



# CEPU (Communications) SA-NT POSTAL NEWSLETTER



Graham Lorrain, Branch Secretary

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- Once upon a time Comcare investigated FNDs* **2-3** "Tens of thousands of CEPU members within Australia Post will soon decide on whether to take a broad range of industrial action in a campaign to help get an enterprise agreement that protects and improves their security, safety and take home pay. We've got a massive challenge ahead of us all - but members know that winning the ballot brings them closer to a better agreement," Mr Husic said.
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- Equal Pay day* **4** Under the new laws, the CEPU has to negotiate with the organisation that will coordinate and run the ballot, the Australian Electoral Commission.
- Union Aid Abroad – 25th Anniversary upcoming celebrations* **5** As soon as the timetable is finalised, we will inform you of the key details.
- Petition to Comcare on conduct of Post* **5-6** **Remember only CEPU members can vote and take action**
- If you're not a member – join now.
  - If you're a member and know a non-member –ask them to join now.
  - If you've changed your personal details recently – email us now via [feedback@cepu.asn.au](mailto:feedback@cepu.asn.au)



## Public comment sought on stamp price hike

The Australian Competition and Consumer Commission (ACCC) is seeking comment on Australia Post's application to increase the cost of a postage stamp to 60 cents.

The five cent hike needs to be approved by the ACCC before it can be introduced.

Australia Post is also seeking permission to lift the price of a series of other mail products.

The CEPU has questioned the reasoning and timing of the Australia Post's proposed postage price increase from 55 to 60c a stamp.

"Why is one of Australia's most profitable organisations asking consumers to foot the bill for the \$80 million of additional revenue? ", asked CEPU National President Ed Husic.

"It will be particularly galling for consumers knowing that Australia Post's top executives last year took home bonuses of up to \$1 million.

"From our perspective, employees lose either way.

## Public comment sought on stamp price hike (cont)

"If the price rise goes through resulting in mail volume contraction, Post will use this as a reason to cut jobs and take-home pay. If the rise doesn't get approved, they'll claim cost increases need to be met with cuts to jobs and conditions.

"Members are already battling to protect their current take home pay from roster changes and loss of allowances that cut thousands of dollars in postal worker income.

"Furthermore, Post has continued to cut the pay of new employees by denying them access to penalty rates. A new postie is \$5000 worse off in take home pay due to this.

"This proposal needs to be carefully scrutinised before the wallets of consumers and Post employees are hit any further."

Visit the ACCC website for more information.

## Once upon a time Comcare investigated FNDs

Comcare says it has completed its investigation into union concerns that Australia Post is in breach of the SRC Act and self-insurer licence conditions.

The main concern of the CEPU involved the Post Injury Management (Early Intervention) Program (IMP) and its use of FNDs.

Examples of abuses provided by the CEPU included employees who have been:

- sent to FNDs after a serious workplace injury only to be forced back to work before they were physically able, including with broken limbs;
- fired after suffering work-related injuries; and
- denied workers compensation coverage for an injury because Post won't accept evidence from the employee's own doctor.

Other concerns raised with Comcare related to:

- pressure on doctors who rely on big clients such as Post compromising their independence;
- rewards and bonuses paid to Post executives for reducing costs by roting workers of their entitlements and personal safety; and
- rebadging time for injuries as sick leave or other leave or requiring employees to come to work when not fit e.g. To watch TV or carry out menial tasks.

Post, it seems, took the opportunity during the investigation to explain in detail its IMP to Comcare. Apparently the IMP operates on 'a voluntary or opt-in basis'. Furthermore, following an injury an employee may elect to see their own doctor, FND assessments are not mandatory.

Post admits that there may have been instances where employees have been mis-diagnosed by an FND or where employees have been returned too early or where managers have exerted pressure on employees to voluntarily attend an FND assessment or treatment. But all complaints are investigated by Post.

And then Comcare took a deep breath and to its great relief found that Post's IMP is not inconsistent with the SRC Act or licence conditions.

## Once upon a time Comcare investigated FNDs (cont)

Too bad it's all a fairytale. Injured workers are directed to FNDs it's not voluntary. The primary purpose of the IMP is to cut workers compensation costs not look after injured workers.

If you disagree with Comcare's findings print off the petition at the end of this email, sign it, circulate it at your workplace and return it to your CEPU branch office and we will forward them onto Comcare for a please explain.

## Concerns about assessing 'Fitness to Drive' emerge

As part of its *Driver Fatigue Management Plan*, Australia Post has developed a new policy and procedures for "**Assessing Fitness to Drive**". The policy and procedures are proposed to apply to all Post drivers who hold a minimum Medium Rigid licence or greater and who drive a heavy vehicle.

By way of background in March 2007 the Commonwealth introduced regulations covering Driver Fatigue under Part 11 of the Occupational Health and Safety (Safety Standards) Regulations 1994 (the Regulations). The Regulations place an obligation on Australia Post to ensure that a medical management system is implemented to identify drivers' fitness for work and promote better medical management of drivers of heavy vehicles.

Previously the requirement to undergo a medical examination has been limited to interstate linehaul drivers, or those who provide relief for those activities. The regulations now widen the requirement to drivers of vehicles of 12 tonne or greater.

In a practical sense this requirement now obliges all Post drivers excluding car or van drivers to undergo assessment for fitness to drive. Importantly, however drivers will be able to elect to attend a Post FND or their own treating doctor. The CEPU has also put to Post that FNDs should not be involved at all and that drivers should be able to attend medical assessment during their normal working hours or at a convenient time adjacent to their starting or finishing time.

As well the union has expressed concerns about how Post will ensure confidentiality of an individual's medical information. In addition we have asked that the policy be amended to ensure that any driver assessed unfit for driving duties should be offered redeployment and have his/her income maintained at a level no less than they would have received if performing driving duties.

