

# E-BULLETIN Telecommunications

# 12 July, 2017

1. **Network Operations: consultations continue.**
2. **Telstra reorganisation: voluntary redundancies and job swaps.**
3. **Broadcast Australia: negotiations update.**
4. **NBN roll-out reaches halfway mark.**
5. **Unions have win on casual work.**
6. **Uber drivers challenge sham contracting.**

## 1. Network operations: consultations continue.

The CWU remains in consultation with Telstra over the proposed job cuts in Field Service Delivery (FSD), Network Operations.



While Telstra has notified us of its intention to proceed with the major company “transformation” announced in mid-June, no final decision has yet been made in relation to FSD where a total of 145 redundancies is proposed.

In late June, the CWU wrote to Telstra requesting detailed information about current and future operations in Field Service Delivery, with a particular focus on areas where:

- Telstra was performing work under contract to NBN
- External contractors were being employed
- FIFO employees were being used.

Telstra has provided details on NBN contracts but says that information on external contractors or on FIFO employees is not relevant as Telstra simply intends to keep using a mixture of work arrangements, as it does now.

The CWU’s view, of course, is that Telstra should not be engaging contractors in areas where it is making staff redundant or using the FIFO model to undermine local employment.

The CWU is currently reviewing the information that Telstra has provided prior to meeting again on these issues on Monday 17 July.

## 2. Telstra reorganisation: voluntary redundancies and job swaps.

Since Telstra announced the proposed redundancies that will flow from its extensive reorganisation, the CWU has received a number of inquiries about the voluntary redundancy and job swap processes.

The options for voluntary redundancy and swaps are provided for in the Telstra Enterprise Agreement (TEA) where they are recognised as measures that can be used to mitigate the impact of redundancy.

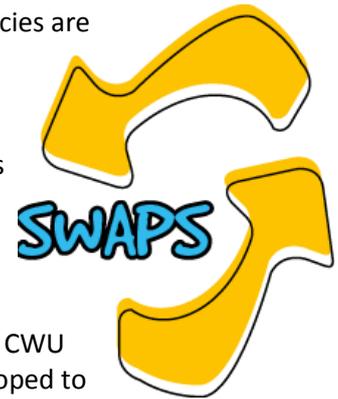
While the TEA doesn't oblige Telstra to accept volunteers or swaps, Telstra does at least have to *consider* these options (Clause 40, Section 8). In the CWU's view, this means, at a minimum, considering employees' preferences seriously and trying to accommodate them where possible.

The fact is that Telstra seldom has trouble finding volunteers when redundancies are announced. On the contrary, a number of recent offers have been "oversubscribed".

This hardly reflects well on the state of morale in the company. It also creates problems for those looking for job swaps. If no one wants to stay the swap option can evaporate.

Location-independent working, on the other hand, should broaden swap opportunities for both those wanting to stay and those wanting to leave. The CWU believes that more use should be made of this option and mechanisms developed to facilitate it at a national level.

In the meantime, CWU branches may be able to assist members with swaps at state level if they know members' preferences. Members wanting to explore this option should contact their state branch.



### 3. Broadcast Australia: negotiations update.

There have been no further negotiating meetings with Broadcast Australia (BA) since the E-bulletin last reported on progress in bargaining for a new Enterprise Agreement.



A meeting is currently scheduled for Tuesday 18 July. In the meantime, the CWU and other bargaining representatives are considering a number of changes in wording between the current EA and the draft provided recently by BA.

These have appeared unexpectedly in the draft without any discussion or notification. The CWU will be seeking to clarify the intent of these changes at the coming meeting as well as continuing to pursue its pay claim.

### 4. NBN roll-out reaches halfway mark.

The roll-out of the NBN has reached its halfway mark with over 5.7 million premises now passed and ready for service.

According to nbn CEO Bill Morrow, the company is now adding up to 100,000 new properties to its footprint each week – a build rate which will have to be maintained, if not increased, over the next 12 months if it is to achieve its aim of having three quarters of the network built by mid-2018.

The company offered no new national figures on activation rates i.e actual take-up of retail services over the NBN, but Morrow did say that in areas where the 18 month conversion "window" had closed, 3 out of 4 premises had taken up services.



This is well above the target national activation rate for 2017 of 43%. But it must be remembered that that figure takes into account the lag in take-ups once an area is declared ready for service.

The longer-term issue is what the activation rate will be when the project is complete i.e. the network fully operational and all migration has been taken place.

The NBN's business case continues to be based on the assumption that, into the indefinite future, only 15% of premises will rely entirely on wireless broadband rather than take up NBN services. But industry analysts believe the figure is already closer to 20%...and rising.

## 5. Unions have win on casual work.

Casual employees covered by modern awards will have greater access to permanent employment following a recent Fair Work Commission (FWC) decision.

In a decision issued on 5 July, the FWC determined that all modern awards should have a clause providing for casual employees to seek conversion of permanent full-time or part-time status. Unions say the decision has plugged "one small hole" in the Australian jobs market.

## OPPOSE JOB INSECURITY AND CASUALISATION

While casual work is not common in the telecommunications sector it is widespread in the economy as a whole, along with other forms of insecure employment.

Unions estimate that in fact some 40% of the workforce is now in

insecure employment. That puts enormous pressure on wage levels across the board.

The new modern award clause is not as strong as it should be. It only applies to those who have been working as a casual in a job for at least 12 months and it provides a number of "get-out" avenues for employers.

But it marks a significant push-back against a trend that is denying millions of workers access to basic entitlements such as paid sick leave and carer's leave and preventing them from establishing predictable income flows and work/life balance arrangements.

## 6. Uber drivers challenge sham contracting.

In another move aimed at stemming the tide of precarious employment, Uber drivers have gone to the Fair Work Ombudsman, claiming the companies labour practices amount to sham contracting.

Representatives for the drivers say that they are being underpaid and denied entitlements because they are being classified as contractors when they are really employees.

RideShare Drivers United (RSDU), one of the drivers' representative organisations, says that Uber is acting in breach of workplace laws in treating the drivers as contractors when in fact they have no say over pricing and other important business decisions that an independent contractor would be able to make.

"Uber classify drivers as self-employed," an RSDU spokesperson said, "just so they can avoid paying fair work entitlements, underpay workers and flood the streets with drivers."

"The workforce is cheap when you don't have to pay fair work entitlements."



The case will be an important test of a business model that has successfully ridden the wave of smartphone take-up over the last decade.

The “digitally disruptive” businesses of which Uber is only one example were initially hailed as a “win-win” for consumers and workers alike. Now they are increasingly being seen as the modern equivalent of the unregulated factories of the early industrial revolution.

**We welcome your comments and contributions –  
send us an email and let us know what you think  
via [enquiries@cwuwa.org](mailto:enquiries@cwuwa.org)  
Check out our webpage at [www.cwuwa.org](http://www.cwuwa.org)**

Regards,  
Clinton Thomas  
Branch Organiser – Telecommunications  
0429 036 736