

COMMUNICATION

TELCO NEWS

DECEMBER 2008

We take this opportunity to wish you a
great Christmas and New Year.
2009 will be a challenge.

The Branch Office will be closed only for public holidays.
As always, in an emergency, officials will be contactable by mobile.

INDUSTRIAL ACTION: First 10 Days – Objectives Achieved! GREAT EFFORT!

MEMBERS HAVE DONE A TREMENDOUS JOB during the ten days of our industrial campaign. One of our objectives has been to use each of the categories of industrial action members voted on in the ballot (4 hour, 24 hour, 48 hour, indefinite strikes and bans on OT and recalls) so that we can continue to use them further in the dispute.

The law requires their use within 30 days of the ballot otherwise the right to use them is lost. We have now achieved this objective and all of these actions are now available to us in the New Year.

The impact of our action was very widespread and they now know (if they didn't before), how important our members are to the company effort. The high level of membership involvement in the strikes and the bans has created large delays in work performance and there were significant system

failures.

Argent members are still out on indefinite strike. There have been reports of ATM network affecting the NAB going down, huge delays in faults being fixed and project over-runs. A quarter of all ATMs across the country with faults went unfixed. The CEPU maintained restoration effort where life and limb were involved.

Over 90% of our members voted to take the action. This was a phenomenal result and demonstrates members' determination to win a decent union negotiated EBA.

Only a handful of CEPU members throughout Australia have decided not to abide by that huge majority decision by members in a secret ballot conducted by the Australian Electoral Commission.

WHAT SHOULD YOU DO (or not do) AT WORK NOW?

Think about this following the first week of industrial action. Don't let Management undermine the impact of your action. Here are some suggestions:

- You don't have to work overtime. You certainly should limit the amount you work, and you certainly shouldn't work any unpaid overtime. That is like agreeing to lower your hourly rate of pay.
- Stick strictly to all of your breaks.
- Do not cut any corners regarding Health and Safety.
- "Delight the Customer". Don't let management continue to drive down the quality of customer service, or limit the time required to "delight the customer".
- Who is responsible for stupid management decisions and poor technology selection? Let them take responsibility for their actions.
- If you have a workplace incident or accident make sure you submit an incident report and if time off and expenses have occurred, be sure to submit a Comcare claim, the union will advise.
- If you believe you are being treated unfairly seek fair treatment, don't let it go, the union will advise.
- Don't work rostered days off, it took union members a long time to win them.
- Claim overtime for driving to and from jobs in your own time.
- Consider whether you want to work interstate to plug Telstra's holes.
- Make sure you question unfair and unacceptable performance pay outcomes, the union will advise.
- If you are being pressured to start work before your actual start time in order to be work ready, then you must be paid overtime. Otherwise don't do it. Same applies to end-of-day.

If necessary we can organise a meeting or telephone hookup to discuss the above. Or simply give us a call and we'll discuss it over the phone.

CAN YOU BELIEVE THEM?

DID YOU KNOW THAT SOME "MANAGERS" EMPLOYED about 50 security guards at the GOC on the day of the 4 hour strike? Can you believe that? All that was happening at the GOC was that the members who walked out from the GOC listened to a few speeches, had breakfast supplied by the union, and talked to a few unionists from other unions who came to give their support.

Where do these silly managers get off?

The story gets worse.

Because of this script and procedures of this over-the-top security detail at the GOC, a traffic hazard was created for police way back in Wellington Road. How do people get to be managers with Telstra with decision making and judgment like that?

STRIKE ACTION AND LEAVE WITHOUT PAY

TELSTRA HR HAS APPARENTLY INSTRUCTED MANAGERS to record strike action as LWOP. This is not acceptable. LWOP has to be applied for, by the individual concerned, and approved on a case by case basis. Strike action is not LWOP. LWOP comes off an employee's length of service and could disadvantage them regarding calculations of long service leave, redundancy and the like.

To disadvantage an employee as a result of taking legal, protected and industrial action is illegal and Telstra HR knows it.

CEPU has represented the issue to HR and they have responded by stating that employees will not be disadvantaged. But how will they guarantee that outcome?

CEPU is following this up and we will not tolerate any disadvantage here.

INDUSTRIAL ACTION AND SICK LEAVE

ANOTHER UNACCEPTABLE INSTRUCTION COMING FROM MANAGEMENT in at least some areas is one relating to sick leave. The instruction from management witnessed by us, tells employees that during the industrial dispute all sick leave has to be accompanied by a doctor's certificate.

The award states:

25.4 Supporting evidence of sick and carers leave

25.4.1 An employee will be entitled to a total of five days paid leave for sick leave and carers leave purposes in any sick leave year without medical or supporting evidence. However, medical or other supporting evidence must be provided where a period of sick leave exceeds three consecutive days, or an employee's supervisor requests medical or other supporting evidence within a day of an employee resuming work.

