

TELSTRA'S NON-UNION, NON-NEGOTIATED ECA Telstra Workers Should Continue To Be Angry

TELSTRA MANAGEMENT IS CONTINUING TO TRY TO ROLL OUT THEIR THIRD RATE ECA in various parts of Telstra. What is wrong with their ECA? The following article is a summary of the problems:

- The pay increase on offer is less than the cost of living and ignores the fact that Telstra has not paid EBA employees an increase since September 2007. What is more, that 12 to 15 months period has witnessed large increases in the cost of living for workers and their families. Therefore a 4.5% increase as the 1st increase in the offer is not enough. Especially when measured against the remuneration, and pay increases applying to the CEO and other managers of the company.
- The management is denying you the right to have arbitration of any disputes with Telstra. This, a right which has been considered to be an inalienable right of Australian workers since Federation. The Howard Government took that right away from Australian workers and we need to get an arbitration clause in our EBA to restore that basic right. Telstra management want to hang on to "WorkChoices".
- Various clauses in the ECA will allow management to

downgrade your job classification, change your hours of duty, your daily span of hours, and the days in the week in which you work, with few counterbalances.

- When this non union agreement expires you will not be provided any opportunity to negotiate a new agreement because the union will be excluded. If you are offered a new agreement it will be on a take it or leave it basis.
- Because it is a non union agreement there will be huge barriers to any effective union representation on your behalf, during the life of the agreement.
- There is absolutely no regulation of Telstra's performance pay systems or their performance management system.
- The Part A/Part B structure means two classes of workers, and as sure as night follows day the more expensive Part A employees will be managed out of the company (without redundancy pay) in favour of the cheaper Part B employees.

Yes, we know you are angry about Telstra management. And so you should be. All this, while denying you the right to have a union-negotiated agreement.

UNIONS PRESSURE TELSTRA TO RESUME NEGOTIATIONS

[Sydney Morning Herald, 6 Jan 2009]

THOUSANDS OF TELSTRA

WORKERS are set to resume rolling strikes and bans on working overtime this weekend after a lull in industrial action during the Christmas-New Year break. But Telstra shows no sign of backing down from its refusal to re-enter talks with unions, almost six months after breaking off enterprise bargaining negotiations covering about 13,000 workers.

Unions say rolling 24- and 48-hour strikes and refusals to work overtime before Christmas had caused a backlog of Telstra customers requiring services and caused delays to projects under its five-year transformation plan.

The divisional president of the Communications, Electrical and Plumbing Union, Len Cooper, said members had not had a response from Telstra management about whether they were prepared to return to the negotiating table, but "we noticed their rhetoric has changed in the media".

"There has been a big impact [from the industrial action] and we know Telstra is very concerned about how to handle it. Telstra is really trying to squeeze the last drop of blood out of Work Choices. What they are going to have to do is to agree to come back. We are not ... going to go back on a vague promise ... of good-faith bargaining."

The strike action before Christmas had led to nearly eight days of backlogs in dealing with faults and problems critical to EFTPOS and ATM banking networks, Mr Cooper said.

In addition, the *Herald* has learnt that some of Telstra's pre-paid wireless broadband customers were unable to access the internet for at least four days last week.

Unions will meet today to discuss the timetable for action, which is likely to resume this weekend. It will include overtime bans and refusing to be called on at weekends.

Mr Cooper said the action was designed to show Telstra management how critical the workers were and bring the company back to the negotiating table. It had already had a "huge impact" on Telstra's transformation plan.

More than 7000 Telstra workers endorsed industrial action early last month. The Australian Council of Trade Unions has been spearheading the campaign, which has included sending members to Telstra's annual meeting more than a month ago to pressure the company over its workplace policies.

About 13,000 Telstra employees are covered by an enterprise agreement that expired in September, and unions estimate the rest of its 32,000 workforce are on Australian Workplace Agreements. The unions must notify Telstra of their intentions 72 hours before any action. Telstra declined to comment.

WHAT'S WRONG WITH THE ECA?

Given that Telstra continues to push its so-called Employee Collective Agreement (ECA), we continue to analyse what is wrong with it, so that employees can make a proper assessment. Make sure non-unionists get a copy of this as they will ultimately get a vote on the ECA.

What's Wrong With Part A?

Pay	They are offering a real pay cut relative to current cost of living increases.
Redundancy	They haven't protected the redundancy agreement. Whilst the current redundancy payout is included for 3 years, the rest of the protective clauses have been excluded, so "they pick you go", with no arbitration to stop them.
Who decides?	Telstra is refusing to allow you to have the Arbitration Commission available for settling disputes. The dispute clauses contain no binding arbitration and therefore there is no effective way to enforce the ECA or resolve any unfair treatment disputes with your Management. Telstra will be the judge, jury and executioner on all occasions.
Performance regime	Telstra totally controls the performance management system and performance pay system, and will continue to use it to your disadvantage with no checks and balances. It must be regulated by agreement
Facilitative clause	Telstra will use the facilitative clauses to change your hours of duty, your span of hours and your days in the week and there will be few checks and balances.
Downgrades	Once adopted the ECA would be used to manipulate major downgrades of positions across the board, without any recourse for employees. Compulsory arbitration is required to enforce any of the current bandings.

