

COMMUNICATION

TELCO NEWS

FEBRUARY 2009

Vote NO to ECAs - FIGHT to SECURE an EBA

(SEE ENCLOSED ACTION DETAILS)

NATIONAL AUSTRALIA WIDE STOPPAGE / PROTEST

**THERE WILL BE A NATIONAL 24 HOUR STRIKE IN TELSTRA ON
MONDAY 9TH FEBRUARY 2009.**

There will also be bans on OT, Recalls and Call backs for the weekend of the 7 and 8 of February.

The notification of a 24 hour stoppage on Thursday 5th February and Friday 6th February will now only apply to a small number of members in a few groups who have already been consulted. These members will take action only after a specific directive from the Branch Office.

If you wish to take any industrial action in your area, where you can have some impact on Telstra, please contact the union.

The national 24 hour stoppage on the 9th February will also involve the CPSU members in all states.

A public protest against Telstra's actions and in support of a good, union-negotiated EBA will take place at 12.30pm on that day, (9th Feb.), outside Telstra's T Life shop on the corner of Bourke and Swanston Streets, Melbourne.

Make sure you support this protest on the strike day to help publicise the action being taken by Telstra employees and to further expose the unacceptable position of Telstra Management.

ECA VOTING

If you don't want the ECA you must make sure you vote because the ECA can get up with a very small number of votes. Telstra only requires the majority of voters to get their ECA up, not the majority of people in an area. So if you don't want it you must make sure you vote no.

The voting is electronic, via email, so make sure when you vote, that your vote doesn't simply pop into the "outbox" of your computer and go no further.

If you will be on leave or on a strike day during the voting period, make sure you make alternative arrangements with management to get a vote. It is your right under the law to vote in the ECA ballot. Contact the CEPU with any difficulties.

COMMUNICATIONS

The Union does not have the same ability and access to communicate with you as Telstra Management. (A lot of our team.telstra emails bounce back). If in doubt, please visit:

WEBSITE: www.yourrightsattelstra.com or www.cepuconnects.org
EMAIL: cdptvic@cepu.asn.au or vabutler@iinet.net.au
PHONE: 03 9600 9100 (the office is usually open late) or ring Joan on 0419 345 134 or Val 0408 766 444

ECA NO WAY! EBA THE ONLY WAY!



CEPU industrial action bites . . .

THE CEPU'S INDUSTRIAL ACTION CAMPAIGN has entered its second month and is now being stepped up after the lull of the Xmas and New Year period.

Contrary to the predictable line being put by Telstra management, the series of stoppages held in December had a major impact on the company's operations, leading to a number of outages and lengthening the service queues significantly. There is now a backlog of at least three weeks in tickets of work for installation and maintenance.

Ongoing action by smaller but strategically placed groups of members has been taken throughout January with the result that there have been:

- Major outages in corporate data networks (Auspac, DDN)
- Mobile services failures in Queensland, Victoria and WA
- Major disruptions in EFTPOS and ATM services, especially in Victoria and NSW. At one stage one third of the entire network was down. Just Jeans, Dotti, Miggle and a number of service stations have been complaining.

Obviously, Telstra will continue to downplay the effects of the industrial action on its business – that is part of its current strategy. But its employees and its corporate customers know better. The National Australia Bank, for instance, has experienced a major outage. Sol has been called in to settle complaints by the Commonwealth Bank. That's not something Telstra can afford to have repeated – but it easily could be if management doesn't change tack.

The CEPU's campaign is not based on one "big bang" but on what it knows will be the cumulative effect of its members' actions over time. In the coming weeks, the union will be broadening the industrial action to include larger numbers of members on a national basis. A national 24 hour stoppage is being planned for next month.

It is to be hoped that before this is necessary, Telstra management wakes up to the reality that CEPU members want a fair union-negotiated agreement and will go on fighting until they get it.

TELSTRA UNLEASHES WAVE OF ECAS

WITH CEPU MEMBERS SET TO TURN UP THE HEAT ON TELSTRA after the Xmas/New Year break, Telstra management has stepped up its own campaign to move its workforce onto non-union negotiated Employee Collective Agreements.

Dozens of these Part A/Part B agreements are being offered across the company – sometimes, the union has been told, to groups as small as 4. Such an absurdity should itself suggest to Telstra management that there is something deeply wrong with this approach to employee relations.

Telstra employees continue to reject these agreements, especially when the voting group is relatively large. Last week, for instance, a large group of employees voted down an ECA offered in Telstra IT. But by slicing and dicing its workforce into ever smaller groups, Telstra has been able to get a number of its ECA voted up. In the process, however, it is sowing deep divisions among employees and increasing the hostility that many feel toward the company.

Employees strongly opposed to the ECAs are finding themselves locked into these agreements because of the way Telstra has structured the voting group. They feel, understandably, that they have been shanghaied into something they don't believe in and are angry.

Other employees are simply exasperated by the ongoing pressure from management to pick up an ECA and by the threats that they will suffer if they don't. Members continue to report statements by team leaders suggesting that their employment could be at risk if they do not accept such an agreement.

The union is currently investigating these claims (see story below) with a view to possible legal action in relation to them. But in the meantime, Telstra management should be asking themselves why they need to apply such pressures and what that says about their whole strategy.

When Greg Winn leaves Telstra; he will not go empty handed

WINN EARNED ALMOST \$21 MILLION during the three and a half years he was with Telstra, including some \$9 million in bonus payments. The union believes he should be handing that \$9 million back.

The union believes that given the IT transformation was behind schedule, Mr Winn should return the bonus payments received during his tenure.

