



CEPU NEWS

MERRY CHRISTMAS TO ALL MEMBERS

T&S Branch Secretary, John Lee; Branch President, Gerry Kandelaars; and Office Supervisor, Tania Shearer, would like to wish all of our members and their families **Season Greetings** for their Christmas festive activities, and a **Safe and Happy New Year**.

BRANCH OFFICE CHRISTMAS CLOSURE

Members are advised that the Branch Office of the CEPU will close from 12:00 Noon on Friday 23rd December, 2005, and re-open at 8:15 am on Tuesday 03rd January, 2006.

Should members require urgent assistance during this time, please contact the following:-

Telstra / Commander / Optus Issues:

CEPU T&S Branch Secretary, John Lee. Mobile: 0418 807 683

CEPU T&S Branch President, Gerry Kandelaars. Mobile: 0418 848 872

Australia Post Issues:

CEPU P&T Branch Secretary, Noel Paul. Mobile: 0418 820 019

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TELSTRA CONCESSION DAY

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Michael Tippins, Richard Millar, Deane
Bates, Philip Staunton, Kerrie Ramone,
Margaret Hollis.

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AUTHORISED BY

John Lee, T&S Branch Secretary

Members are reminded that as an adjunct to negotiations between the CEPU and Telstra over the current Telstra Enterprise Agreements, Telstra gave a commitment to the Union that they would amend their policy regarding staff taking the 'Telstra Award Day'. The policy was amended to ensure that the following conditions were complied with :-

- Telstra will provide individual staff members with the freedom to choose a day as their additional holiday each calendar year. This day can then be granted on a date convenient to the individual staff member, subject to approval by the manager that the date is suitable.*
- The additional holiday must be taken within the eligible calendar year. It cannot be accumulated or paid out .*
- In the event the employee does not choose suitable date for the employee to take the additional holiday, the default position shall be that the additional holiday will be taken on a normal business day between the Christmas public holiday and the New Year Day public holiday in the calendar year it falls due. The exact timing of the holiday during this period will be determined by the manager on the basis of business needs (which is anticipated will vary throughout Telstra).*

This commitment was tabled by Telstra before the Australian Industrial Relations Commission (AIRC) when the previous Telstra Enterprise Agreements were certified. If any member believes that Telstra is failing to abide by this commitment they should contact the Branch Office.

Gerry Kandelaars
P&T Industrial Officer

TELSTRA REDUNDANCY AGREEMENT - STATUS -

We have received numerous representations from members regarding the status of the Telstra Redundancy Agreement - 2002 under the Howard Governments Industrial Relations (IR) (Work Choices) Legislation.

The Federal Government's Legislation is extremely complex, being over 650 pages long with over 550 pages of explanatory notes to explain it. No doubt it will be a lawyer's picnic and subject to many legal challenges.

We are not in a position to give members a definitive answer at this stage on the status of the Redundancy Agreement as there is currently a divergence of legal views which go from one extreme to another.

Our advice on the Telstra Redundancy Agreement range from :-

- The new I.R. legislation may make the Telstra Redundancy Agreement unenforceable from proclamation of the legislation.
- The Telstra Redundancy Agreement could possibly be terminated as a result of a review of old Industrial Agreements in three years time.
- The optimist view that there is nothing to worry about.

Clearly the tenet of the Howard Government's I.R. legislation is to attack every employee's current working conditions and entitlements. As such, one would have to suggest that at some stage we will need to defend the existing Telstra Redundancy Agreement.

'FLEXIBILITY' LIKE BOILING FROGS

The Government's nosedive in this week's opinion polls suggests that the voters smell a nasty rat in the Prime Minister's Industrial Relations (I.R.) reforms.

They are right to do so. It is not a great leap of the imagination to think that John Howard dreams o' nights of the laissez-faire labour economics of the 19th Century, when the working classes were grateful for crumbs tossed to them by the top-hatted proprietors of dark, satanic mills.

I find the word "reform" irritating, suggesting, as the Macquarie Dictionary defines it, "the improvement or amendment of what is wrong, corrupt, etc". There is no improvement in this legislation; quite the reverse, unless you believe in a seismic tilt of the playing field in favour of the big boardrooms.