What's Wrong With Part B? This is the section of the agreement for all new starters and most employees coming off their AWAs in the future?

Pay rates	The rates of pay for new employees have been lowered by thousands of dollars per annum.
No increases	There are no guaranteed annual pay increases for Part B staff, only "October reviews".
Banding systems	The system of banding or grading Part B jobs is an inferior system, thousands of dollars below the current union negotiated EBA for similar work.
Working hours	The 36¾ hours per week is averaged over 12 months. That is some weeks could be 20 hours and some weeks 60 hours. What happens to overtime and penalties in a system like this?
Nowhere to go	There are absolutely no rights for Part B staff to go to the industrial relations commission even for "mediation". Any unfair treatment disputes will be decided upon by Management, meaning Telstra will be the judge, jury and executioner.
Collective AWA	Part B is in effect a collective AWA and a device for Telstra to get around the Labor Governments "no more AWA" laws.
No right to choose	Part B employees have no freedom of choice or rights to move to Part A. This in effect replicates the Howard Government's WorkChoices principle that takes away the right of employees wishing to go from the AWA to the EBA.

General Comment on Part A/Part B Non-Union (ECA) Model

Out you go	The Part A and Part B model guarantees that the more expensive Part A employees will be managed out of the business, in favour of the cheaper Part B employees. They will be managed out on sham "performance" grounds with no redundancy payout.
2nd class	Two classes of employees working alongside each other on different pay and conditions. One a lower "class" than the other.
No union to help	In a non-union agreement the constraints against effective union representation and involvement are considerable, with no union involvement in your future collective agreements.

CAN YOU AFFORD TO LOCK YOURSELF IN TO TELSTRA'S THIRD RATE, NON - NEGOTIATED, NON-UNION AGREEMENT?

What's The Union Trying To Achieve?

The union campaign is aimed at securing a decent EBA by aiming at agreement on the following major items.

SALARY

A claim of 7% per annum for each year of the agreement or the equivalent to the cost of living at the annual anniversary date of the agreement, whichever is the higher.

Any increase to be backdated to the first pay period immediately after 5 September 2008.

REDUNDANCY AGREEMENT

Retention of all conditions contained in the current Telstra Redundancy Agreement 2002.

SALARY SACRIFICE

Salary sacrifice options similar to those currently available to AWA employees.

AWA TRANSITION ARRANGEMENTS

The right of AWA and ITEA employees to move to the Award/EBA at a time of their own choosing prior to the expiry of their AWA/ITEA, without disadvantage.

PERFORMANCE MANAGEMENT AND PAY SCHEMES

A properly regulated performance bonus scheme which is based on reasonable and agreed targets and includes a fair appeals process. The emphasis of the scheme should be on training development and mentoring, not on disciplinary measures including dismissal.

DISPUTE-SETTLEMENT PROCEDURES

A dispute-settling clause which allows any party to the agreement to refer a dispute to the Australian Industrial Relations Commission (or its successor), for conciliation and/or arbitration.

MANY OTHERS

In addition to these "big ticket" items, there is a range of other issues members want to see addressed. These include:

- Increased maternity leave entitlements.
- Increased payments for emergency duty.
- A review of commuter-use regulations.
- Regulation of GPS in vehicles.

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 should keep receipts and put in claims to the extent of the TA for the the area they are working in.

STRIKE ACTION AND LEAVE WITHOUT PAY

Following CEPU representation on this issue the following letter has been received from Telstra:

I refer to your fax dated 17 December 2008. Telstra has advised managers to enter a Leave Without Pay record for periods of industrial action. This has been done for administrative purposes and processing of pay deductions in accordance with the Workplace Relations Act 1996. It will not affect service-related or other benefits.

Therefore Telstra's processes do not injure or disadvantage any employee participating in your union's industrial action in the manner contended (or not at all).

Please contact me if you have any questions.

DARREN FEWSTER

Director - Workplace Relations and People Services

A more detailed response is being sought by the CEPU but it seems that a payroll code LWOPNT is being used which indicates that the appropriate amount has been deducted for industrial action but your accruals (length of service for long service leave, redundancy etc), are supposedly unaffected.

The CEPU is following this up.

31 December 2008

**Dear Member**

Everyone at the union office hopes that you have had a happy and restful time during the festive season. 2009 looks like being a challenging year!

Our first task is to try to influence the new Industrial Relations laws that are scheduled to be passed by Parliament at the end of March 2009.

The Rudd Government's draft legislation is not all that we had been promised and had hoped for. A detailed summary of the issues that will affect us will be posted to you early in the New Year.

It is expected however that EBAs will now be able to contain what was previously "prohibited content" and employers will have to bargain in good faith.

I am happy to announce that from January 1, 2009 the union is now providing "Journey Cover" (i.e. emergency income protection for financial members who are injured on their journey to and from work and to union meetings and during meal breaks.) This protection was stripped from Comcare workers compensation legislation by the Howard government. Full details of this scheme will be provided in the New Year.

Thank you very much for all your work and solidarity during 2008.

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Visit these websites:

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