

# S.The Signal

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**We take this opportunity to wish you a peaceful, happy Festive Season and New Year.**

**The Branch Office will be closed from 12 Noon Thursday 24<sup>th</sup> December to Monday 4<sup>th</sup> January 2009.**

**As always, in an emergency, officials will be contactable by mobile.**

**The Branch Office phones will be on message bank, so if your enquiry is not urgent please leave a message as the message bank is checked daily. We'll get back to you as soon as possible.**

■ **Contact a CEPU Official:**

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## **CONGRATULATIONS ON YOUR SOLIDARITY AND DETERMINATION**

After a long struggle to secure an acceptable EBA, the unionists in Telstra can go into the Christmas/New Year break very proud of their efforts and in a strong position for the New Year.

- \* the current EBA protects all of our conditions of employment,
- \* while the current EBA exists the redundancy agreement is protected,
- \* Telstra for its own reasons have paid a 2% pay increase and a 2.5% lump sum payment,
- \* our capacity to take strike, industrial and other action remains while there is no new EBA in place.

Through your magnificent efforts you have achieved at least the following:

- \* proper negotiations with the union,
- \* established as important issues in the negotiations, the right to arbitration, improvements to the redundancy agreement, retention of all conditions, a means of challenging unfair performance management and the right to a decent wage increase, including others,
- \* the capacity to take effective industrial action even in the extremely difficult conditions of bad industrial laws, a potential by pass workforce of AWAs, ITEAs, contractors and sub contractors, and a management that does not care about deteriorating customer service.

As we move into the New Year, when most people are back on deck the campaign will again step up on all fronts. Management cannot expect its EBA employees to meekly accept being treated as second class citizens in regard to their pay, and with no indication that such discrimination between employees

doing basically the same work will ever be fixed. We are talking thousands of dollars in pay over the life of the agreement and huge amounts in superannuation and other entitlements.

Have a great break, come back refreshed and ready to continue the struggle for a just outcome.

## **TELSTRA FAILS TO STOP INDUSTRIAL ACTION CAMPAIGN.**

Telstra has to resort to legal action to try to stop the CEPU's industrial campaign, despite claiming that employees' actions are having no impact on its business.

But these legal manoeuvres have failed to prevent ongoing industrial action by CEPU members.

As reported previously, Telstra initially asked Fair Work Australia to rule that the CEPU's industrial action notices (called "employee claim action notices" under the new Act) were not specific enough to allow the company to take defensive action and so should be declared illegal.

Vice President Lawler disagreed and said that the CEPU's notices were legitimate.

Telstra then appealed against this ruling. In a decision handed down on 15 December, the Full Bench of Fair Work Australia upheld Telstra's appeal, saying that the CEPU notices did not give Telstra sufficient notice of the particular form that proposed industrial action would take. At the same time the decision left open the question of just how specific a notice has to be.

The CEPU campaign continues as planned.

## **Overtime and recall bans are not affected and should continue.**

Members should be clear that FWA has not issued an order to cease any and all industrial action – they just want us to re-word our notices that

deal with indefinite stoppages. Overtime and recall bans are not affected by the FWA decision.

However, as a result of the FWA ruling, members who have taken part in stoppages prior to 15 December may be docked 4 hours pay even if they stopped work for a shorter period.

Where members have taken 4 hour stoppages and 24 hour stoppages they will lose pay for this period anyway.

Members should also be aware that they do not have to explain to management when, where or how they have taken action nor are they obliged to indicate if they are a member of the union.

If you have problems in this regard you should contact your state Branch in the first instance.

### **Right to strike?**

Meanwhile Telstra's actions in having some of the CEPU's notices ruled out of order highlight the fact that Labor's new workplace laws still leave major weapons in the hand of employers.

The fact that unions have to give three days notice before taking industrial action is bad enough without unions having to say exactly what action their members will take.

Being able to take the employer by surprise is one way employees can even up the odds with a big and well-resourced company like Telstra. By restricting that ability, Australia's laws are denying workers the right to strike as effectively as they are entitled to do. These laws need further change.

### **SILCAR AGREEMENT VOTED UP.**

Employees at Silcar Telepower have strongly endorsed the latest Silcar Telecommunications Enterprise Agreement with 91% of voters saying "YES" to the proposal.

The agreement is for three years and delivers three rises of 4% per annum plus a one-off payment equivalent to four months pay.

Silcar employees had twice rejected earlier versions of the agreement. The new agreement will now take effect immediately.

### **KORDIA AGREEMENT ENDORSED.**

Employees at Kordia have approved a new Enterprise Agreement covering Maritime Safety Communications Officers.

The two year agreement will deliver effective pay increases of 3.5% and 4% achieved in part through the introduction of a new allowance.

