

# E-BULLETIN Telecommunications

## #16. Monday 26 October 2015

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### 1. Optus agreement voted up

Optus employees have voted to approve the new Employment Partnership Agreement (EPA) negotiated between Optus and the CWU.

The ballot produced a 94% YES vote with a turnout of 48.25%. The EPA will now go to the Fair Work Commission for approval and will take effect upon the current agreement reaching its nominal expiry date (December xx,) or at a date set by the FWC.



New provisions of the agreement such as the extra week's redundancy pay will be available as soon as the new EPA comes into operation. Pay increases will, as usual, be paid mid-year.

There have been a number of gains for Optus employees achieved in this round of bargaining. Some of them flowed directly from improvements to the Optus Award which the CWU

won during the award modernisation process e.g.

- 30% loading for continuous night shift (previously 20%)
- guaranteed payments for performing higher duties.
- guaranteed reimbursement of travel costs, relocation expenses and of certain health and safety training costs.

#### New leave provisions

Other improvements were not award-related but were achieved during bargaining.

CWU made proposals to Optus in relation to Domestic Violence Leave and Emergency Services Leave. As a result, experience of domestic violence is now explicitly recognised by Optus as a legitimate reason for seeking paid leave, while Emergency Services Leave has been increases from 3 to 5 days (in any 12 month period). Additional Emergency Services leave may also be granted, at Optus' discretion.

In the case of Domestic Violence Leave, the CWU argued for a specific entitlement of up to 10 days paid leave, in line with the provision we negotiated in the Telstra Enterprise Agreement. In keeping with its long standing policy of maintaining management discretion in such areas (except where entitlements are prescribed by law), Optus would not agree to any set amount of leave.

The CWU regards the fact that Optus has explicitly acknowledged the issue of domestic violence leave as a step forward. But the CWU will continue to press for there to be a specific paid leave entitlement in this area, as is increasingly the practice in the corporate sector.

Finally, the new EPA provides new flexibility for employees taking Long Service Leave by allowing them to take a longer amount of the leave (2 months) on half pay.

### **Pay rise**

The established Optus approach to pay involves a guaranteed increase in (minimum) pay rates in line with inflation, with further rises tied to individual performance. This is the formula that will determine pay rises under this latest EPA.

During bargaining, the CWU proposed a 3% minimum rise across the board, irrespective of performance, in line with its belief that there should be a guaranteed real (i.e. above inflation) pay rise for all employees, with any performance-related component of pay being above that rise.

Needless to say, Optus rejected that proposal. The CWU will continue to press this issue with Optus, just as it will with Telstra, which is seeking to spread its flawed performance-based pay system across the whole company.

Meanwhile, Optus members wanting further information about the new EPA should contact their state branch.

## **2. ACMA negotiations: still no agreement**

There has still been no agreement reached between the parties negotiating the new Australian Communications and Media Authority (ACMA) agreement.

The CWU and other unions involved (chiefly the Community and Public Sector Union –CPSU) have been engaged in these negotiations for over a year but the road to agreement has been blocked by the federal government.

As in all other areas of Commonwealth employment, the government is insisting that employees trade-off working conditions for any pay rises, even ones that are below inflation.

And while the government has now said it wants to speed up the agreement process and has moved to ease the cap it has placed on salary rises, it is unlikely that this will mean a quick resolution for ACMA employees.

Meanwhile, changes in government policy seem likely to mean further administrative delays to the bargaining process. ACMA has advised the CWU and other union negotiators that it has been asked to resubmit its latest EA proposal to the Australian Public Service Commission (APSC).

Until the proposal has been ticked off by the APSC, bargaining is likely to stay on hold.



### 3. Bargaining: federal government relaxes wage rise cap

The federal government has relaxed the cap placed on Commonwealth employees' wage rises, raising it to 2%.

Under the Abbott leadership, the government imposed a 1.5% ceiling on any wage rise gained through enterprise bargaining by Commonwealth employees. The policy also required there to be productivity "offsets" i.e. trade-offs of working conditions for any rise at all.



Needless to say, bargaining has ground to a halt under this regime with only a very small number of agreements being voted up by employees since the policy was introduced.

The Community and Public Sector Union (CPSU) which represents many Commonwealth public sector workers, estimates that some 150,000 such employees have gone without a wage rise since 2013.

The new federal Employment Minister, Michaela Cash, says that the changes are designed to encourage agreements to

be made both "quickly and efficiently". It remains to be seen, though, whether employees will be persuaded to accept agreements on these new terms.

