



CEPU NSW Telecommunications and Services Branch

# On the Line

29/08/2010

## # T10/10- Telstra -EBA Ballot, Redundancy, Asbestos.-NBN policies, Broadcast Aust.

### Decision time on Telstra EA

Employee briefings and CEPU membership meetings about the Telstra Enterprise Agreement 2010-2012 are now underway, with voting on the agreement due to begin on 2 September.

As part of the agreement reached with Telstra for the ballot to proceed, the CEPU is getting access to members during the Telstra briefings.

Union officials are reporting that these meetings have been productive in that they are providing CEPU members and other employees with an opportunity to canvass freely the issues at stake in the EA and are allowing the union to outline the pros and cons of the proposed agreement.

The CEPU has not positively recommended the agreement to members because it believes that the pay rise on offer should match that given to employees offered ECAs in 2008-09.

However, the Communications Division Executive agreed not to oppose the ballot or the agreement itself and instead let members weigh up the arguments for and against the EA.

If the ballot succeeds, the CEPU will respect that result and apply to be covered by the EA.

### Telstra redundancy payout “shambles”

The CEPU is advising all Telstra members affected by redundancy to double check their payout details following reports of administrative errors by the company.

One member who contacted the union believes he has been short changed by some \$30,000. The payment did not arrive within seven days of his termination and the paper work accompanying it was incomplete.

To add insult to injury, the member, who had worked for Telstra for 30 years, wasn't contacted by his management before he left and his “thank you” certificate of service is evidently somewhere in the mail – not in his hands.

In the members' opinion, the whole process was a shambles. Thank you Telstra.

Members who have been made redundant should make sure they have all relevant documentation about how their payout has been calculated and should check to see it is correct.

### Telecoms redundancies challenged

The CEPU has recently made legal challenges to a number of redundancies within the telecommunications sector.

In the case of a member from Perth, the union took an adverse action claim to the Federal Magistrates Court in relation to the redundancy i.e. the union claimed that the redundancy was related to the member exercising a workplace right (in this case the right to take industrial action).

The matter has been settled, although under the terms of the settlement details cannot be disclosed.

In another case, a member who worked with Virgin Mobile in NSW had been unable to move jobs when that company's business was taken over by Optus. As a result she was simply dismissed. The union argued that the member was entitled to a redundancy payment.

This case was also settled to the union's satisfaction, although again the details remain confidential.

The union has taken a third redundancy case to Fair Work Australia. In this instance, a member selected for redundancy was told by Telstra (before assessment) that he would be selected and should volunteer for redundancy, or he would get a bad reference.

This is an obvious denial of natural justice and the CEPU is seeking Fair Work Australia's assistance to stop this redundancy proceeding.

### **Broadband policies in doubt**

The uncertain result of the federal election and the role of rural-based independent members in determining the next government has cast doubt on the future direction of national broadband policy.

Rival corporate interests have backed different horses in this election, but it does appear that the public interest may finish a long way down the field.

Labor remains committed to its \$43 billion national wholesale-only Fibre-to -the-Home (FTTH) network, while the Coalition \$6.3 billion plan would leave the pace of investment in fibre largely up to the market to determine, focussing government funding on the provision of wireless broadband in rural and regional areas.

Both plans are likely to come under scrutiny from the independents. Independent MP Tony Windsor has already called the \$43 billion NBN price tag "fictitious" and called for a fuller explanation of how NBN costings were arrived at. But the independents also want the Treasury to assess the Coalition figures – something Tony Abbott is at present baulking at.

There is no doubt that Australia needs a communications infrastructure upgrade. Indeed for nearly two decades the CEPU has argued for the upgrade of the wireline access network – the CAN –by the progressive extension of fibre closer to the home.

The question now, as it has always been, is what policy settings will best ensure the investment necessary to build out fibre networks and what the role of government is in driving that investment, especially in areas where it is not commercially viable.

This debate now seems set to be re-opened. But for the CEPU, some key issues are clear.

Firstly, the best guarantee that national infrastructure will serve the national interest is for it to be held in public ownership. At present, the plans of both major parties would leave that infrastructure in the hands of the corporate sector for profit making – and with no restrictions on foreign ownership, except for those currently on Telstra.

Secondly, nation building should not come at the expense of secure employment in the communications sector. The CEPU has already voiced its concerns that the NBN build will lead to an increase in the use of contracting and sub-contracting arrangements in the industry. The availability of full-time, permanent jobs for its members and future members will be an important yardstick for the union in assessing all parties' broadband policies.

### **Employees vote YES to BROADCAST AUSTRALIA Agreement**

Employees at Broadcast Australia (BA) have voted strongly in favour of the latest Enterprise Agreement proposal.

The agreement, which covers BA broadcast technicians, was approved by 77% of voting employees. It will guarantee pay rises above the level of inflation over four years, with rises being backdated to 1 July 2009.

Employees at BA had previously rejected an EA which had not been endorsed by the CEPU and which had not met employee concerns over a number of issues including classification structures and overtime rates.

Further negotiations around these issues produced an agreement which the CEPU could recommend to members. The union will now apply to Fair Work Australia to be covered by the agreement, in line with the procedures of the Fair Work Act

### **Telstra asbestos incident: CEPU raises concerns**

Earlier this month, Telstra advised the CEPU of an incident involving the release of asbestos dust in the Windsor exchange in Victoria. The union has now formally raised a number of concerns about the incident with the company.

The incident involved a contracting company which was carrying out work on the exchange drilling through flooring tiles that contained asbestos. As a result, a number of people, both employees and contractors, appear to have been exposed to the hazardous substance.

Australian OHS laws set out clear and strict requirements for the identification and handling of materials containing asbestos, for asbestos removal and for dealing with possible exposures.

The CEPU has requested a detailed response from Telstra as to whether it has complied with all these requirements, including what measures were taken to protect staff both before and after the incident and whether health and safety representatives have been fully informed about it.

Telstra has agreed to involve the CEPU in their internal investigation of the matter. The incident will also be investigated by Comcare.

Any Telstra member who believes that he or she has been exposed to asbestos in either this or any other incident at work should ensure that he/she is placed on the asbestos register.

More generally, all CEPU members need to be aware that many Telstra buildings still contain asbestos and employees should be pro-active in making sure that the appropriate information about the asbestos status of their workplace is available to all who work there.

But the key factor in protecting your safety at work is having a trained OHS representative in your workplace. If you do not have an OHS representative, contact your state branch to discuss how to fill the gap.

CEPU (NSW) Telecommunications & Services Branch, Level-1 741 George Street SYDNEY2000  
alex.jansen@cepu.net T: (02) 9281 2811 F: (02) 9281 9494 M: 0418 231 146

We welcome your comments and contributions – send us an email and let us know what you think.

Authorised by Alex Jansen State Secretary (NSW), CEPU T&S (Communications Division), 741 George St, Sydney, NSW 2000