Still more weaselly are the words "choice" and "flexibility", which Howard trots out incessantly, as in "these changes lead to more choice and flexibility for both employers and employees". The phrase is a spin doctor's concoction, intended to sound impressive but in fact devoid of meaning. What flexibility? Where? I do not pretend to have read all 687 pages of the Bill being bulldozed through the Senate, but the only flexibility I can detect is the wriggle-room for an unscrupulous employer to cut wages, to strip away working conditions and to sack workers for "operational" reasons. Whatever that might mean.

Cynically, Howard is counting on these changes to come upon us gradually. It is like setting a frog to boil in a saucepan of cold water.

Kim Beazley parades up and down, rightly promising to scrap the legislation "when I am Prime Minister in 2007". But the most thoughtful critique I have read comes from Andrew Murray, the West Australian Democrat who was on the Senate committee allowed to examine the bill for a scandalously short week.

(article continues on page 3...)

From page 2...

"The Liberal and National parties are assaulting the cultural, economic, social, institutional, legal, political and constitutional underpinnings of work arrangements in Australia," Murray wrote in his dissenting report. "I am certain that these two conservative parties are determined to radically alter our work systems and values."

And the result, as he sees it, will be: "A national system forced onto resistant states; the individual to be fostered over the collective; an individual wage and conditions fostered over the family wage and conditions; disputes going to the courts instead of the tribunals; capital and business given freedom; and labour and Unions' rights and freedoms heavily restricted.

"Unwisely, unprecedented Ministerial intervention will replace a sensitively balanced system where politicians were kept at an arms-length from work arrangements and disputes. The safety net shrunk by three-quarters; the withering away of the award; the decline in real terms of the minimum wage; and the loss of most statutory conditions."

Mike Carlton, Sydney Morning Herald

NETWORK TECHNOLOGY RE-ORGANISATION

Telstra is proceeding to carry out a major reorganisation of the Network and Technology Group nationally. CEPU has initiated discussions with Telstra about the issues associated with the re-org, including how many redundancies may be involved. These discussions have included how Telstra intends to apply the current Redundancy Agreement processes in relation to notification – Individual Redundancies or Site / Function Closure.

The Network & Technology Group currently have some 1950 staff. The re-org of NTG involves the translation of 1,000 staff, with the creation of 600 new roles, leaving some 350 staff potentially surplus.

Branch Officials have had discussions with all involved members to discuss their particular concerns and hear their views. The Divisional Office has also put the following issues to Telstra :-

1. Are these 'Site Closures' ?? At a previous briefing on 24th November, 2005, Telstra management indicated that there would be no 'Site Closures'. Feedback from members in Adelaide clearly indicates that there are likely to be 'Site Closures' here as particular functions will be transferred interstate.
2. The CEPU sought an extension to the period allocated for job applications beyond the six working days provided by Telstra. We sought an extension of at least two additional weeks to allow staff adequate time to prepare applications and for them to be considered properly by Telstra.
3. We also sought clarification from Telstra on the Application of the Telstra Enterprise Agreement (EA) 2005 - 2008, particularly as it relates to internal transfers and redeployees. The CEPU is concerned at what appears to be Telstra's view on the use of the Grandfathering provisions contained in the EA, specifically as it relates to staff applying for positions advertised at a lower Band than that currently held.

We are currently awaiting Telstra's formal response to the CEPU's initial concerns. When we receive their response it will be passed on to the affected members. If there are members affected by the proposed re-organisations within Telstra that would like a site visit by Branch Officials, please contact the Branch Office so this can be arranged.

Gerry Kandelaars, P&T Branch Industrial Officer

OPTUS DISPUTE OVER O.H.&S.

Recently the Branch Office notified the South Australian Industrial Relations Commission of a dispute with Optus over their failure to consultation on Occupational Health and Safety (O.H.&S.) matters as required under the South Australian Occupation Health Safety and Welfare (O.H.S.&W.) Act. The Union met with Optus in a conciliation conference before Commissioner Doyle.