25.4.2 If an employee's supervisor does request medical or other supporting evidence and an employee has not sought medical evidence during absences of up to five days in any sick leave year, a statutory declaration describing the illness will be satisfactory supporting evidence.

EMPLOYEES WHO ARE ON TA INTERSTATE WHILE PARTICIPATING IN INDUSTRIAL ACTION

It is our view that TA is that – an allowance for reimbursing costs incurred by the employee. It is our claim that if the company wants the employee to remain away from their normal residence during and beyond industrial action they (Telstra) pay their costs, otherwise they pay to send them home. Members would keep receipts and put in claims to the extent of the TA for the the area they are working in.

WELFARE FUND CEPU MEMBERS

The CEPU is in the process of establishing a welfare fund to assist members who may be in financial difficulties for various reasons.

The fund could be of some value in times of industrial action, such as that which exists in Telstra at the present, and beyond the industrial action, as economic times become more difficult.

The fund will be built on donations from members, and others, including the union itself. In that regard in a small effort the CEPU officials will pay two days pay into the fund to match some members in the recent industrial action.

Members who go on strike indefinitely for periods longer than 48 hours should contact the union for assistance.

The welfare fund will be an ongoing institution as a service to members in these difficult economic times and beyond, and the contact details, management arrangements, and assistance criteria will be published shortly.

In the meantime any members requiring assistance should contact the Branch Office or failing that the Branch Officials/ Industrial staff on their mobile phones.

TELSTRA EMPLOYEES ON CURRENT AWAs

There are a number of issues you need to be aware of, in your own interests, in the current situation:

- The new Federal Government legislation (before Parliament at present), allows current AWAs to continue indefinitely after their expiry date, if the parties so wish. The legislation is expected to be in place by July 2009.
- The CEPU is pressing to enable employees on AWAs to choose to move to the award/EBA at a time of their own choosing, as part of the current EBA campaign.
- If Management's Employee Collective Agreement (ECA), gets implemented in your area you would be locked into Part B of the ECA, if you return to the ECA after your AWA expiry date. What is more Part B is in effect almost identical to AWA conditions. The ECA prevents you from moving to Part A which has more beneficial pay, conditions and rights. Your choice in effect eliminated.
- The current industrial campaign by your workmates, (employed on the EBA or an expired AWA), to win better pay, conditions or workplace rights, than exists in Telstra's ECA, is fundamental to your future. The EBA keeps a "floor" under your conditions in the AWA, and if the union campaign is successful you would avoid the Part B arrangement if you choose to transfer to the award/EBA in the future. That is unless we win, you would be "locked in" to AWA type conditions forever. The union EBA would provide you with genuine choice.
- Telstra Management are hoping to use you against your fellow employees who are taking industrial action, you should realise they are trying to use you and press you to take action against your own interests. Think about it.

What you can do to help your colleagues?

- Contribute to the CEPU welfare fund to help those who are out on strike. Donations are strictly confidential.
- Don't be bullied or harassed by Management to do work that will detrimentally impact your family life and your health and welfare.

PS. We hear that some AWA staff are being provided with a special issue of mobile phones to "keep charged and turned on in case of emergency". Telstra can't dictate what you do in your private time. Whether you keep the phone on is your business and no-one is required to be on-call or available out of normal hours. What do they define as an emergency? Seek CEPU's advice.

THREE JAILED OVER \$150M SUPERANNUATION CONSPIRACY

THREE SYDNEY MEN HAVE BEEN SENTENCED TO A MAXIMUM OF FIVE YEARS in jail for conspiracy which nearly succeeded in defrauding \$150 million from the Commonwealth Superannuation Scheme.

In sentencing today, New South Wales District Court judge Robyn Tupman said it was a well-planned fraud which involved large numbers of people who had spent a long time planning it.

"It is no surprise that the conspiracy to defraud was able to succeed, given the lack of [internal] security at the bank. It is to be hoped that the problem has been rectified since the case came to light," she said.

Gregory James Bouchier, a 36-year-old former employee of JPMorgan Chase Investment Bank, was given a two-and-a-half-year non-parole period.

He will serve his sentence in protective custody because he is related to a police officer and a person who works for the Director of Public Prosecutions.

Forty-seven-year-old former Telstra technician Barry Osbourne and 57-year-old unemployed man Ernst Hufnagl received three-year non-parole periods.

Justice Tupman says the three knowingly played an important role in getting the custodian bank JPMorgan Chase to approve the transfer of \$150 million into four overseas banks on Christmas Eve 2003.

