



CEPU (Communications) SA-NT POSTAL NEWSLETTER



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The CEPU appeared before a special Senate Inquiry in Melbourne today, calling for an end to the way Australia Post uses company doctors.

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The Senate set up this Inquiry in October last. Today's hearing comes after the initial reporting timetable was put back a bit. The Senate is expected to receive a report on this issue in March.

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Federal and State CEPU Officials along with our members and legal representatives addressed the committee on why there must be an end to the way that Post forces employees to compromise themselves by visiting company doctors.

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You can download the CEPU's opening statement from the CEPU's website under Postal/News & Circulars/CEPU asks Senate to tackle FNDs.

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The CEPU argued that Australia Post should not be able to use its powers under section 89 of the Australian Postal Corporation Act to set up a workers' compensation system that no other company could do - and we asked the Senate to recommend that this legal loophole be closed.

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While section 89 is used to provide terms and conditions of employment - this is done with the agreement of unions after negotiation.

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Australia Post set up its FND system under s.89 without agreement or warning. And it is a system that compromises worker health and financial position.

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Australia Post, Comcare and Injury Net were all questioned by the Committee.

Australia Post 'spying' on workers

The CEPU NSW branch has initiated a criminal prosecution against Australia Post for covert surveillance of its employees, allegedly in breach of the NSW Workplace Surveillance Act.

The action by the union follows the threatened dismissal by Australia Post of six posties (four of whom were reinstated following an internal review) for falsifying attendance records. According to the NSW branch secretary Jim Metcher, the workers weren't seeking to claim extra hours but were actually signing off before they'd finished for the day because of the location of attendance books.

Australia Post used its Cyberlock computer surveillance system - under which street-side collection boxes in NSW are linked by computer to individual postal workers' keys - to monitor the workers' movements.

In a bid to head off a criminal prosecution Australia Post has appealed to the Federal Court on constitutional grounds, saying it is entitled to spy on its workers because the NSW workplace surveillance legislation doesn't apply to federal system employers.

Australia Post 'spying' on workers (cont)

The union is in turn arguing that the corporation cannot launch a Federal Court constitutional case when the local court matter is still on foot.

Mr. Metcher said the case relevant to all NSW employees employed by federal system employers.

NSW Attorney-General John Hatzistergos would appear to agree with the Attorney-General appearing in person in the Federal Court to try and protect the integrity of his State's workplace surveillance legislation.

The Federal Court has reserved its decision.

Speculation about Post bank

As Ahmed Fahour takes charge of the nation's postal service, the former National Australia Bank executive cannot quiet talk that Australia Post is to begin selling low-cost home loans and savings accounts on top of its core delivery business.

Calls for a people's bank became louder during the financial crisis as the dominance of the big banks was highlighted and attention was drawn to the New Zealand Post-backed Kiwibank and to the more recently proposed role for Britain's postal service to function like fully fledged banks but with a clear social purpose.

Despite Mr Fahour saying in an interview last month, that getting a banking licence is not on his priority list in any shape or form and that it is not a core business, the speculation persists.

Talk of a scoping study on the issue was also strongly denied by the office of the Treasurer, Wayne Swan. "The Government has commissioned no such work," a spokesman for Mr Swan said.

What is clear is that the banks would oppose the prospect of a government-backed bank entering the market.

Pharmacists authorised to issue medical certificates

Despite the Federal Government changing the rules to allow pharmacists to provide a medical certificate for minor ailments, such as influenza or headache Australia Post says the new provisions do not apply to it, refusing to accept a certificate from a pharmacist provided by a NSW parcel delivery employee who was unable to get a medical appointment and therefore a medical certificate.

Quite clearly the move to allow pharmacists to issue medical certificates is sensible in terms of reducing the burden on doctors and costs to Medicare not to mention the fact that most people are flat out getting in to see a doctor on the day they call, thus making it impossible to get a medical certificate to satisfy out-dated employer requirements.

The CEPU NSW branch has filed the NSW worker's matter in the Magistrates' Court.

Meanwhile the national president of the Pharmacy Guild of Australia, Kos Sclavos, said that while many pharmacists had been frightened off by doctors fighting an aggressive campaign against the service most pharmacists were "very competent and confident" of providing medical certificates, and the scheme was relieving pressure in GP surgeries.

New code forces update of Post's first aid policy

With the introduction of the federal government's new OHS Code of Practice – First Aid Australia Post is required to update its first aid policy to reflect the standards of the new Code of Practice for First Aid.

The new Code of Practice for First Aid differs from the earlier approved code in a number of important areas. The key changes include:

- An increase in the number of first aid officers in specified situations;
- An increase in the number of first aid kits and their location to meet the standard that an employee will take no longer than 2 minutes to reach a kit, contents of kit also changed;
- The provision of first aid kits for personal protection to employees such as PDOs performing bicycle and walk rounds;
- The requirement for a first aid room in high risk workplace workplaces with more than 25 employees;
- The provision of automatic electric defibrillators and oxygen in certain circumstances.

While the updated draft Post policy on First Aid is better than the current policy it is clear that Post still wants to minimise the changes it needs to make in order to reflect the new First Aid Code. The CEPU has raised concerns about the number and level of training of First Aid Officers, provision of first aid rooms and equipment and consultation with first aid officers, HSRs employees and their union.