As a result of the conciliation conference Commissioner Doyle issue a statement which accepted that Optus had not complied with process of consultation as detailed in the O.H.S.&W. Act, but, in his view, did not believe that this was undertaken with "malicious intent" on the behalf of Optus. The Commissioner then put a number of recommendations to the parties to resolve the dispute. These are set out below :-

Recommendations :-

In an endeavour to resolve the issues at hand the Commission recommends that the parties meet as a matter of urgency in order to discuss the following matters:

1. The composition and role of the Occupational Health and Safety Committee.
2. The composition of the electorate that goes to make up the designated work group for the election of health and safety representatives.
3. The role of health and safety representatives.
4. The manner in which **s.20 – Employer's Statements for Health and Safety at Work** – of the Act is to be utilised.
5. The process by which interested parties (including the union) will raise issues relating to Occupational Health and Safety.
6. Any other issue, relating to Occupational Health and Safety, the parties deem appropriate.

We will be meeting with Optus in the coming week to go through Commissioner Doyle recommendations to see if we can reach agreement on the outstanding issues.

Gerry Kandelaars
P&T Branch Industrial Officer

BE AWARE - BIG BROTHER IS WATCHING

A little dickey bird has advised us that Telstra is currently conducting a field trial in the Metro Service Area. The trial involves using a staff member's mobile telephone to determine their physical location. We understand that the data will be feed into the "Connect" Dispatch system to notionally improve the flow of work to Service staff.

So be aware, Big Brother REALLY IS watching !!

SPIRIT OF CHRISTMAS

Telstra's local Christmas parties - enjoy it while it lasts!

Telstra has, over recent years, provided a \$25 per employee subsidy towards a Christmas function. It now appears that the spirit of Christmas is not going to be alive and well after this year, at least under this current regime. Apparently the axe wielding management cost cutters have jumped on this little exercise as well, with new guidelines being drawn up about a week ago resulting in this \$25 being the last. For many of the targeted "job cuts" employees, it may well be their 'last supper'.

(article continues on page 4...)

From page 3...

The method of payment to traders who provide the Xmas function by invoice is also handled in the new guidelines. It looks like they won't get their money until at least the end of January, if they get their invoice in by the end of December. The "30 days from the date of invoice" term has to expire, then they get sent their cheque.

We have also been told from a reliable source that Telstra will no longer provide employees who are made redundant with a Service Award and/or gift as has been the practice to date. We wonder what mean spirited toe cutter came up with this one !!

MEMO FROM TELSTRA H.R. :-

I am writing to advise a change to the practice of presenting retirement medallions and gift vouchers. Employees who exit the company by way of redundancy have in the past received a retirement medallion and voucher in recognition of their service. A decision has been made that the retirement medallion and voucher will be provided to employees in recognition of age retirement only and that these items will no longer be provided to staff exited via redundancy.

You do the sums: - If every employee received a Service Award every year, (which is not the case), and if each certificate cost (say) \$3-00 framed, 40,000 x \$3-00 = \$120,000-00 WOW !!!!!!!!

Gifts, I know, can add more dollars, but why do we keep on wondering whether Management have lost the plot when it comes to employee morale, particularly when staff are being involuntary retrenched !!

**John Lee
Branch Secretary**

**BE CAREFUL USING THE EMPLOYER'S
COMPUTERS, e-MAIL, TELEPHONE
SYSTEMS**

Recently a number of Optus members were disciplined by their employer under the Optus Electronic Communications Policy (ECP) and Ethics Policy for using their workplace computers in working hours to participate in a 'closed chat forum'. In this case the employer became aware of the contents of the chat forum, some of which was highly critical of Optus management. Unfortunately this led to a number of members being dismissed and others being given 'first and final written warnings'. Whilst the group, in our view, set up the closed chat forum to enhance their team's relationship with their employer, Optus did not see it the same way.

