

# CEPU - COMMUNICATIONS DIVISION

POSTAL AND TELECOMMUNICATIONS SA/NT BRANCH

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## C.E.P.U. Circular July, 2006



### ***Gerry Moves On To A New Role***

After nearly fourteen years as a full time official of the Union I have decided to move on after being offered a position with a local State member of parliament, Robyn Geraghty. I do so with a sense of sadness but feel that I need to refresh my batteries after battling the likes of Telstra and Optus for so long. In that time I have always sought to defend the rights of members and improve their working conditions. I will continue to support the Communications Division Branches in SA/NT in a part-time capacity providing support where I can.

In my new capacity with Robyn I will keep on working on behalf of the labour movement to seek to improve the lot of working men and women, all be it in another capacity.

I would like to take this opportunity to thank John, Noel, Graham and Tania for their support, commitment and dedication to providing service to CEPU members during my years as T&S Branch Secretary and P&T Branch Industrial Officer. They have been a great team to work with and I will miss them all. I would also like to thank the Branch Committees of Management for their dedication and commitment. Thank you for your help and support.

Finally, it has been an honour and privilege to have been able to serve the members of the CEPU as a Full-time Union Official. Thank you in the support you have provided me in undertaking this task.

**Gerry Kandelaars, P&T Branch Industrial Officer**

### ***National Week Of Union & Community Action 26th—30th June, 2006***

Members need to be thanked for their co-operation and attendance at the various events held during that week in opposition to the new I.R. Laws. The activities during that week were well attended beginning with the Seminar at Adelaide Town Hall with Greg Combet, the Ecumenical Church Service at the St. Peter's Cathedral Church on Tuesday night. The rallies that ranged from 7 am in the South of Adelaide, 10 am at the North of Adelaide, the City rally and the Northern Rally at 12 noon, and finally the film night on Friday night. The CEPU members attended at all of those activities.

However, as you are no doubt aware, Australia Post, at the National level, did take this Union to court alleging that we had breached the EBA6 with articles and newsletters encouraging members to take part in the week of activities, specifically the Wednesday rallies. The court proceedings extended over 2 days and we were instructed to advise members via the website and circulars distributed by Post in the workplace indicating it was unlawful for any member to take strike action on that day.

That demand was acted upon and we have now appealed the AIRC decision on a number of issues and members will be advised in due course on the results of the appeal.

Therefore, each Branch Secretary and Official were advised not to place themselves or their members in any position that could lead to Australia Post proceeding with Federal Court action against the Union and its members.

It is worth noting that we believe that Australia Post was the only company that took that type of action against a Union and its members.

**Noel Paul, Branch Secretary**

### ***Authorised Day—2006***

Australia Post have notified this Office that Friday 29th December, 2006, will be the Australia Post Authorised holiday.

### ***Tax Deductibility of Union Dues, 2005-2006***

Members are reminded that Union dues are a legitimate tax deduction.

Australia Post Full-time rate (over 25 hours per week) : \$ 351.20

Australia Post Part-time rate (15—25 hrs per week) : \$ 175.60

Australia Post casual rate (below 15 hrs per week) : \$ 87.80

Telstra Full-time rate: \$ 343.20

Telstra part-time rate: \$ 171.60

### ***Posties Pressure..... Changes To Loadings***

"Posties" are ready to fight what they see as a Post move to change rosters that will see them lose a 15% loading which has been in place "as long as anyone can remember", says the CEPU's Vic Secretary Joan Doyle. Doyle told Workforce that posties had traditionally started work at 6 am, thereby attracting the loading. "They're starting people at 6.30 am in stages. New employees and those who transfer locations are being started later. This is a device to take penalty rates away", she said. On a full-time postal delivery worker's rates the 15% meant about \$208 a fortnight for a job "which is pretty fast and dangerous these days", she said. A meeting of Vic posties endorsed a campaign of "safety awareness days" to remind posties to stick to procedures such as speed limits of 10kph on footpaths. The union's NSW organiser, Michael Etue, said moves were afoot to co-ordinate a national campaign against the later start, among "other issues".

