

# S.The Signal

Issue No. 590  
11 December 2009

■ **In this issue:**

1. Protected Industrial Action – Vehicle Usage and T/A (ETCA)
1. Telstra Bargaining Update Not Telling The Whole Story
2. Telstra's Cleanup Day Fiasco
3. HFC, Wireless Pose NBN Challenge
3. Campaign For Stronger OH&S Laws Continues
3. Engaged To The Job
3. Unpaid Overtime
4. New Members Needed – Act In Your Own Interests
4. New Members Needed
4. Member Services

■ **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

## **COMMUNICATIONS UNION (CEPU)**

### **Main Office**

1/139 Queensberry Street  
Carlton South 3053

Ph: 03 9349 4411

Fax : 03 9349 3488

Email

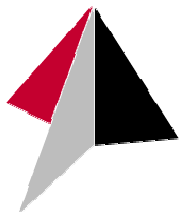
[cdtsvic@victs.cepu.asn.au](mailto:cdtsvic@victs.cepu.asn.au)

### **Clayton Office**

47 Henderson Rd  
Clayton 3168

Ph: 03 9545 1503

Fax: 03 9561 5599



## **PROTECTED INDUSTRIAL ACTION – VEHICLE USAGE AND T/A (ETCA)**

A number of queries into this office over the last week relate to the application of the EBA clause 18.3.8 - the return of Telstra provided vehicles during times of an "industrial dispute". That clause is reprinted below for your convenience.

### **18.3.8 RETURN OF MOTOR VEHICLES**

**During any industrial dispute involving employees covered by this agreement, if so directed, an employee must deliver his/her Telstra-provided vehicle to a place nominated by Telstra, and provide the keys of that vehicle to a person nominated by Telstra.**

This EBA "dispute" has been ongoing since December last year. At any stage during this dispute Telstra could have directed staff in accordance with this EBA clause.

If you receive no "direction" you only need to act in accordance with your vehicle use agreement.

If you receive a "direction" prior to any stop work action, you should seek that direction in writing, before attempting to comply. You also need to ascertain the situation regarding the Telstra provided equipment in that vehicle. You probably have been advised previously by Telstra regarding the security of that equipment (eLearn etc), therefore you should seek a written guarantee from Telstra regarding the removal of your liability on that equipment, in the event you have to place the vehicle out of your control.

If you are already on a stoppage, and management attempts to contact you, there is no requirement to act in accordance with any management directive. You are on strike, and have withdrawn your labour.

### **T/A (ETCA)**

Travelling allowance is provided by Telstra to enable you to stay at an overnight location. If Telstra directs you to return from that loca-

tion, they must return you at their cost. They cannot withdraw T/A and leave you stranded at a remote location.

They do not pay your wages during any stoppage, however they cannot cease your T/A arrangements if you take stop work action. (Note: if you make a decision to return from T/A early, as distinct from being directed home, it will be at your cost)

If you have any queries, please contact the Branch Office.

## **TELSTRA BARGAINING UPDATE NOT TELLING THE WHOLE STORY**

**The "update" from Telstra regarding the EBA bargaining in the name of Mr Thodey and Ms Grant needs a response.**

**The November 4th meeting referred to in the "update" where "the unions came to Telstra with a compromise" according to Telstra, needs a much more comprehensive response than the glib treatment provided by Telstra in its "update".**

Members will remember that prior to this date Telstra had unilaterally decided to put a pay offer directly to you. An offer of 2% + 3% + 4% over 3 years, with a "sign on" bonus which was supposed to offset Telstra's refusal to negotiate for 12 months. You will remember Telstra described this as their final offer, basically undermining the good faith bargaining process at the time.

Telstra couldn't be moved on this offer, until the process of restarting industrial action was under way. Then they gave some indications of some further movement.