The 2% limit is still below the average annualised wage increases (AAWI) in public sector agreements, which reached 3.9% a year in the June quarter and also well below pay rises in private sector enterprise agreements, which have been growing at an average of 3.1% a year ( a low rate, historically).

And while substantial trade-offs are still being demanded in return for the rise, it is likely that many employees will continue to resist agreements they regard as unfair and unacceptable.

### 4. NBN roll-out plans released

Two sets of roll-out plans for the next phase of the NBN roll-out have been released in the space of a week– one set officially and one not.

On 16 October, nbn released details of its proposed construction timetable for the next three years. They can be accessed at [www.nbnco.com.au/3yearplan](http://www.nbnco.com.au/3yearplan).

The plan covers the construction –either completed or commenced – of connections to some 7.5 million premises.

These are in addition to the almost 700,000 premises under construction and nearly 1.3 million premises that are already able to connect to the network.

Contracts for the work have been awarded to Lend Lease (NSW), SA Power Networks (NT/SA), Service Stream (Victoria), QC Comms (NSW, ACT) and Decon (Victoria). These contracts are in addition to those announced in June when work was awarded to Visionstream, Fulton Hogan, Downer EDI, Transfield and WBHO.



If nbn can meet its targets, the total number of premises that will be able to order a service or be under construction by September 2018 will be some 9.5 million.

Inclusion of upgraded HFC networks in the NBN platform mix will of course make the task easier. The nbn plans, which include details of what technology will be used in each roll-out area, show that 3 million of the 7.5 million relevant premises will be connected to HFC.

But nbn Chair, Ziggy Switkowski has already warned that it will take a "heroic" effort for the project to be made available to more than 11 million homes before a 2020 deadline that the government describes as "achievable".

For its part, Labor remains unconvinced. At a recent Canberra hearing, Labor Senators called for the release of a more detailed plan that has been made available to nbn customers (i.e. Retail Service Providers) and which Labor claims shows significant delays between when the NBN would be rolled out in an area and when it would be made available to end users.

NBN chief executive Bill Morrow objected to the release of the document which he argued could lead to customer confusion due to the fact that the dates in the document would necessarily change.

It was subsequently leaked by industry newsletter delimiter and can be accessed at <https://delimiter.com.au/2015/10/21/delimiter-releases-nbn-ready-for-service-info/>

## 5. Technology update: nbn G.Fast trials hit 600Mbps

NBN has hit speeds of over 600Mbps over 100m of nearly 20-year old CAT-3 copper in its first field trials of start-of-the-art DSL technology G.Fast.

G.Fast is a Digital Subscriber Line (DSL) product capable of supporting very high speed broadband over relatively short copper loops.



It is likely to be particularly suited to providing high speed connections in multi-unit dwellings (MDUs) when fibre has been provided up to the Main Distribution Frame (MDF) –typically located in the basement.

But it could eventually be used more widely to supply Fibre to the Node/Curb services as technical problems are resolved.

Industry newsletter *Communications Day* reports that the current nbn trial is taking place in a Victorian office

block that already has a Fibre to the Basement (FTTB) connection and a number of VDSL services in place.

Because G.Fast uses some of the same frequencies as VDSL, technologies (i.e. VDSL “masking”) that prevent interference between the two services have to be used and this limits G.Fast speeds.

Without that masking the national network builder says that full speeds would have been just shy of 800Mbps.

Of course these are still trials and nbn says it is unlikely that a commercial product will be available for a few years yet. In the UK, though, British Telecom says it will begin deploying G.Fast commercially during 2016-17, providing regulatory support for such investment continues.

BT has been trialling the technology across some 2,000 premises since August this year and says it has been reaching speeds of between 300Mbps and 500 Mbps for its customers.

## 6. Three workplace deaths a week in 2015

On average, three workers have died each week in Australia this year as a result of work-related injuries or illnesses.

The highest number of recorded fatalities occurred in the transport, postal and warehousing sector, which have accounted for 42 deaths so far in 2015.

Unions meeting in mid-October to consider health and safety and workers compensation issue said that those numbers showed how much still remains to be done to improve the safety of Australian workplaces.

Data from Worksafe Australia also shows that 531,800 workers are injured – 118,000 of those seriously – each year, costing Australia more than \$60 billion annually.

An additional area of concern that the ACTU conference focused on was workplace mental health and bullying. Despite the introduction of anti-bullying legislation in 2014, unions believe that workplace bullying remains under-regulated and affects both men and women causing long term physiological issues and in the worst cases, death.