It's outrageous that he will leave Australia with an exorbitant payout of at least six months' base pay and will continue pulling fees from the company as a consultant, while Telstra employees are constantly told to batten down the hatches, accept pay offers that don't keep pace with the cost of living, and are denied the right to collectively bargain.

FIGHTING FUND

THE CEPU HAS ESTABLISHED A FIGHTING 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 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.

Members who are suffering hardship should contact the fund for assistance.

The welfare fund will be an ongoing institution as a service to members in these difficult times and beyond.

Contact Sharon Benson 9347 8388 if you have any enquiry re payment to the fund. Donation details are:

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 9600 9100

There is no BPAY facility at this stage

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.

To Apply to Claim on the Fund

If you wish to make a claim to help with any hardship being experienced, please contact JOHN ELLERY in the first instance: 0419 823 580 or 9545 1503 (Clayton office).

WESTERN SDA ECA

THE UNION IS SEEKING AN INJUNCTION AGAINST THE REGISTERING OF THE WESTERN SDA ECA OR NON-UNION AGREEMENT.

Everyone was shocked when Telstra announced this vote had got up. Our poll had established that at least 70% were against. When we investigated further we established that the vote on 27 & 28 January had been a shambles with many people getting their votes stuck in the Email Outbox.

The union is currently documenting the difficulties members had in getting a democratic vote. Val Butler will be visiting areas to obtain statutory declarations from members.

The Workplace Relations Act has very low standards for such voting ... but we believe Telstra hasn't even met these! Telstra get an ECA up if the majority of those who managed to vote, Vote Yes. There is no requirement that a majority of the group have to vote.



THE THREE AMIGOS GOING, GOING ...

THE RESIGNATION OF PHIL BURGESS AND GREG WINN IS THE START OF SOME BIG CHANGES AT TELSTRA.

Telstra chairman Don McGauchie has formally begun the process of finding a replacement for Sol Trujillo, who is expected to leave the company sooner rather than later. Search firm Egon Zehnder has got this job. Some are betting Sol will go before July. (If Sol lives here for more than four years, he will lose the benefit of having the earnings from his US investments immune from the Australian Tax Office).

And Telstra chairman Donald McGauchie is under pressure over the company's broadband bid debacle, with the name of Geoff Cousins being bandied about as a possible successor. (Cousins was the first chief executive of Optus Vision).

Members report ECA pressures

THE CEPU CONTINUES TO RECEIVE REPORTS SUGGESTING THAT TELSTRA management are pressuring and misleading employees in their attempts to get them to accept ECAs.

The union has been told, for instance, that some managers are saying members will lose their current redundancy entitlements if they don't pick up an ECA because the Telstra Redundancy Agreement (TRA) expires in March 2009. Members also report managers saying that they won't have a job if they don't vote "yes" to an EBA.

Such management statements are illegal.

The messages about the TRA are false and misleading. Thanks to the lobbying of the CEPU, legislation introduced last year means the current Telstra Redundancy Agreement does not expire in March. It continues to operate until an employee is covered by a new workplace agreement (e.g. AWA, ITEA, ECA, EBA).

Threatening someone's job in order to influence their vote is coercion and is also illegal.

Any members who have been subject to any such threats or believe they have been given misleading information about the TRA or any other aspect of an ECA should contact the CEPU immediately. The union will investigate all such instances and take legal action where appropriate.

Telstra ballot process flawed says AEC

THE AUSTRALIAN ELECTORAL COMMISSION (AEC) HAS ADMITTED that there have BEEN FLAWS in the way that it has conducted Employee Collective Agreements (ECAs) for Telstra.

The admission comes after the CEPU raised the issue of ECA ballot scrutineering with Telstra and the ACTU. Last year, both the CEPU and individual employees were denied the right to appoint scrutineers for ECA ballots being conducted by the AEC on Telstra's behalf.

The AEC now says that the failure to allow such scrutiny breached its own "minimum standards" for the conduct of ballots, even when it is conducting them on behalf of a private client as was the case with Telstra. In a letter to the ACTU, the AEC says that in future it will "tighten [its] internal procedures" to ensure that "every client discharges its responsibilities fully" – which implies that Telstra does have a responsibility to allow scrutineers.

This issue is just one of a number of concerns that the CEPU has raised about the balloting process. Other problems are Telstra's refusal to provide precise information either to the union or to employees about the size and composition of the ECA "electorate" or about voting results. This lack of transparency is undemocratic.

Unfortunately, WorkChoices seems to have been designed to allow such behaviour. When the CEPU appears before the Senate Inquiry into Labor's Fair Work Bill, it will be telling the current Labor Government that these aspects of the current laws need have to be dealt with as a matter of urgency.

Commander future in doubt

UNCERTAINTY CONTINUES OVER THE FUTURE OF COMMANDER COMMUNICATIONS which was placed in receivership last year.

In late 2008, agreement was reached for the sale of Commander's telecommunications business to Commander Telecom Group (CTG). But the CEPU has now been informed that the sale cannot be completed and the agreement has been terminated.

This development, while unfortunate, is not entirely unexpected. Doubts as to the capacities of the CTG consortium, which is linked to the Stegall family, were raised in the financial press last year. The Stegall family were linked to the failure of minor telco Blitz Telecom, a company which had one of the worst complaint records in the industry in 2008.

Commander's receivers will now pursue a new sale and are reportedly in talks with a number of potential buyers. In the meantime, conditional offers of employment with CGT lapse. The employer of current

Commander employees remains unchanged and any entitlement claims employees have remain with Commander.

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