The situation at the Port Melbourne Delivery Centre, a facility with about 150 people on night-shift and about the same on day shift with forklifts, two dangerous docks, motor-bikes, ULDs, Post and other contractors in vans, high-risk in anyone's book except Post's, and still no first aid room demonstrates why Post needs to embrace the new code and implement changes to its current policy accordingly without the nonsense aimed at avoiding its responsibilities.

Motorcycle separate bundle delivery

Australia Post has advised the CEPU of its intention to commence a national evaluation of motorcycle Separate Bundle Delivery (SBD). The evaluation will commence on Monday 22 February 2010 starting in Queensland with NSW and Victoria to follow. State Delivery Managers are expected to commence consultation with State CEPU Branches from next week.

The union does not support SBD because it is unsafe. The job of a motorcycle postie is dangerous enough as it is. The incidence of motorcycle-related crashes and injuries is increasing. There has been no study on the increased risk of crashes and injuries from trying to sort mail whilst on a motorcycle. Even the findings of the MUARC study and its recommendations on how to improve motorcycle safety have still not been acted upon or conveyed to the union. Furthermore, no ergonomic study has been conducted on the musculoskeletal risks of SBD.

The creation of a single bundle before the mail leaves the office should be the preferred work method for motorcycle posties. Employees participating in trials should indicate a clear preference for delivering one bundle.

Inappropriate use of Code of Ethics by Post Manager

After Post Logistics received vigorous representation from the CEPU it has backed down from threats to take disciplinary action against members who took industrial action last December as part of the campaign for EBA7.

Just prior to Christmas Post had notified a CEPU member that they would be required to attend for a formal counselling interview "to discuss alleged behaviour on your part which is inconsistent with Australia Post's

Inappropriate use of Code of Ethics by Post Manager (cont)

Our Ethics". The unsatisfactory behaviour was cited as the failure of our member to attend for work on 17 December 2009.

However, the Post manager responsible for this communication had disregarded the basic facts. Along with many other CEPU members the member subjected to this notice was taking protected industrial action on 17 December.

Not only was it inappropriate for the manager attempt discipline our member for taking protected industrial action but Post was at risk of being prosecuted for "adverse action" because our member had taken protected industrial action.

Fortunately senior management in Post Logistics understood the potential for successful legal action by the CEPU against the company and the possibility for \$6600 penalty for each offence.

The result is that the threat of disciplinary action against our member by Post Logistics was withdrawn as was the threat of action against other members in Post Logistics who took protected industrial action.

Other 'adverse action' complaints

The CEPU is currently pursuing a number of other 'adverse action' complaints relating to sick leave, overtime, meal allowances and discipline issues in the mails, delivery and transport areas.

Post robbing part-timers of shift penalties

The issue of the non-payment of shift penalties to part-time employees for additional hours will be dealt with in the Victorian Magistrates' Court following the filing of an application by the CEPU in Melbourne.

Part-timers asked to work additional hours for the period before overtime penalty rates apply are no longer being paid the same rate including the shift penalty that is being paid to full-time employees working the same hours.

Until October 2008 Australia Post paid the same shift penalty for additional hours as full-time employees. Under the current application of the Award, Australia Post is treating part-time employees less favourably than casual employees.

ACTU to seek minimum wage catch-up

The ACTU says it will seek a significant minimum wage increase in this year's review to compensate low paid workers who went backwards in real terms under the Australian Fair Pay Commission.

ACTU Secretary, Jeff Lawrence, has announced that the ACTU will be arguing for a minimum wage increase above the \$21-a-week claim rejected by the Fair Pay Commission last year. The ACTU will be claiming an amount which compensates low paid workers for the fact that there was a wage freeze last year and in previous years low paid workers have missed on decent pay rises from the Fair Pay Commission decision.

Improved economic conditions meant there was no reason why low-paid workers should be disadvantaged compared to those with greater bargaining power, he said.

Lawrence said a "modest predictable increase" in minimum wages would not fuel inflation and support low-paid workers purchasing power in the economy.

ACTU to seek minimum wage catch-up (cont)

An increase in the minimum wage is important for workers who do not have wages set by an enterprise agreement. For many CEPU members working in licensed or franchised post offices and in smaller telecommunications companies pay increases are achieved through the minimum wage review.

Fair Work Australia's minimum wage panel will conduct the review between March and June.

Appeal for Haiti

On Tuesday 12th January, the small Caribbean nation of Haiti was hit by a magnitude 7 earthquake.

The capital of Port-au-Prince, a city of 3 million people, lies in ruins. The Red Cross estimates that 50,000 people could lie dead in the ruins, although other estimates put the dead at four times that number. With almost all infra-structure, government and civil society destroyed, search and rescue efforts for missing victims is difficult and relief efforts for the survivors is beset with problems of distribution.



Union Aid Abroad - APHEDA has worked with the Canadian Auto Workers Social Justice Fund for many years now, commencing with their assistance to East Timor through Union Aid Abroad - APHEDA almost a decade ago.

Any funds raised in this appeal for Haiti will be directed to the relief efforts being undertaken by the Canadian Auto Workers and other Canadian unions.

To make a donation contact Union Aid Abroad - APHEDA on 1800 888 674 or via email at office@apheda.org.au or send a cheque to:

Union Aid Abroad – APHEDA, Level 3, 377 Sussex Street, Sydney NSW 2000

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We welcome your comments and contributions – send us an email and let us know what you think via feedback@cepu.asn.au

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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