"Each role was important but was limited in the conspiracy. They had nothing to do with the initial planning nor were they at the level of organiser or principal," she said.

An error in the instructions was picked up by a Greek bank and the bulk of the transfer was frozen several days later.

However \$3.5 million was lost after being transferred to Hong Kong.

Greg Bouchier took transfer documents from JP Morgan Chase Bank and gave them to a ringleader.

Later, when he received a fax of the fraudulent request, he got a superior to authorise the transfer of \$150 million.

Telstra employee Barry Osbourne manipulated phone lines to make faxes appear to have come from another bank.

Ernst Hufnagl impersonated a banker and rang Bouchier to verify the transfer instruction.

Justice Tupman says one of the conspiracy leaders has left Australia and she sent another to jail earlier this year after he pleaded guilty to a lesser charge.

She says the prosecution and defence had agreed that the man, whose name is suppressed, did not know the scope of the fraud.

However she now accepts that he was a controller.

"He was an organiser and manager and played a more significant role than any of the others did," she said.

Justice Tupman says Bouchier had no criminal record, and Osbourne and Hufnagl had never been involved in a crime of this size.

There was no evidence about what the men expected to receive for their participation, although Osbourne has told his parole officer he expected to get the deposit for a home.

SERVICE STREAM SUBBIES HAVE WIN ON FINES

TELECOMMUNICATIONS SUB-CONTRACTORS ENGAGED BY SERVICE STREAM IN VICTORIA HAVE HAD A MAJOR WIN, with the company agreeing to drop fines for incomplete or faulty work.

Telstra head contractor, Service Stream, is passing on the cost of penalties it incurs under its contract to its own subbies. In some cases, Service Stream has been pursuing subbies for thousands of dollars for fines dating back six months or more.

Subbies have argued that the 40 day window during which a job has to remain good (i.e. no re-work required) to avoid a penalty is too long. There has also been a question of who decides whether the fine is appropriate – the local supervisor or upper level management.

The bottom line, however, has been that with subbie work drying up and with margins already thin, subbies simply could not afford to pay the penalties being imposed.

This is the message that subbies sent to management last week by making themselves unavailable for work until the matter was dealt with. As a result, management have waived all fines up to 30th September this year and have agreed to review the whole fines process.

By agreement, subbies will be entitled to be represented at these discussions by the Telecommunications Subcontractors Association (TSA). This is an important win for a section of the telecommunications industry which has been under the hammer as economic conditions generally have got harder. It clearly demonstrates what can be done if workers act together.

If you know anyone working as a telecommunications sub-contractor, spread the word that they can help improve their conditions by joining the TSA through the union Branch office. If Optus contractors BSA and Stream Communications don't work out their subbies problems by 1 February Optus subbies are planning to strike.



Service Stream:
fines have
been dropped

TELSTRA SENIOR OFFICERS AGREEMENT

THE CEPU HAS BEEN INVOLVED IN NEGOTIATIONS WITH TELSTRA around a new Senior Officers Agreement (SOA) and has met with management as recently as December 8th in order to discuss, among other things, the Merit Movement increases which form part of current conditions.

Unfortunately, Telstra seems to be up to its usual tricks again. Although the agreement stipulates that Merit Movement increases should be determined "as agreed with Unions", the company has been making direct approaches to staff on this matter and on inconvenience payments without discussions with the CEPU.

This is a direct breach of the SOA and obviously an attempt to sideline the unions in line with Telstra's overall strategy in the company.

Telstra's current proposals in these areas are unacceptable to the CEPU and other unions involved in negotiations.

While Telstra is proposing a 4.4% total pay increase, the CEPU is pursuing a merit adjustment on top. In 1996, for instance, the base remuneration was increased by 3.5% and the Merit Movement for a rating 4 was 5%. In 2008, by comparison, the base pay increase was 3.7% and the Merit Movement was only 0.7%. This was inconsistent with past agreed outcomes.

As regards the inconvenience payment, Telstra has been proposing a payment of 10%. This is not being applied uniformly, however.

As the current SOA provides for arbitration, it appears likely that the matter will proceed to the AIRC where the CEPU will be seeking a settlement which includes back pay.

COMCARE TO INVESTIGATE

Unions have become sufficiently concerned about this situation for them to request a Comcare investigation into the health and safety impacts of Telstra's introduction of Siebel.

The issues involved include adequate training and support for employees using the system, the setting of realistic workload targets and a proper process for identifying the actual causes of output problems, as opposed to simply blaming staff.

TELSTRA'S SIEBEL SYSTEM IN THE SPOTLIGHT

PROBLEMS WITH TELSTRA'S IT TRANSFORMATION PROGRAMME are probably responsible for a big jump in Telstra customer complaints, according to a research paper released by the ACTU.