**In the talks of the 4th of November, it was established that if the unions came back and "asked" for an extra 1% for the second year payment (from 3% to 4%), and "last gasp" arbitration, as part of the dispute settling procedures, then Telstra would agree and in effect the talks would be over. Keep in mind that the**

**CEPU decided to voluntarily suspend the industrial action to try to encourage movement from Telstra.**

At meetings of members across Australia following the 4th of November meeting, it was decided overwhelmingly that the "offer" wasn't good enough and that the union should once again apply legal protected industrial action to win a better deal. The Divisional Executive of the union then told Telstra of the membership view.

In Telstra's "update" they say "The pay offer is a good one. It contains better pay and conditions than our competitors' agreements".

**No it isn't a good offer and it should be better than agreements with competitors. Telstra in size and profit dwarfs the competitors. Is that profit only for massive pay cheques for managers and large dividends for institutional share holders?**

The problem is that Telstra management dream of the day when it can emulate the poorer pay and conditions of Optus. Optus is largely a non-union company. It has never had a union agreement in its whole history and that's what Telstra management dream about instead of getting on with the job of finalising a satisfactory agreement with its unionised employees. It keeps pushing down its Optus road in the hope of one day getting there. That is a pipe dream.

**Telstra management know full well that the discrimination against its EBA employees is totally unacceptable. That is why they continue to try to inflate the appearance of the "offer" with the so-called performance bonus and salary packaging benefits. Everyone knows that very few employees get the performance bonus. Everyone knows that management manipulate the bonus to ensure that only a select**

**few get the bonus. The salary packaging is useful for some but not for all and anyway it is the taxpayer paying for the benefits and Telstra save money in tax.**

Even the salesman-like "trick" of laying out the various elements of the "offer" in spaced out dot points in the "update" to make it appear more substantial, betrays the fact that management know they are having trouble "selling" the package - and why? Because it is not good enough!

**Not in the context of the circumstances faced by Telstra employees and the terrible mess created by Telstra management itself.**

### **TELSTRA'S CLEANUP DAY FIASCO**

Now we all looked in amazement as some Telstra managers spruiked about cleaning up 22,000 sites with volunteer Telstra (and family) labour.

**As it turned out basically the only "employee volunteers" who "turned out" were the managers themselves, according to management reports.**

Management deserved the job after pursuing policies for a couple of decades which directly led to the pitiful mess that these sites are in.

Following on this new spirit of "volunteerism" we reprint below a statement (more like a hymn of praise) for a Telstra employee (name suppressed but herein called the "Telstra employee") from his manager, which has just been brought to our attention.

*"As the leading operative in the Tasmanian Transport and Networks installation team, the "Telstra employee" has been an invaluable asset, and I doubt that most of my projects could have been delivered successfully without him. The "Tel-*

*stra employee" is one of those tireless "quiet achievers", always going well above and beyond the call of duty. He always answers the phone, whether he is on duty or not, and I sometimes wonder whether he takes his laptop to bed with him, with his emails coming in over the weekend, on RDO, and while on leave. The "Telstra employee" has even been known to undertake site inspections whilst on holidays in an out of the way area, just because he happened to be there and it would save a trip later on. The "Telstra employee's" contribution is characterised not by a specific achievement, but a continuous dedication to the task(s) at hand. The "Telstra employee" is an excellent example of all of the Our Way Cultural priorities in action. Providing leadership by example and utilising the resources of the team to deliver projects and add value for our customers on time. Done right, first time, every time."*

Now you have to be gobsmacked by this don't you? This is a company that makes near record profits year after year, mainly based on the cutting of its workforce by tens of thousands.

A company that loses a fortune in shareholder funds because of the fines they pay, the projects they stuff up, the outrageous millions they spend on non-performing managers and the like.

A company that spends a fortune trying to de-unionise and divide its own workforce.

**Then, after a decade or more of this mayhem, in order to try to keep the company's head above water, it desperately wants "volunteers" to help, or it wants employees to work unpaid overtime and the like.**

**Breathtaking isn't it?**

## HFC, WIRELESS POSE NBN CHALLENGE

The pace of technological developments in the telecommunication industry is beginning to raise questions about the role the proposed National Broadband Network (NBN) will play in the future national broadband market.

