEPU Secures Training Opportunities
1. State of the Unions
2. Employer Fails in Indust Action
2. Design & Wideband "Metrics"
3. CEPU Unpaid Overtime Action

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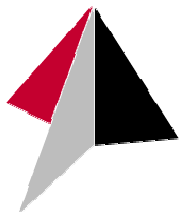
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EBA CAMPAIGN IN TELSTRA

Member consultation has taken place over the period of the last four weeks approximately, and has included face to face meetings, surveys, telephone conferences one-on-one discussions, work centre visits, and other feed back.

The very widespread view of the membership is to reject the proposal from Telstra as inadequate and unfair, and that the union should continue its efforts for a better deal.

The main issue in members' minds is the inadequate pay offer in all the circumstances.

As a result, the National Divisional Executive of the union has had no choice but to re-apply the protected, legal industrial action voted for by members in the 2008 strike ballot, to try to win a better deal.

We are currently in the process of relaying the latest situation to Telstra management and preparing for our legal protected industrial action to resume.

We are having meetings and phone hook-ups with members in various areas to prepare for the action. The membership will be notified of the details very shortly.

CEPU SECURES TRAINING OPPORTUNITIES FOR REDUNDANT TELSTRA EMPLOYEES

The CEPU has succeeded in securing 400 full-funded training places for employees recently made redundant from Telstra.

The places are funded under the Structural Adjustment Places (SAPs) section of the Federal Government's Productivity Places Programme (PPP) and are available to any Telstra employee made redundant (or about to be

made redundant) since 24th February 2009.

The programme offers a wide range of training options both within and beyond the telecommunications industry at Certificate III level and above. The training is provided through Registered Training Organisations (RTOs) such as TAFEs and private providers.

Information about the range of courses available can be found at the Government website at: <http://www.deewr.gov.au/Skills/ProductivityPlaces/Pages/default.aspx>

This has a section on the SAP programme which shows what courses are available from which RTOs in different states.

The CEPU strongly recommends that members interested in taking up this training opportunity contact their state branches as a matter of some urgency. While training for some of the options members may be interested in may not start until next year, the CEPU needs to demonstrate to the Government that there is a real demand for this training.

In other words, it's a case of use it or lose it. Get in touch with the CEPU now if you want to make use of this chance to retrain for free.

STATE OF THE UNIONS

Unions are organisations run by workers for workers to help them get a fair go at work.

Last year, union membership in Australia increased by 56,000 people. When casual workers are excluded from the data, nearly one in four employees in Australia is a union member. And those workers earn, on average, \$96 a week more than workers who are not members of a union.

The President of the ACTU, Sharan Burrow, says that these figures point to the fact that unions

are more relevant than ever before.

“It can be very intimidating for younger and new employees in the workforce,” she says.

“There is nearly always an imbalance in the power relationship, especially when negotiating directly with managers on pay and flexible working arrangements. So having an experienced union workplace delegate as a back-up is very reassuring.”

Sharan Burrow points out that unions offer extra protection amid the fall-out from the global financial crisis.

“As employers try to change pay and conditions, workers need someone to turn to for advice and representation,” she says. “Unions help protect jobs and redundancy rights.”

The ACTU also highlights the fact that the costs of union membership are relatively low and are tax deductible. So get your work-mates to sign up.

EMPLOYER FAILS IN NOVEL INTERPRETATION OF UNLAWFUL INDUSTRIAL ACTION

(13 Nov 2009. C2009/255, Boral Resources (NSW) Pty Ltd v AWU)

Employees were not taking unlawful industrial action when they abandoned strike plans and returned to work, Fair Work Australia ruled yesterday.

The AWU had notified Boral Resources that it would conduct 24-hour stoppages on Monday and Tuesday this week at its Dunmore quarry, near Kiama on the NSW south coast. The company accepted that it had been properly notified of the action.

But the union and employees later decided against proceeding with the second 24-hour stoppage on Tuesday.

In a novel strategy, Boral on Tuesday responded by seeking an urgent s418 order against the union, arguing before FWA that it had taken defensive measures, such as cancelling deliveries and the arrival of a train, to prepare for the stoppage, and that as a result employees were not working in their customary manner.

The union, however, argued there was no basis for the s418 application, as any deviation from the workers' customary work practices was caused by the company.

Senior Deputy President Anne Harrison, who began hearing the matter on Tuesday afternoon, yesterday dismissed the application, after conducting proceedings for most of the day. She will issue reasons, but hasn't done so yet.

Maurice Blackburn Senior Associate Giri Sivaraman, who represented the AWU, said that the company had taken a novel approach in arguing that deciding not to take industrial action could be construed as industrial action.

He said the Tribunal's decision confirmed that under the Fair Work Act, bargaining representatives are able to give notice of intended industrial action but then choose not to proceed with it.

DESIGN & WIDEBAND “METRICS”

We are now approaching the end of November “grace period”, where the so-called “trial” of the initiative is meant to be assessed.