The ACTU's claims are based on the latest Telecommunications Industry Ombudsman (TIO) report which showed that customer complaints against Telstra had more than doubled over the last 12 months and on interviews with staff using the new Siebel "one touch" customer service system.

Telstra has claimed that the Siebel system has caused no major disruptions to service. But customer service representatives report that its introduction has led to a deterioration in service quality, including longer call handling and follow up times. They believe such problems are in turn leading to increased customer dissatisfaction and loss of business.

For employees themselves, the introduction of the system has led to increased stress. Near impossible workloads, long phone queues, orders with errors and increased customer aggression are all taking their toll on customer service representatives.

Add to this a culture of workplace bullying in Telstra which has already been well documented and you have a recipe for major problems.

"We are being bullied every day..." an employee reports. "The workplace has become so stressful that consultants are bursting into tears every day."

Customer service staff have pointed to a lack of adequate training as a further major cause of the stress they are experiencing. Only 10% of the 250 staff members surveyed said they thought the training provided for use of Siebel was adequate.



THIS IS A CASE INVOLVING AN INJURY to a member of the public caused by Telstra's maintenance practices. The Federal Court has now dismissed Telstra's attempts to argue that the accident did not involve any breach of health and safety laws.

On November 14, 2006, a child was injured when her mother fell over a Telstra pit lid situated on a public footpath. The CEPU understands that the mother was carrying the child at the time.

Comcare investigated the incident and concluded that Telstra had breached Section 17 of the Occupational Health and Safety Act which requires employers to keep workplaces not only for employees but also for any third parties who may enter it.

Telstra fought the case on the basis that the pit and the pit lid was not a "workplace" as well as on the grounds that the Comcare inspector had failed to provide sufficient information to Telstra regarding the decision on the breach.

The Federal Court has found that a pit is a workplace and that the pit lid was part of the workplace in question. It also found that Comcare did not deny Telstra procedural fairness in its handling of the case.

The court dismissed Telstra's application for the Comcare findings to be set aside and confirmed that the company was in breach of its OH&S responsibilities.

TELSTRA LOST TIME INJURIES JUMP

TELSTRA'S LOST TIME INJURIES (LTIS) HAVE JUMPED by 14% in the last financial year, reversing a four year downward trend.

The figures, revealed in the company's 2008 Corporate Responsibility Report, are a cause for concern although the LTIs are still below their peak in 2003/04. Telstra's lost time injury frequency rate (LTIFR) also increased by 19% while the number of audited business groups found to have effective OH&S systems in place fell from 88% to 71% over the same period.

The report shows that technical staff continue to be at higher risk of suffering workplace injuries than retail or call centre employees, with the LTI and LTIFR

rates got technical staff standing at 82 and 6.54 respectively as compared to 50 and 1.27 for the other categories.

Manual handling, working at heights, driving, exposure to electromagnetic energy and working alone were the most common risks for field staff while ergonomic problems, stress, customer aggression and noise were the issues for staff working in an office environment.

Telstra is a self-insurer under the Comcare scheme and it reports that in June it achieved Tier 3 status under the scheme for workers compensation and rehabilitation. Licensees with Tier 3 status only have to provide executive summaries of their own audits to Comcare each year.

Striking workers to give Sol giant Xmas card

UNIONISED TELSTRA WORKERS IN MELBOURNE this lunchtime plan to hold a rally at which Telstra CEO will be given some Christmas cheer.

The striking employees will deliver "giant" Christmas cards to the chief executive, containing "All we want for Christmas is a fair union agreement".



A spokesperson for Telstra was unable to say whether Trujillo would be at the Melbourne office or not. Burt Blackburne, divisional assistant secretary of the Communications, Electrical and Plumbing Union said he also wasn't sure if Trujillo would be in Melbourne. He believed similar card handovers were happening in the other states, however, which could cover most offices.

The action started after negotiations over an employment agreement failed between the telco and the unions. The employees started striking on 13 December with unionised workers refusing to work overtime, recalls and call backs.

The strikes continued throughout last week as workers commenced 48-hour stoppages on Tuesday. More stoppages began on Thursday and Friday while call backs, recalls and overtime bans continued last weekend.

CONTACT DETAILS FOR THE UNION

200 Arden Street
North Melbourne
Victoria 3051
Ph: 03 9600 9100
Fax: 03 9600 9133
Email:
cdptvic@cepu.asn.au
Website:
www.cwuvic.asn.au



Joan Doyle
Branch Secretary
0419 345 134
Secretary

Val Butler
is currently working on
Telstra issues.
0408 766 444
Email:
valbutler@iinet.net.au



Authorised: Joan Doyle,
Branch Secretary