Earlier this month, both Telstra and Optus announced upgrades to their HFC networks to the DOCSIS 3 standard which enables download speeds of 100 Mbps – the NBN benchmark. The Telstra service, which will be initially offered only in Melbourne, will be available from 1 December and will provide a 2 Mbps upstream connection. Optus has announced an upgrade in Sydney, Melbourne and Brisbane but has not yet released any timetable or pricing details.

The Optus network passes 2.4 million homes of which only 1.4 million are considered by the company to be “serviceable”. This represents a sizeable chunk of the broadband market, but leaves room for NBN Co.

**But should Telstra upgrade the rest of its national HFC network, it would mean that some 3 million homes – about one third of the NBN’s proposed coverage – would be served by high speed broadband and without any need for Government funding. It would also mean that NBN Co would have to share the most profitable section of the national market with one and in some areas two other providers.**

With the economics of the NBN proposal already being called into question from a number of sources, these moves pose new challenges to Government policy

## CAMPAIGN FOR STRONGER OH&S LAWS CONTINUES

The national union movement is continuing its campaign to strengthen proposed national Occupational Health and Safety (OH&S) laws.

Warning that time is running out to prevent a watering down of current standards, the ACTU has called on the Federal Government to improve its proposed legislation in key areas to reflect the best, not the worst, state regulation.

The ACTU’s latest submission to Government pinpoints six key areas where changes need to be made, in particular

- the removal of barriers to the work of health and safety representatives and
- the granting of the right of workplace accident victims to initiate legal proceedings.

The proposed laws include several provisions in relation to health and safety representatives which could potentially hinder them in fulfilling their role.

For instance they:

- require that an HSR be fully trained before s/he can exercise the right to issue a PIN or direct that work cease
- are vague about the timing and funding of HSR training
- restrict the rights of HSRs to enlist the advice of other people, either inside or outside the workplace.
- allow for a court or tribunal to sack an HSR in a very broad range of circumstances.

- only allow HSRs to become in resolution of workplace OHS issues once direct consultation between management and employees has failed.

As for the right to initiate legal proceedings for breaches of OH&S laws, this is regarded by unions as a key weapon in the fight to ensure that employers honour their OH&S obligations.

Further details of the ACTU campaign can be found at <http://www.actu.asn.au/Campaigns/HealthSafety/default.aspx>.

## UNPAID OVERTIME:

- 1 **Is an OH&S issue.**
- 2 **Is illegal under your award.**
- 3 **Is an economic issue for you and your family.**
- 4 **Is a taxation issue, and affects the whole community.**
- 5 **Is worth millions of \$\$\$ in Telstra alone.**
- 6 **Is an issue for shareholders.**

**Make a decision to stop working for free today!**

## ENGAGED TO THE JOB

**Weekend Australian**

**Creating a happy workplace will reap commercial dividends. "ONE in five Australians is going to work and is extraordinarily unhappy there," says Melissa Dunn Lampe of global research-based consulting company Gallup.**

Unhappiness is a condition Australia can ill afford. Dunn Lampe estimates this malaise, caused by employee disengagement, costs the country up to \$42 billion a year.

**The flip side, according to Gallup, is that organisations with an engaged workforce are 27 per cent more profitable, achieving 50 per cent higher sales and 38 per cent above average productivity. Building an engaged workforce can also reduce accidents at work by up to 62 per cent, staff turn-**

over by up to 50 per cent and absenteeism by up to 27 per cent.

Wonder if Telstra Management read?

### NEW MEMBERS NEEDED – Act In Your Own Interests

In the EBA talks and campaign, we have been attempting to significantly improve the conditions for EBA based employees into the future.

In addition we are trying to prepare the way for ECA, ITEA and AWA employees to move to the EBA at the earliest opportunity, so that they can improve their lot.

If you are not a member currently, then now is the time to join and help us to help you. The more employees we speak for, the more effective we will be.

