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EBA7: your EBA - your say

Want a say in the wages and conditions that will affect your future for the life of the EBA? It is critical the CEPU understands the issues that matter most to you. Your views are important.

Please fill out the survey by 30 June.

The CEPU Divisional Executive will review members' reactions to the survey on 3 July. **Members' views will be taken into account by the CEPU Divisional Executive.** The Executive will then decide what needs to be done next to secure a fair EBA for members.

The things that separate us from Australia Post

There are not a lot of things in EBA7 that Australia Post and the CEPU don't agree on – but there are some things that the CEPU can't recommend to our members.

If Australia Post fixes the following flaws in EBA7, we think members are more likely to support it:

- **EBA7 needs full arbitration-protection**
Post wants to limit what can be enforced in the EBA, to give them maximum flexibility in the future.
For example, without full arbitration-protection on all matters covered by EBA7 Australia Post will be able to bring in workplace change on its terms only.
And we think members will be concerned the Redundancy Agreement won't get arbitration-protection.
- **Penalty rates**
Post doesn't want to fix the penalty rate rip off in delivery, where it deliberately starts people 30 minutes later to cut wages. If it happens in delivery, it can easily move to other parts of the business.
A solution was developed to this issue – but Post says it won't allow that to be covered by arbitration-protection. That's a problem.

- **WorkChoices**

Members are telling us through the CEPU EBA7 survey they already believe WorkChoices is affecting the way employees are treated at work and that Post is using WorkChoices to further shift the balance towards management.

We think members are right. We've given Post what we believe are legal clauses on franchising, contracting out, dedicated delivery – but they refuse to accept them. Why? What's going on?

Stop press

Last week, Federal Members of Parliament were awarded a 6.7 per cent pay increase. Australia Post executives have received pay increases averaging nearly 20 per cent. Meanwhile Australia post employees are offered 4%! Do you think 4 per cent is fair for you and your workmates? Its about time Australia Post woke up and had a look around at the pressures normal working families are under.

Let the CEPU know what you think through the EBA7 survey. You can now fill the survey out on line <http://www.cepu.org/eba7survey.htm>

New members joining the CEPU

Across the country the CEPU is signing up plenty of new members – because they know joining the union is the smart way to get better pay and conditions.

Some people don't join a union because they were never asked. If you know a workmate isn't a union member just ask, "Do you want to join the CEPU for better wages and conditions?" If yes, ask your CEPU delegate to give them an application form or get one for them.

Australia Post OHS performance

Australia Post's national OHS performance as reported at a meeting with the union last week is as follows:

The national LTIFR (lost time injury frequency rate) has slightly improved, 4% below June 2006 level. Over the five years from 2001/02 the incidence of LTIs involving 5 or more days lost has reduced by 48%. And no on duty fatalities occurred this financial year.

While a reduction in injuries and the severity of injuries are welcomed the real story behind Australia Post's improved OHS performance is the use of facility nominated doctors to ensure none or few lost time injuries are recorded.

Australia Post also reported the national LTIFR performance was lower than expected due to the deteriorated performance of LTIs in Delivery operations where LTIFR increased by 13%. NSW recorded the highest incidence of LTIs (and all injuries) and Vic/Tas the lowest incidence of LTIs. SA recorded the lowest incidence of all injuries.

Importantly the reduced number of motorcycle rounds (down 145 to 6346) was not associated with a reduction in the number of LTIs or all injuries. Intersections and roundabouts were said to be the most hazardous areas for motorcycle PDOs.

However the CEPU would be interested in hearing views of motorcycle PDOs on reasons motorcycle injuries are increasing despite the reduction in the number of motorcycle rounds and how this issue might be addressed.

Effect of Commonwealth OHS Act changes on Post

Numerous legislative changes to OHS (Commonwealth Employment) Act 1991 were effected in March 2007 and regulatory changes have followed.

The changes deal with the introduction of HSMAs and 4 new safety regulations issued as OHS (Safety Standards) Regulations. The new regulations relate to Electricity, Driver Fatigue, Construction and Falls. Australia Post policies and procedures will need to be developed and/or upgraded to reflect the new regulatory requirements.