### **TELSTRA, NBN CO ANNOUNCE "TERMS OF ENGAGEMENT".**

Telstra and the National Broadband Network Company (NBN Co) have announced what they describe as "Terms of Engagement" in relation to the future structure of the two companies and the telecommunications sector more broadly.

The Federal Government had promised that such an announcement would be made before Xmas. However, the statements by the two companies are just as notable for what they don't say as for what they do.

Basically, Telstra has signalled that, given the options the Federal Government has put before it, it would prefer "structural separation" rather than risk losing Foxtel and its HFC network and being cut out of future spectrum options.

The form that "structural separation" will take is not splitting Telstra into two companies – wholesale and retail – but requiring Telstra to transfer all its traffic to NBN Co over time. NBN Co needs this traffic if it is to have any chance of being commercially viable.

Under this scenario, the copper Customer Access Network (CAN) will simply become redundant. The NBN Co announcement makes it clear that that company has no interest in buying these assets itself and of course Telstra itself will have no incentive to invest in them either.

So a further run-down of the CAN over the coming period can be expected.

Where NBN Co does need to use existing Telstra assets such as ducts, exchange buildings and backhaul capacity, it will lease them from Telstra rather than buying them outright. Commercial negotiations about such leases are already underway.

However, the big questions facing Telstra and NBN Co are still to be answered. What price will Telstra have to pay for NBN Co access? How much compensation will Telstra shareholders receive for the company's being forced to use a network whose cost structures will be higher than those of the current PSTN?

With the operational and funding model for the NBN, let alone pricing, for the NBN not yet developed, there is no way these matters can be resolved quickly. That is why both NBN Co and Telstra's statements make it clear that no commercial agreements have been reached.

### **TELSTRA HEALTH AND SAFETY COMMITTEE ELECTIONS**

Representatives on the Telstra Health and Safety Committee are due for election following the expiry of the current two year terms.

As it stands there are 4 management and 4 employee representatives on the Committee. Last time the elections were held they were conducted by the employer in and around the period of the holiday

break when many employees were away.

The Health and Safety Committee should play a key role in monitoring and resolving health and safety issues within Telstra.

The employee representative positions are vital in utilising the Committee to ensure Telstra workplaces are safe. While the positions are open to all employees, CEPU members have the advantage of being able to draw on the expertise and advice of their union in relation to OH&S issues.

The CEPU encourages members to consider being involved with this Committee. If you are interested please contact the branch.

### **TELSTRA MANHOLE TRIAL DATE SET**

In January 2008 a vision-impaired member of the public fell into a Telstra manhole in Brisbane at a time when it was open and unguarded and in use by a Telstra sub-contractor. The person suffered serious injuries.

In February 2008 there was a second incident when the same manhole was again seen to be open.

This year Comcare commenced proceedings against Telstra seeking a declaration of a breach of Section 17 of the Commonwealth OHS Act and the imposition of a financial penalty. The trial has been set down for May 2010. Obviously Telstra is contesting the charges

### **OPPOSITION ANOINTS WORKCHOICES DIEHARD**

The Liberal Party crisis has seen the elevation of Tony Abbot, an arch-conservative and Work-Choices true believer, to leadership of the Federal Opposition.

Abbott won notoriety in 2007 when an amateur video recorded at an electoral function captured him admitting that WorkChoices had removed important employee protections.

But this didn't really matter, said Abbott, as if you were being abused or exploited by one employer the answer was simply to find another.

Easy – unless perhaps there wasn't another or you couldn't afford to be out of work while you looked for one.

As recently as July, Abbott has said that a Coalition Government would have to "revisit" workplace relations laws because Labor had gone too far in winding back Howard's "reforms".

He repeated the message at his press conference on becoming leader, saying that while Work-Choices is dead, Australia still needed to have a "free and flexible economy."

ACTU President Sharan Burrow warned that this message was a barely disguised promise by Abbott to do the bidding of big business and bring back the Liberals' hard-line industrial relations laws.

"It is code for a return to Work-Choices," she said.

"It would be terribly unfair for working Australians to face even greater job insecurity when so many have lost their jobs or faced cuts to their hours of work through the Global Financial Crisis."

Abbott is also on record as suggesting that the retirement age should be raised to at least 70.

### **THE U.S. EXAMPLE: HUNGER ON THE RISE**

Former Telstra CEO and Republican Party supporter/campaigner, Sol Trujillo often reflected on the free market miracle that is the US. However, years of neglect and wage cutting under the leadership of his ally George Bush has seen the number of Americans who do not have access to adequate food increase to 49 million last year.

The figure, contained in a US Department of Agriculture study re-

leased in November, is the largest number since the Government has been keeping track of such figures. Nearly 17 million children in the US live in households where food is in short supply or go hungry.

The vast majority of the families struggling to feed themselves had at least one adult member in the workforce – but at wages too low to meet the families' basic needs.

### **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.

### **LEN COOPER Branch Secretary**



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