Many employees have joined since the EBA campaign began but there are still plenty who have not. Now is the time.

**When you weigh up the benefits, direct and indirect, when you consider that your union dues are tax deductible, it doesn't cost, it actually pays to be a member.**

To repeat, on top of that it strengthens up our capacity to improve your lot. Think about it and then join. Contact us on 9349 4411, fax: 9349 3488, email: [cdtsvic@victs.cepu.asn.au](mailto:cdtsvic@victs.cepu.asn.au) or through the web: [www.cepu.net.au](http://www.cepu.net.au)

### WELFARE FUND

The CEPU has established a fighting fund to assist members who may be in financial difficulties for various reasons, including times of industrial action.

As you know some of our members have been taking strike and other action to help win a new good quality EBA for all Telstra employees. Obviously, there will be considerable hardship experienced by some of these members. Please support them where you can

**Direct debit through your financial institution or EFT to:**

CEPU Welfare Fund. BSB: 063262 Ac No: 10454772

**Cheque or money order** made out to CEPU Welfare Fund and posted to: CEPU Welfare Fund, 1/139 Queensberry Street, Carlton South 3053.

**Credit Card** over the phone to the Branch – 03 9349 4411

**There is no BPAY facility at this stage**

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

### CEPU MEMBER SERVICES

Taxation and Financial:

**PROACCT ADVISERS & ACC**  
9880 9600

[www.proacct.com.au](http://www.proacct.com.au)

Journey Cover Insurance

Part of your union membership  
Contact the Branch 03 9349 4411

[www.cepu.net.au](http://www.cepu.net.au)

Legal

**RYAN CARLISLE THOMAS**  
1300 366 006 (Metro & Regional)

[www.rct-law.com.au](http://www.rct-law.com.au)

Health Services

**UNION HEALTH**  
9662 3322 (City only)

[www.unionhealth.citysearch.com.au](http://www.unionhealth.citysearch.com.au)

Dental

**UNIDENT**  
9822 8986 (Nearest dentist)

[www.unident.com.au](http://www.unident.com.au)

Home Loans & Low Cost Banking

**MEMBERS EQUITY**  
1300 309 374

[www.mebank.com.au](http://www.mebank.com.au)

Financial

**BILL HARDING & ASSOC**  
9738 1244

Work Injury

**WORKERS' OCC HEALTH CNTR**  
Contact the Branch 03 9349 4411

[www.wohc.org.au](http://www.wohc.org.au)

Contractor Income Protect Ins

**AUSINSURE**  
1300 724 436

[www.ausinsure.net.au](http://www.ausinsure.net.au)

Purchase Power For Everything

**UNION SHOPPER**  
1300 368 117

[www.unionshopper.com.au](http://www.unionshopper.com.au)

New & Used Cars

**UN SHOPPER MOTORMART**  
1300 368 117

[www.unionmotormarket.com.au](http://www.unionmotormarket.com.au)

**CREDIT UNION AUST**  
13 22 82

[www.cua.com.au](http://www.cua.com.au)

Insurance - All Types

**LABOUR UNION INSURANCE**  
9794 8844

[www.luib.com.au](http://www.luib.com.au)

Superannuation

**AUSTRALIANSUPER**  
1300 853 311

[www.australiansuper.com](http://www.australiansuper.com)

Travel

**UNION TRAVEL**  
1300 369 336

[www.unionshopper.com.au](http://www.unionshopper.com.au)

New Cars

**DISCOUNT NEW CARS**  
1800 146 666

[www.DiscountNewCars.com.au](http://www.DiscountNewCars.com.au)

Ambassador Card

Part of your union membership  
[www.ambassadorcard.com.au](http://www.ambassadorcard.com.au)

Employment & Training

**JOBCO**  
9356 8600

[www.jobco.com.au](http://www.jobco.com.au)

Discounted **VILLAGE** Movie Tickets – **FREE IF YOU JOIN UP A NEW MEMBER**  
Contact the Branch Office 03 9349 4411