## Posties Pressure (cont....)

The issues include a fear that Post is moving progressively to "part-time" work with one worker "setting up the run" and another "delivering the mail". "There is a real danger of creating a 'sand-shoe' workforce of backpackers and people who want a few hours work with no real quality control", Etue said. Post spokesperson Janice Mascini said there were only 50 non-penalty shifts out of 2,500 delivery positions in Victoria. Non-penalty shifts had been introduced progressively across Australia for the past 18 months and were not related to Work Choices. "It is reasonable to expect any business to improve efficiencies if the opportunity arises and shifts should be determined by the amount of work required to do the job, not tradition", she said.

So far in SA/NT there have not been any shift changes, however, we are sure we are next on the list and we will join in the campaign with NSW and Victoria.

## **Australia Post's Ineptitude Allows Union To Re-run Footwear Issue**

The withdrawal of the footwear allowance for drivers was back in the AIRC following the re-listing of this matter by the Union.

The position put by the Union was that Australia Post had withdrawn the footwear allowance again without consultation and without a risk assessment for the different types of tasks in consultation with Health and Safety Representatives (HSRs) in the various transport facilities in each State, and without evidence that low risk tasks require safety footwear.

The Union also argued that drivers had not been notified that the February allowance would not be paid until late February/March—well after many drivers would have purchased footwear in accordance with normal custom and practice.

Australia Post argued that a risk assessment has been conducted that considered all the generic duties transport drivers undertake and that drivers were now required to wear safety footwear at all times whilst on duty.

The difficulty for Australia Post which was acknowledged by the Commission is that the duties of heavy truck and line haul drivers were not considered in the risk assessment. Indeed the risk assessment was only undertaken at one transport hub.

While the Commission was not persuaded from its general view that the footwear allowance was no longer appropriate, **the Commissioner's recommendation was that the different duties of heavy truck and line haul drivers should be looked at in consultation with relevant HSRs. The Commissioner also recommended the parties have discussions on when drivers were notified of the withdrawal of the allowance for the purpose of determining whether reimbursement for February 2006 should be paid. As well the Commissioner stated that the matter could be called back on if requested.**

Members will be kept advised of the outcome of discussions. In the meantime if you have a receipt for footwear purchased in anticipation of the February allowance and/or information about when drivers were informed that the allowance would be withdrawn please contact your union delegate, union organiser or union office.

**Postscript**— The footwear allowance has been a condition of employment for over 30 years. Its withdrawal unilaterally by Australia Post demonstrates how important it is, in the face of the biggest industrial relations changes in Australia for more than a century, to ensure that all conditions of employment are locked in to EBA7.

## **Australia Post Determination Directing Employees To Company Doctors Is Self-Serving And A Try On**

Australia Post issue a Determination under the Australian Postal Corporation Act 1989 giving it the authority to direct an employee to attend a facility nominated doctor (FND) for a fitness for duty assessment.

The issuing of the Determination follows a recent decision of the Australian Industrial Relations Commission (AIRC) upholding the union's position that Australia Post is not entitled to order sick and injured workers to attend company doctors under the Award.

Previously Australia Post had relied on a clause in the Award to use FNDs as part of a deliberate scheme to cut lost time injuries and manipulate workers' compensation claims through its Injury Management (Early Prevention) Program.

But with the Union effectively putting a stop to this outrageous practice, Australia Post has sneakily tried to get around the Commission's decision by issuing a Determination giving it clear authority to direct employees to company doctors.

The Union is seeking legal advice in relation to our options for dealing with the latest innovation to the Australia Post Injury Management (Early Intervention) scam.

**In the meantime, members are advised to comply with directions in accordance with the Determination to attend an FND but members should not sign an authority for the release of medical records to the FND or for the FND to contact their treating doctor.**

If you require further information please contact your union delegate, union organiser or union office.

**Important Fact:** Under the Howard Government's new workplace laws in the AIRC is unable to arbitrate disputes unless everyone agrees beforehand to agree to the arbitrated decision. This means that in the future disputes about unfair practices such as ordering employees to company doctors may not be able to go to the AIRC.

## **FND Dead Buried—Post Gives Up Appeal**

Post decided that they could not win their appeal against their defeat in the AIRC FND case. So the umpire's decision stands. The FND was an unlawful use of the Award. The bullying was unlawful. The forced treatment by company Doctors was unlawful. The invasion of privacy by FNDs giving your medical details to bosses was unlawful.... But....

### **But a new FND arises from the ashes**

Post have not given up. To make their shameful actions legal again, they have purportedly amended a law called the Principle determination. This is an attempt to force you to their company doctor so that they can get access to your personal medical records. We should be able to derail this shameful action shortly.