In relation to HSMAs the CEPU has provided comments to Australia Post on its proposed new guidelines for Designated Work Groups. The CEPU has also informed management of our view that elections for Health and Safety Representatives should continue to be conducted in accordance with the current procedures, that is, by the union to ensure that people genuinely interested in workers health and safety are elected and not management stooges.

Comcare is also reviewing all 26 Codes of Practice declared by SRCC under the OHS Act. The review is to be completed end of Dec 2007. Outcomes of the review will impact on Australia Post meaning that policy and procedures will need to be upgraded.

Comcare's Bennett new Workplace Authority director

The Federal Workplace Relations Minister, Joe Hockey, has appointed Comcare chief executive Barbara Bennett as director of the re-badged workplace regulatory agencies, the Workplace Authority.

CEPU members in mail centres would recall Ms Bennett in her capacity as CEO of Comcare overturning the recommendations of Comcare's own investigators that Australia Post had breached the Commonwealth OHS Act in its failure to take all reasonably practicable steps to protect the health and safety of its employees with the introduction of sort rates on the manual modular frames.

The above example speaks volumes for what workers can expect out of the Howard Government's new Workplace Authority!

Collective bargaining rights

As part of its taxpayer funded pre-election advertising blitz, the Howard government has been placing advertisements in national newspapers promoting the virtues of collective bargaining for small businesses

The advertisement that has been placed in the newspapers, says:

"Small businesses can benefit by joining together to negotiate with larger businesses who are their common customer or supplier. Businesses can collectively bargain with other businesses as long as they get approval to do so from the Australian Competition and Consumer Commission. Recent Australian Government reforms will make it simpler, quicker and cheaper for small businesses to engage in collective bargaining".

This is a good idea. The difference, however, is that in this case larger businesses cannot veto the rights of small businesses to bargain collectively. But when we turn to Work Choices that same basic right is not available for the working men and women of Australia.

Even if 51 per cent or 100 per cent of employees want to bargain collectively, under Work Choices the employer can veto that request to bargain collectively. A right vetoed is no right at all. Work Choices does not give Australians the right to bargain collectively. If the government were consistent it would give the working people of Australia the same right to bargain collectively that it correctly gives small business. (source: *Craig Emerson Shadow Minister for Service Economy, Small Business and Independent Contractors*)

Work Choices used to slash pay and conditions

According to a Monash University's study, funded by the Bracks Government, start-up businesses have used the Howard Government's workplace laws to push pay deals that remove award conditions, such as penalty rates, meal breaks and shift loadings.

The study examined 55 so-called "greenfields" agreements drawn up by companies before hiring employees.

Of the agreements studied, 78 per cent explicitly excluded all award conditions, and 82 per cent at least one award condition.

More than 50 per cent reduced or removed meal break entitlements while 27 per cent cut annual leave loadings.

Although most deals allowed for public holidays, many required employees to work on them at ordinary pay rates for "operational reasons".

Three-quarters of the agreements removed or reduced penalty rates for public holidays or weekends, while 40 per cent explicitly cut penalty rates.

Workers employed on greenfields agreements might still be disadvantaged under the new fairness test because the deals were done before they were employed said Professor Peter Gahan, from Monash's Work and Employment Rights Research Centre.

Unions are concerned about dangerous job conditions for temporary migrant workers

The Federal Government is continuing to ignore warnings over the abuse of temporary migrant workers despite reports that three overseas workers have died on Australian worksites in recent weeks.

Unions are concerned that the Federal Government is issuing what's known as 457 temporary work visas without giving adequate consideration to the safety and conditions of work for the visa holders.

500 cases of alleged exploitation of temporary visa workers have been investigated this year but around half (232) of the investigations have not yet been completed.

Despite these repeated examples of overseas workers found to have been underpaid, the Federal Government has yet to pass new laws to increase penalties for employers that underpay foreign workers.

Next year there are estimates that up to 100,000 visas will be issued at the extraordinary rate of around 2,000 temporary visas a week.

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"This program is out of control and it is time that the Howard Government responded to community concern over the abuse of temporary overseas work visas," said ACTU President, Sharan Burrows.