- * To assist members we again offer the following advice :-
- * The definition of 'inappropriate material' is often open to debate and members often ask us to define the term. Quite simply if the material is not the sort that you would be comfortable showing your mother, spouse, sister, little brother or grand parents, then it is probably 'Inappropriate' to have at work.
- * You can be sacked for being in possession of material at work that is of a sexual nature and likely to give offence to a co-worker. Telstra would quite legitimately claim that they have a legal responsibility to protect staff from this material and may be subject to litigation if they did not take all possible steps to eliminate the material.
- * Ignorance is not a defence. Courts take the view that given the widespread publicity surrounding pornography in the workplace that it is not reasonable for an employee to claim that they were not aware that the material was not allowed.

- * Do not give your password to anyone, and if you suspect that someone has your password, change it immediately. It is often good practice to change your password regularly. In the past, staff have been innocently implicated because someone has used their account to cover their own tracks.
- * If you are called to account over inappropriate material, do not answer any questions until you have sought advice from the Union. Remember this is a serious matter and can result in you losing your job. **Don't take chances.**
- * If you receive suspect material from anyone, do not open it - delete it. If you know the person who sent it, advise them never to send the material to you at work again as they are placing you at risk.
- * Assume that your manager or supervisor can access anything on your computer. You have no legal right to privacy at work when it comes to this type of material. The issue of privacy at work, and monitoring, is one that is still being debated by Employers, Unions and Lawmakers, so until the situation is resolved, **BE VERY CAREFUL !!**

Members should assume that there is no right to privacy when you use an employer's computer, e-Mail or telephone system, including an employer provided mobile phone. Whilst you may not see any harm in a communication you make using the employer's computer, e-Mail or telephone, the employer may not see it the same way. One should always remember that when a particular communication comes to the attention of the employer, the judgement of whether the communication offends or breaches the employer's policy, lays with the management.

So if you have any doubt about the use of the employer provided facilities such as phones, computers, e-Mail, etc, we strongly suggest you seek clarification from your employer, preferable in writing. If you need further clarification, advice or assistance on this matter, please contact the Branch Office.

Gerry Kandelaars, P&T Branch Industrial Officer

**SEVEN STEPS IF YOU ARE INJURED
AT WORK**

1. Fill out an **Incident Report** and give a **copy to your local Health & Safety Representative.**
2. Note any **witnesses.**
3. **Treat every injury seriously** - don't assume it will just go away.
4. **See your own doctor first.** You have a right to do this before going to an employer nominated doctor.
5. **Keep all records** - start a diary if need be.
6. Don't assume the company will look after you - **be prepared to fight for your rights.**
7. **Seek advice** from the Union Office.

**John Lee
Branch Secretary**

**LIBERALS BAN BUSINESS FROM
AGREEING TO BE FAIR**

State Industrial Relations Minister, Michael Wright, says the Howard Government's so-called WorkChoices legislation will punish businesses with a hefty fine if they build a guarantee against unfair dismissal into workplace agreements.

"Many South Australian employers want to do the right thing by their employees - they want to treat their workers fairly, and they are prepared to accept the umpire's decision," says Mr Wright.

From page 4....

"But under the Liberals changes to work laws, unfair sackings will be legalised for those employers who are in charge of fewer than 100 employees.

"Effectively, that means that if two businesses are competing for a valued employee under the Liberal laws choosing the smaller business means less job security than there would be under the larger business - even if one has 101 employees and the other has 98.

"If businesses want to make a legally enforceable promise to its employees by putting it in their workplace agreement - promising that workers won't be unfairly sacked - the Liberal laws will make it illegal.

"Under the Liberals' IR changes, it will be illegal for businesses to make a legally binding promise not to sack workers unfairly.

"Under the Liberals' "WorkChoices" legislation if a business makes a binding promise to do the right thing by its workers it will be fined \$33,000.

"So workers know that if they are employed by a business with 100 or fewer staff, the Liberal legislation means they have can have no guarantee of fair treatment - making it even harder for smaller businesses to get the staff they need.

"It's an outrage that under John Howard's planned work laws promises by small business employers to be fair are banned.

"This is all part of the Liberal attack on the Australian way of life - \$33,000 fines for promising to give workers a fair go.

"We will fight this disgraceful attack on the Aussie fair go in the High Court and in any way we can."