### **Interim advise about the new FND instruction**

**For the moment, attend the FND only if DIRECTED. Do not sign a medical release forms. A medical release allows Post to pry into your personal medical conditions. This advise does not apply to s57 letters under the Compensation Act.**

## **District Allowance Increase 2006 - Australia Post -**

Australia Post has advised that they will be increasing the rate of District Allowance from 13th July, 2006, by 3.7%. The new rates are set out below:-

<b>GRADE</b>	<b>WITH DEPENDANTS \$ PER ANNUM</b>	<b>WITHOUT DEPENDANTS \$ PER ANNUM</b>
A	1570	790
B	3780	2060
C	5120	2910
D	7530	4660

There are no changes to current gradings for District Allowance localities.

In addition, the level of income for determining whether an entitlement exists in relation to a dependant has been increased to \$19,056 per annum. The date of effect of the changes is 13th July, 2006, therefore the changes will be first available on the pay day for pay period ending 26th July, 2006.

## **Your Worstchoice Conditions Tumble Away**

On 3 July, Australia Post issued a SIB headed "Withdrawal of Special Leave" - they simply abolished it—as from 1 July. Why—**because Post says you already have "generous provisions for personal leave"**. And they say you can do these things in your own time. They suggest: You can make up time (never approved), time off in lieu of overtime (unlawful), flexitime (generally only office staff), RDOs (not flexible), annual leave (1 day not approved), annual leave in advance (limits apply). So there are choices according to Post. **Can Post do this? They can now! This is Howard's Worstchoices.** Nevertheless, we are looking at any options we have to save your conditions.

## **Drivers Licence Reimbursement**

Members are advised who are eligible for reimbursement of their Drivers Licence to ensure that your entitlement has been fully paid and is up to date. If you are unsure please approach your local administrative officer or contact this Office immediately for clarification.

## **EBA7 Preparations**

EBA6 will expire on 28 December this year. For the last 6 months, we have been making national preparations for our campaign for EBA7. This will be a big one. Workchoices will impact on this EBA in a big way. In the next few months we will explain the detailed changes that John Howard has delivered. For example, I will be fined up to \$6,600 and our Union will be fined \$33,000 for just ASKING for continuation of the Board of Reference to deal with dismissals. We will shortly be asking you to get involved in your future. Obviously the results we achieve will be directly dependent on our bargaining power—100% membership support maximizes your benefits and job security.

## **Nag, Nag, Nag..... Welcome Back**

The new initiative Aust Post have put forward, (Aims with a new coat of paint) is called National Attendance Guidelines, abbreviation "NAG". It is appropriate I think! (from a member). When you have a sickie now, your Team Leader has been directed (under pain of death) to have a "welcome back" to work meeting with you. This interrogation is mercifully only short. The AIM is to see who can best keep a smile off the face. Team Leaders are not amused with this school boy level stunt from the IR clerks. A ban is now in force: Members are directed not to laugh or smile when attending a "Welcome Back" interrogation following a sick day, as (reluctant) Team Leaders ascertain your "wellness" and make a formal record on your file.

There are Privacy laws in Australia. You are not required to disclose your medical condition at a "welcome back" meeting. You should say however that you were not fit for work, and now you are. And if you have exceeded your credits without certificate, you should provide either: \* a medical certificate or \* statutory declaration or \* satisfactory explanation.

## **Unions Needed**

Before Workchoices gained royal assent, the ACTU and A.L.P. were branded scaremongers by the Government, Business Council of Australia, Australian Industry Groups and the like. It is interesting to hear the deathly silence coming from those elements now that many cases have come to the surface of employees having their wages and conditions savaged or been sacked and rehired with inferior pay and conditions as a direct result of Workchoices legislation. This nasty piece of legislation gives employers a vice like grip and to think an individual from any socio-economic background can influence a successful negotiation of a remuneration package and conditions, or indeed negotiate against a cut in pay or conditions is completely deluded. Just remember that the industrialised world is in an economic purple patch not seen before. When the economy goes south, by under no illusion Workchoices will create a greater 'dog eat dog' situation along with an underclass of employees working a number of casual or part-time jobs to live, and the Australian way of a fair go will be lost forever — now more than ever we need unions.

**your rights at work**  
worth fighting for

Noel Paul  
Branch Secretary

July, 2006