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EBA7 update: Post cannot be serious

Australia Post recently issued its second "take it or leave it" offer.

The CEPU responded by firstly informing Post that the offer was not in the best interests of members and therefore could not be recommended.

Secondly the CEPU notified the AIRC requesting a formal bargaining period. This second step provides legal protection if we need to take industrial action in support of a better EBA.

While Australia Post has revised its pay offer to 4% per annum, fixing the rest of the EBA is also critical. The timing of the wage offer is as follows and we would be keen to hear what you have to say on the latest Post offer.

August 2007	4%
August 2008	4%
May 2009	2%
September 2009	\$500 bonus
February 2010	2%
EBA expires 1 st July 2010	

EBA7: Post limits your protection

Under EBA7 Post want to tell you what conditions you can enforce by limiting arbitration to a handful of items.

Think about it: your wages and conditions total tens of thousands of dollars over the course of your working life at Post. So, would you enter into a valuable agreement but have the other party tell you that you couldn't take action to protect yourself?

Of course you wouldn't but that's what Post wants by limiting your access to arbitration through the AIRC.

Post's solution – if you're really worried about defending conditions, take it to the Federal Court. Like a scene straight out of that great Aussie film, *"The Castle"*, Post expects you to suit up with a team of lawyers and head to court to help ensure Post keeps its word under EBA7. You'd laugh if Post plans weren't so bad.

The AIRC was set up exactly to avoid this type of legal "quicksand" – so ask yourself why Post would want to force you into the Federal Court?

EBA7: Using WorkChoices to privatise by stealth

Post is using WorkChoices as a cover to do what it wants on matters such as franchising and contracting out.

The union has received clear legal advice that the clauses we submitted in relation to franchising and contracting out are acceptable under WorkChoices.

But Post doesn't want to talk – it wants to do what it wants, in secret, to slowly sell off the work done by Post members. Won't that look great at executive bonus time?

EBA7: CEPU fights penalty rate rip off

The CEPU continues to fight the penalty rip-off that Post is trying to entrench in its workplaces.

Post thinks it is acceptable for people doing the same work to be paid less simply by starting people 30 minutes later.

Post has trialled this non-penalty plan in Delivery that potentially allows them to extend it to all areas of Post where employees receive penalty shift payments.

Under the EBA7 talks, there were hopes of reaching middle ground – with Post agreeing to set up a facility by facility examination of how it uses penalty rates. If a business case could move people into penalty shifts, it would do so.

The sticking point – the clause would not be protected by arbitration. If that's the case, members can rightly question if Post's words are designed to get them through an EBA vote, without any serious commitment to honour their commitments.

EBA7: Have your say!

Keep an eye out for our EBA7 membership survey – which will be mailed directly to members' homes.

Have your say about one of the most important issues that will affect your work environment over the next few years.

You can also email us anytime to let us know your views at eba7@cepu.asn.au

New Sun (UV) Protection Policy

Australia Post is proposing to introduce a new Sun (UV) Protection Policy.

The proposed policy provides personal protective equipment, including full covering UV protection rated clothing, sunscreen, sunglasses and hats for working outdoors.

The policy follows advice from the Australian Radiation Protection and Nuclear Safety Authority (ARPANSA) that exposure levels are beyond effective protection capacity of SPF 30 sunscreen for outdoor workers exposed regularly in peak daily sunlight in excess of 2 hours.

The CEPU has informed Australia Post that knee length shorts (or just below the knee when seated) must be provided and that clothing must be light loose fitting and made in a fibre that enables evaporative cooling, preferably natural fibre such as cotton.

In addition the CEPU has informed Australia Post that members working outdoors must have appropriate time to apply sunscreen before going outdoors and have access to water and rest breaks when outdoors to prevent dehydration and reapply sunscreen.

Australia Post has advised the union that it will consider our comments and review the draft policy prior to issuing a formal sun UV policy.

Federal Government and Australia Post rip out journey cover

One year on from the start of the controversial WorkChoices laws, the Howard Government has introduced important changes to the Safety Rehabilitation and Compensation act 1988 (SRC Act).

A critical change that will affect Australia Post workers involves journey cover. Under the changes, you will no longer have workers' compensation coverage for journeys between home and work and during recess breaks (lunch and tea breaks) away from your workplace.

Until now employees have been covered for injuries sustained on journeys between home and work and during lunch breaks away from the workplace.

Typically Australia Post has not been slow in jumping on the Howard Government bandwagon of stripping away rights and entitlements of workers by refusing to continue this cover.

But Australia Post cannot hide behind the changes to the SRC Act to defend its removal of employees' eligibility for injury claims arising from travel between home and work and during recess breaks. It is open to Australia Post to continue cover for all of its employees for the journey between home and work and during lunch and tea breaks away from the workplace.

Importantly the CEPU called on Australia Post to continue to provide journey cover for workers. Australia Post's refusal to do so is a disgrace.