**Michael Wright
South Australian Industrial Relations Minister**

Workers Compensation - Permanent Disability Claims - Put them in NOW!!

The Federal Government has quietly announced new restrictions on lump-sum payments to injured Commonwealth employees.

Comcare's new guidelines were registered recently.

The new guidelines on permanent impairment will make it harder for injured workers to get lump sum compensation - except for military personnel who are exempted from the new scheme.

Lawyer Rachael James, a partner at Slater & Gordon, estimates 80% of those previously eligible for lump sum benefits will now miss out.

"Business and the Federal Government will benefit but the cost will be borne by the families of injured workers," Ms James said.

Comcare says the new Guide follows concerns from medical assessors, the Administrative Appeals Tribunal and the Federal Court.

"The exemption of military personnel from the revised scheme - to take effect from 1st March, 2006, - is a strong indication that the new thresholds for permanent impairment are unfair," Ms James said.

"Without denigrating the role of the military, why should their occupational injuries be treated any differently to those suffered by Telstra technicians or posties or public servants?"

Injured workers covered by the Comcare scheme should seek legal advice on their entitlements well before the changes take effect, on 1st March, 2006.

**Rachael James
Partner, Slater & Gordon Lawyers**

P.S. Members can contact the Branch Office for a referral to Slater and Gordon

ASBESTOS WEEK

Several weeks ago 'Asbestos Week' was observed. The objective of the week is to heighten community awareness of the dangers of Asbestos.

Just last week State Parliament passed legislation which allowed Asbestos victims' families to continue legal claims for damages after the death of the victim. This was a significant win for Asbestos victims and their families and puts South Australian law into line with the Eastern States.

Employees in the Telecommunications Industry have had their fair share of exposure to this dangerous material. In fact South Australia has the highest incidence of Mesothelioma per head of population in the world with over 50 cases a year reported in SA.. Mesothelioma is most deadly form of asbestos related diseases with victim's life expectancy being less than 2 years from diagnoses.

Others suffer from asbestosis, a progressive fibrous disease of the lungs for which no statistical records are kept. The number of mesothelioma and asbestos related lung cancers are rising and are not expected to peak in Australia for up to 20 years. It may take up to 30 years or more for asbestos disease to occur in the body after exposure to dangerous asbestos fibres. It is believed that up to 45,000 people could die in Australia over the next 20 years if no effective medical treatment is found.

Information and Assistance:

The Asbestos Disease Society of South Australia has recently been established to provide assistance and help to Victims of Asbestos and their families and they can be contacted on 8359 2423.

Asbestos Data Base:

Following representations by the CEPU, Telstra Management has confirmed that the company does keep a Telstra Incident data base.

This data base keeps incident records as per the Archives Act. Should members wish to confirm that an earlier asbestos exposure incident is still held, they should write to:

Margaret McKenzie
Telstra Corporation H.S.&E.
Locked Bag 5661
MELBOURNE, VIC. 3001.

(article continues on page 6...)

Smokers Can Sue For Asbestos Damage:

Lung cancer patients are increasingly winning compensation related to asbestos, even if they are cigarette smokers. And Doctors who diagnose lung cancer in smokers are being urged to consider the possibility that their patients might have previous asbestos exposure that has contributed to their condition. The link between asbestos and lung cancer has been recognised by courts in landmark cases. Like tobacco, asbestos is a known carcinogen and lung cancer can be caused by more than one carcinogen.

Medical evidence suggests that exposure to asbestos and tobacco smoke significantly increases the risk of lung cancer. 'Michael' had been exposed to asbestos when he handled brake linings as a motor mechanic and later on at Telecom, where he cut into asbestos cement pits, handled dirty cables and asbestos blankets in enclosed tents and ran cables through areas where the pipes contained asbestos. But 'Michael' believed it would take years to finalise his legal case - longer than he had to live, and leave his family with legal bills. 'Michael' was advised that his family would still be entitled to compensation even if his case wasn't completed before he died. The settlement was fast tracked when it became clear that 'Michael's' health was deteriorating. The case was settled the week before he died, earlier this year.

If you have any questions regarding asbestos, contact the Branch Office.