We await Post's response.

## Fault with Mercedes trucks illuminated

Yet another fault illuminated by Australia Post drivers with Mercedes vehicles, this time with the proposed new Mercedes trucks.

Post drivers in NSW are angry with a decision to replace the current 20 and 28 ULD MAN trucks with new Mercedes trucks that come with a reduced cabin space and, therefore, do not permit the taking of breaks on longer country runs within the cabin. There seems to be prima facie a case that the decision is inconsistent with national fatigue management laws that apply to all drivers of large vehicles and Post's own fatigue management plan.

At the very least Post should ensure that the trucks used on country runs continue to be fitted with sufficient cabin space to allow drivers to take scheduled breaks in the cabin. Otherwise driver duty boards should be reconfigured to allow drivers time to take a break at a garage or truck stop.

The CEPU has raised the matter with Post management and is awaiting a response.

## Post out of sync with new flexible work arrangements

While employers are supposed to be gearing up for flexible working arrangements ahead of the new right to request flexible work under Fair Work Australia's new National Employment Standards (NES) becoming law on Jan1 2010, Australia Post it seems is busy doing the opposite.

Take the SIB recently circulated by Post's Southern Operations Manager entitled "*Application for 48/52 leave (purchased leave) in 2010*". The SIB informs that '*employees who have difficulty attending work reliably, and who have been in receipt of 48/52 previously, will not receive priority ahead of other staff who attend work reliably, and 48/52 approvals for peak periods (e.g. school holidays) in 2010 will be limited!*'

Apart from the fact that the SIB is inconsistent with the NES which provide for 'a right to request flexible working arrangements to employees who are parents or who care for children under school age or aged under 18 with a disability', applications for 48/52 are plainly quite different and separate to entitlements to sick leave. 48/52 is available under the Australia Post Work/Life Initiatives incorporated in EBA6 while sick leave is set out in the General Conditions Award.

To prejudice an employee's application for 48/52 because they have availed themselves of sick leave is inviting complaints under the Fair Work Act and/or discrimination laws. Similarly a blanket approach limiting 48/52 during school holidays without considering the individual circumstances may give rise to complaints under the NES with the Fair Work Act/ Ombudsman.

The CEPU has raised the matter with Post and awaits a response.

## Equal Pay day

Equal Pay Day takes places on September 1 this year and marks the beginning of an alliance of organisations that will be campaigning for the government to take a more proactive stance in eradicating unequal pay and employment opportunities for women in Australia.

In March last year ACTU President Sharan Burrow released a report showing that women in Australia earn 84 cents for every dollar earned by men, down from 87 cents in 2004.

The global study of sixty-three nations undertaken by the International Trade Union Confederation (ITUC) revealed that women across all industries and age groups are being paid on average 16% less than men.

When you compare men and women's earnings, there is a persistent gender gap, and the evidence is there to suggest it has worsened in the recent years. Moreover the pay gap cannot be fully explained by women taking time out to raise a family or by choosing professions with lower pay.

We need to do more to diagnose what the factors are to explain the difference in men and women's earnings. We know from history that equal pay will not happen without strong political support, the market does not deliver pay equity on its own.

The alliance will send a letter to politicians signifying a stepping up of campaign activities, and workplace and union events will be held under the banner of the new alliance on that day. For more details on the Equal Pay Day activities, contact Belinda Tkalcevic at [btkalcevic@actu.asn.au](mailto:btkalcevic@actu.asn.au)



## Union Aid Abroad – 25th Anniversary upcoming celebrations

To celebrate their 25th Anniversary, Union Aid Abroad APHEDA, the overseas aid agency of the Australian Council of Trade Unions, is holding gala dinners in both Sydney and Canberra during the month of September. There will also be a cocktail party held in Melbourne on Friday 27th November, details of which will be announced closer to the date.

### Canberra:

**Venue** Restaurant@CIT  
Canberra Institute of Technology  
K Block, Reid Campus, Constitution Avenue  
**When** Wednesday 16th September, 6:30pm

### Sydney:

**Venue** Steve Waugh room in the newly built Victor Trumper Stand  
Sydney Cricket Ground  
**When** Friday 25th September, 7pm

For more info on how to book contact Union Aid Abroad APHEDA <http://www.unionaidabroad.org.au/>

## Petition to Comcare on conduct of Post

Mr. Steve Kibble  
Acting CEO  
Comcare  
GPO Box 9905,  
Canberra ACT 2601

Dear Mr. Kibble,

I am an Australia Post employee. I am very concerned about the way Australia Post is treating injured workers.

My own experience with/ knowledge of Australia Post is that it directs injured workers to attend Facility Nominated Doctors (FNDs) for assessment and/or treatment, it is not voluntary.

My own experience with/ knowledge of Australia Post's Injury Management (Early Intervention ) Program is that it is designed to cut workers compensation costs, not to look after injured workers. This is achieved by using a network of company paid doctors to force injured workers back to work prematurely or by sacking workers.

In my view Australia Post does not behave as it should as a licensed body.

Please send auditors into Australia Post to look at issues of FNDs, conflict of interest and whether obligations owed to injured employees are being met for the purpose of considering not extending Post's self insurance licence beyond 2010.

**Please see next page for copy of petition.**

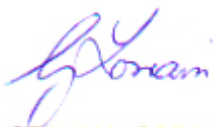


## Share this newsletter

Please share this Communications newsletter with fellow CEPU members and workmates by putting a copy up on your workplace Union noticeboard.

If you have any questions on any of the above articles, please contact an official at the Union office on (08) 8232 5999.

Yours faithfully,



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