Howard Government's new OHS laws tilt balance in favour of employers

OHS is the latest battleground between the Howard Government and unions with the introduction of employer-friendly changes to the Commonwealth OHS Act, effective from 15 March 2007.

The Howard Government's new OHS laws tilt the balance in favour of employers to the detriment of employees with a watering down of the responsibility imposed on employers and a reduced role for unions.

Under the new laws employers must establish Health and Safety Management Arrangements (HSMAS) which will provide for establishing and varying designated work groups (DWGs), setting up local OHS committees and electing Health and Safety Representatives (HSRs). Previously employers were required to have an OHS Agreement with the involved union representing employees in a workplace about these matters.

While the new Act requires consultation with employees on the development of HSMAS, it does not require agreement with employees. On a practical level, how is a large employer like Australia Post going to consult in any sort of meaningful way with employees about the development of HSMAS?

Clearly these changes are designed to limit the role of unions in protecting workers' health and safety.

Importantly, the changes also provide that employees may be represented by an employee representative. Members are therefore advised to sign the CEPU petition in your workplace authorising the union to represent you in OHS matters.

Sick leave absences adjacent to public holidays

The CEPU has written to Australia Post again seeking advice on what laws or industrial instruments it relies to advise its managers that employees should not be paid for sick leave absences on the days immediately before and after a public holiday unless the employee provides a medical certificate and signs a medical release authority. To date Australia Post has not provided that advice to the union.

As this issue may arise again in respect of the forthcoming public holiday on Monday 11th June, 2007 we have drawn to Australia Post's attention our view that the Workplace Relations Regulations 2006 make it clear that an employee cannot be penalised (by reducing an employee's entitlement to paid sick leave) for not providing notice or evidence of illness of the employee or the employee's immediate family or household.

We have requested that Australia Post cease to issue directions to managers that employees not be paid if absent from illness on the days before and after a public holiday and for refusal to sign a medical release authority. We have also advised that we will lodge complaints of breaches of federal industrial law with relevant authorities if Post persists. Clearly, this is another example of Post picking and choosing bits of the new IR laws for its own convenience.

Labor plans for fairer, productive workplaces

Kevin Rudd and Julia Gillard launched Labor's IR policy – *Forward with Fairness: Labor's plan for the fairer and more productive Australian workplaces* at the recent ALP national conference.

The policy includes a safety net of legislative and award conditions and has collective bargaining at its core.

Employment standards that are to be protected in legislation include:

- Hours of work – 38 hour week and no unreasonable overtime
- Parental leave – guaranteed up to 12 months unpaid leave for both parents and one parent can request an extra 12 months unpaid leave
- A right for parents to request flexible working hours until a child reaches school age
- Annual leave – 4 weeks with pro-rata for part-timers
- Personal and carer's leave -10 days a year
- Community service leave –for jury and emergency services duties
- Guaranteed public holidays – including Christmas Day, Boxing Day, New Years Day, Australia Day and more. Penalty rates or other compensation where employee works on a public holiday.
- Fair work information statement –information about rights and entitlements to be provided to new employees.
- Fair notice of termination

In addition Awards contain minimum wages, type of work performed, permanent or casual, hours of work, rostering, rest breaks, meal breaks, allowances, leave loading, super, consultation, representation, dispute settling procedures and more.

The minimum wage will be set openly and transparently, with unfair dismissal claims resolved quickly and with basic democratic rights guaranteed, such as to be able to join or be represented by a union.

Howard's AWA "safety net" full of holes

While on the subject of AWA's, attention turns to the Howard Government's recent "fine-tuning" of WorkChoices and the introduction of an AWA safety net.

For over a year, the Howard Government refused to make changes to its harsh WorkChoices laws.

Now, with an election looming, the changes are starting to roll out.

The Howard Government's has announced it will introduce a stronger "safety net" for people on AWAs. It's an admission of what most working Australians already know - AWAs are designed to make them worse off.

Figures leaked from the Government's own Office of the Employment Advocate (OEA) showed that 45% of AWAs stripped away all of the award conditions that the Federal Government said would be "protected by law" under WorkChoices.

The Government now says it will introduce new laws to make sure that workers on AWAs are properly compensated if they lose penalty rates, shift allowances and other entitlements.

But the Government isn't actually guaranteeing financial compensation for lost entitlements. Under the new "safety net" you can be compensated for your lost penalty rates other ways – through shopping vouchers, for instance, or other non-financial "rewards"

And it won't do anything to help those workers who have already signed AWAs. The new law won't be retrospective.

CEPU members should not be taken in by this new "safety net" which in fact is full of holes. If you have been offered a WorkChoices AWA, contact the union for advice.

No guarantee of wage rises

The changes also don't address one of the other unfair features of AWAs – the fact that they often do not provide for wage increases. The recent OEA figures showed that a third of all AWAs lodged during the first six months of WorkChoices provided no wage rises during the life of the agreements – a period which, under the new laws, can be as long as five years.