Children Suffer When Parents Work Long Hours

- A.C.T.U. Family Statement -

The Federal Government is trying to hide the negative impact of its new workplace laws on Australian families by failing to prepare a Family Impact Statement says the A.C.T.U..

Releasing an A.C.T.U. statement on the effects on families of the Government's I.R. proposals in Canberra today, A.C.T.U. President, Sharan Burrow, said :-

"The Prime Minister promised to prepare a Family Impact Statement on important new legislation but has failed to do so for the I.R. changes.

This is not surprising when research shows that job deregulation is bad for families and that children suffer when parents work long hours, on nights or weekends.

Parents that work long or irregular hours are not available for children after school, and especially to help with the homework, not able to attend school functions or sports days and not able to do things together at weekends or eat together as a family.

Other recent research shows that time pressure is the number one issue affecting the quality of people's relationships.

The Government's new WorkChoices I.R. Law will increase the financial pressure as well as the time pressure on working families because many workers could lose weekend, shift, public holiday and overtime rates as well as control over their weekly working hours.

Other negative effects of the WorkChoices legislation that the A.C.T.U. identifies in its Family Impact Statement are:

- * Under the new laws there is no guaranteed right for workers to 4 weeks annual leave or a block of leave for an annual family holiday. Up to 2 weeks of the leave can be 'cashed out' and employers could insist that workers take their annual leave in single days - meaning the annual family holiday will go up in smoke.
- * Parents will lose the right to request an extension of unpaid leave beyond 12 months after the birth of a child.
- * The loss of protection from unfair dismissal for up to four million employees will mean reduced job security and will increase the pressure on families. Some research shows this could potentially lead to a drop in fertility rates.

- * Mothers will be prevented from working for at least 6 weeks after the birth of a child, as it will be compulsory to take (unpaid) maternity leave.
- * There is a massive wages gap between women and men in the workforce and that this is worst for women on individual contracts - the Government's preferred form of employment. Women on A.W.A. individual contracts earn up to \$152-00 a week less than men.
- * Women in small and medium sized workplaces who lodge a sexual harassment complaint against their employer can be sacked without protection from unfair dismissal.

The new I.R. laws are clearly designed to increase business profits at the expense of Australia's working families."

A.C.T.U. Press Release

Work Comes First And Families Last With New Fed. Government I.R. Laws

Family First Senator, Steve Fielding, is right to vote against the Government's workplace changes because they will undermine family life says the A.C.T.U..

Commenting on Senator Fielding's statement today that he will vote against the Government's I.R. laws, A.C.T.U. President, Sharan Burrow, said :-

"The A.C.T.U. congratulates Senator Fielding for taking this stand.

It is heartening to see that Senator Fielding has not only examined the detail of the proposed I.R. laws but has grasped their essential character - these laws attack the Australian tradition of a fair go in the workplace and will upset the balance between work and family life in the Australian community.

While the Howard Government has tinkered at the edges of the legislation with a number of minor changes proposed by the National Party, the fundamental unfairness of the laws still remains.

Senator Fielding is very right. People will have less time for families and less time for any life outside their work under the Government's I.R. changes.

Many workers will lose control over the roster and be forced to work nights, weekends and on holidays as they are forced onto individual contracts that do not provide penalty rates.

The balance of power in the workplace is going to shift decisively towards employers and this means that workers with little bargaining power will be unable to resist directions from their boss to work back late or on weekends.

This will be a problem for working families all year round - not just on Senator Barnaby Joyce's 'iconic' public holidays.

Annual family holidays are also under serious threat by the Government's proposals. A new problem the A.C.T.U. identified in its Family Impact Statement released earlier this week is that under the new laws employers will be able to refuse to give workers an annual holiday.

Instead, employers can cite 'operational reasons' for insisting workers take a day off here and there to use up their annual leave entitlement.

This new provision will especially affect workers in shops, cafés, factories or other businesses which are busy all year round and whose employers find it inconvenient to have staff away from work during holiday periods.

The A.C.T.U. calls on the Government to think again and withdraw the WorkChoices I.R. legislation," said Ms Burrow.

A.C.T.U. Press Release