From the outset, CEPU has been clear about what has been rolled out here, and our concerns regarding the initiative. A previous CEPU Construction Members' newsletter (SLD 09/377) identified the concerns and suggested a way forward.

It was our view that the linkage to potential disciplinary outcomes, and the increased pressure of a

stats based point score system, with all its associated problems, had the potential to place our members' health and wellbeing at risk.

The initiative seemed to be nothing more than management satisfaction (ie satisfying the request for nonsensical statistical information up the management tree), and a disciplinary tool, rather than a genuine attempt to improve the efficiency of the group, and the job satisfaction of the staff doing the actual work.

Following significant feedback from our members, we find that the pressure placed on staff as a result of the so-called “trial” of these stats has increased. As clearly advised by John Gibbs, the threat of disciplinary action if staff fail to achieve points is still there. PDRP “kick off’s” have had increasing point scores placed in them as “goals”.

How can this be dealt with?

Our suggestions are as follows:

1) If you have a view that the “goals” of a certain number of points (and increasing) as set down in the PDRP documentation is not fair, reasonable or achievable, you need to advise the team leader of this concern.

Either refuse to sign any PDRP (after all, it's a form of a contract between yourself and the team leader), or formerly place your concerns on these matters by an endorsement of the document with “I disagree with the following matters (nominate the areas) and dispute what is written. At no stage do I agree with the goals/requirements as outlined”

2) If management persists with the requirement to “sign off” on certain things, dispute the

matters via the internal resolution process (IRP) process. Whilst our experience in getting a reasonable “outcome” from an internal appeal process is not good, this process should be utilised in the first instance.

- 3) *Contact the Union if you require representation at any further meetings, particularly given the potential for disciplinary action linked to the failure to achieve a certain point score.*
- 4) *If, at any stage, your health becomes affected (whether psychological or physical), consult your local doctor and advise of all the circumstances you face at work. No matter how mild the effects are, in accordance with Commonwealth OH&S laws, the employer is required to have safe systems of work, and also to provide a healthy workplace, free from intimidation and bullying. If your doctor provides support in this matter, consider lodging, in the first instance, an incident report.*
- 5) *If your medical condition deteriorates, or there is a reasonable amount of lost time, consider lodging a compensation claim. Contact the union office for advice prior to this action.*
- 6) *Telstra’s employee assistance programme (EAP) is also available for confidential discussions regarding workplace issues of concern. It is our recommendation to avail of this service, bearing in mind it is funded by Telstra.*

CEPU intends to meet with Network Construction HR on the matter, particularly in relation to some suggestions that were raised at our previous meetings on the

matter. Members will be advised of any developments.

CEPU UNPAID OVERTIME CLAIM ACTION COMMENCED IN FWA – DO YOU WANT US TO ACT FOR YOU?

As part of the process of recovering entitlement to be paid for every minute you work for Telstra the CEPU has been running a survey to establish the extent of the unpaid overtime problem and the fact that Telstra's performance regime actually drives the need to work unpaid overtime.

The results so far are absolutely consistent across all respondents no matter where they work in Telstra. 79% of you have told us that you regularly work through tea breaks, 69% say they have worked through lunch, 63% say they regularly start before their official start time and 83% say they regularly finish after their finish time.

If you haven't completed the survey, which takes about 20-30 minutes, then please do so. You can obtain a link to the survey just by emailing:

cep.member.services@gmail.com

You need to put 'survey' in the body of the email and we will send you a unique survey ID number and a link to the survey. Encourage your work mates to do the survey also – it's open to all Telstra employees.

What is the CEPU doing about this?

The CEPU has lodged an application to Fair Work Australia to do what is called a 'records inspection'. We have made the application for non-member records as we have already have a right to inspect the records of our members and we also want to inspect non-member records.

Many non-members have responded to the survey and they have told us that they also work unpaid overtime and they would like to recover any monies owed to them.

Our current application to Fair Work Australia has now been heard and Telstra have agreed to provide certain records for our investigation. You can read the Orders from Fair Work attached to this bulletin. If necessary we can make further applications to FWA.

Do you want the CEPU to pursue your entitlements?

Even if you are a non union member the CEPU can still investigate the suspected breaches on your behalf if you give us your signed consent to access your records. **Your consent is confidential, Telstra will not be provided with your consent form. It will only be provided to Fair Work Australia for the purposes of matching your name and your employee records. This is the first step to recovering any entitlement that you have to unpaid overtime.**

Each year, Australians work more than 2 billion hours of unpaid overtime. Around half of all employees work more hours than they are paid for. On average, a typical employee works 49 minutes of unpaid overtime per day. For full-time workers, the average daily amount of unpaid work takes more than one hour.

Overwork can have negative consequences for your physical and mental health, your relationships with loved ones and your sense of what is important in life.

LEN COOPER
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