In 2012-13 (the latest data available), 9.4% of all serious Workers Compensation claims made by women were for mental disorders and there was a 17% increase in the number of serious claims caused by mental stress.

ACTU Assistant Secretary, Michael Borowick, said that health and safety was another area where the federal government was failing Australians.

“Employers, governments and unions must work together to ensure safety is at the highest level in our workplaces because we can do a lot better than we currently are,” he said.



## 7. Labor wins changes to China trade deal

The federal Labor Party has won significant concessions from the federal government in relation to the proposed China Australia Free Trade Agreement (ChAFTA).

In return for Labour support for the Agreement, the government has agreed to measures designed to provide stronger protections for Australian jobs. These will involve requiring labour market testing before companies operating under the ChAFTA can import workers into Australia, use of enterprise agreements as a reference point for 457 visa workers' salaries and a 90-day deadline on obtaining occupational or trades licences.



The new requirements will be introduced via changes to migration regulations rather than through changes to the ChAFTA itself.

Australian unions have campaigned strongly against aspects of the trade deal which would have exempted certain employers wanting to bring workers into Australia from first proving they couldn't find people in Australia to do the job.

*ChAFTA: Union concerns remain despite Labor negotiated changes.*

Unions have also opposed provisions that would have exempted such workers from Australian licensing standards (e.g. for electrical work).

Responding to the deal, ACTU President Ged Kearney said that despite the measures negotiated by Labor, union concerns continued.

"There are still major gaps for us with the China free trade agreement and we don't think these amendments to the migration bill will fix all of the problems," she said.

As an example she pointed to the fact that workers would still be able to enter Australia and work for up to 90 days without having to meet Australian licensing standards. A further concern is the capacity of the Department of Immigration to actually enforce the licensing requirements.

CEPU National Secretary, Alan Hicks said that the new protections were "better than nothing, but only just".

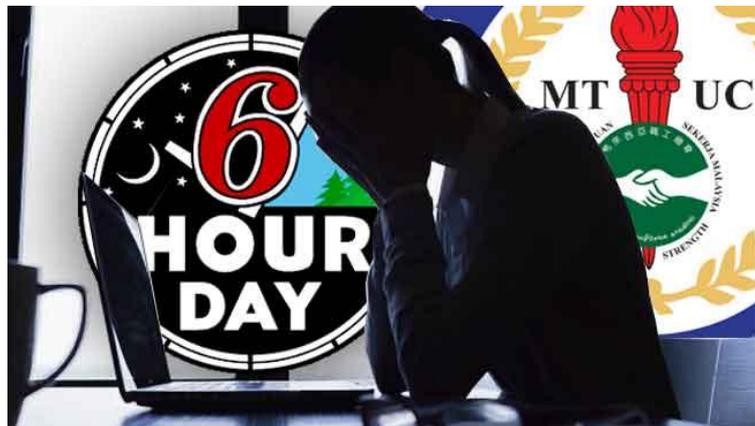
## 8. Sweden experiments with 6 hour working day

While working hours are on the rise for many in Australia and the US, a number of companies and agencies in Sweden are going in the opposite direction.

According to recent media reports, companies which have adopted a 6 hour working day are finding that reduced working hours has no adverse effect on output, with increased productivity offsetting the reduction in working time.

Stockholm-based app developer Filimundus CEO Linus Feldt told [Fast Company](#) they switched to a 6-hour day last year and hadn't looked back.

"We want to spend more time with our families, we want to learn new things or exercise more. I wanted to see if there could be a way to mix these things," he said.



Meanwhile, Gothenburg retirement home Svartedalens is conducting a year-long experiment to evaluate if the cost of hiring 14 new workers to cover the lost hours involved in the 6 hour day is worth the improvements to patient care and employee morale.

Over the course of two centuries working people have fought for the reduction of the working day, from the 14-16 hour days often worked during the early stages of the industrial revolution to the 8 hour day (or less) that is now the norm in most advanced economies.

And for good reason. Recent findings by medical researchers into the effect of longer working hours confirm what those who work these hours know all too well.

A study published in The Lancet in September this year analysed data from 25 studies monitoring the health of more than 600,000 people in Australia, the US and Europe for up to 8.5 years. It found that people who worked 55 hours a week had a 33 percent greater risk of having a stroke than people who worked a 35 to 40 hour week.

It also discovered a 13 per cent increased risk of developing coronary heart disease.

It's time that Australian companies started looking at the Swedish experiments rather than trying to squeeze more and more working time out of employees.

Source: *Sydney Morning Herald*; various reports.

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Yours in Solidarity

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