

E-BULLETIN Postal

Thursday, 15 October 2015



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1. Postal reform

The CWU has had a number of meetings with Australia Post to discuss issues arising out of Postal reforms. The union has secured a number of commitments from Post, such as No forced redundancies. We hope to provide a detailed report to Members over the coming weeks.



The Postal reforms include the introduction of a two-speed letter service and implementation of operational changes following the passage of regulatory reforms through Parliament and a review of the proposed price increase by the ACCC.

2. Summer and skin cancer



It looks like it's going to be a very hot summer, with all States already clocking up days of 30 degree plus temperatures and burning sunlight.

The CWU has raised concerns many times about Members working outdoors as temperatures during the summer months reach record highs. CWU Members must be protected against heat stress, sun exposure, dehydration and other hazards.

If you or your Work Group Members are going to be at risk of being exposed to UV radiation, then you should raise the issue with your HSR and local health and safety committee. Sun exposure is well established as the major cause of skin cancer in Australia. Those who work outdoors most of the time such as, posties are at the greatest risk but those who work outdoors part-time are still at risk.

Conducting an ultraviolet (UV) risk assessment in the workplace will identify those employees who have a higher risk of exposure to UV radiation and the situations and work systems that have a higher exposure to UV radiation. The Post manager and/or HSR can conduct the assessment.

Once the level of UV radiation risk in the workplace has been identified, control measures can be implemented. It is recommended that a combination of control measures be used. For example:

- the use of natural and/or artificial shade – take short breaks in shaded areas when UV rays are most intense, film tinting for van/truck windows,
- administrative and procedural measures – try to reduce outdoor work when UV rays are most intense,
- personal protection – hat, sunscreens, lip /eye protection, appropriate clothing to screen out UV radiation and cool in hot weather.

On days of extreme weather managers should conduct a risk assessment in conjunction with HSRs and make necessary adjustments and give workers advice and safety instructions.

State and Territory Cancer Councils offer workplace training to help educate organisations and workers about the harmful effects of UV radiation. Ask your manager to invite them to your workplace.

Contact your local HSR or State Branch of your Union if you want advice before you step outside.

3. Tea breaks – What are you entitled to?

An employee's entitlement to a tea break has generated some issues in Post Offices for part-time workers. The issues relate to whether part-time workers are entitled to a paid tea break.

The Enterprise Agreement commits Post to maintain tea break arrangements that apply at individual workplaces.

Despite what workers may or may not be entitled to under the Post EA, Post still has the 'duty of care' under the WHS Act to provide safe systems for work for employees. This includes ensuring that workers have adequate rest breaks or rest periods to control risks, to relieve fatigue.



Where current arrangements do not include a tea break, rest periods should be taken when workers are showing signs of fatigue and reduced performance.

An employee who works between 3 and 5 hours on a day should be entitled to a paid tea break for rest.

Post has no problem with Post Office workers working past their finishing time for no pay. Part-time workers don't walk off the job at their finishing time. They finish serving customers. They balance up, lock their drawers in the safe, close the doors etc. But they are not paid for work beyond their finishing time. They should be allowed a paid tea break.

4. Purchased leave arrangements changed



Post has unilaterally decided to introduce new requirements around the taking of Purchased Leave (48/52).

Initially, Post was proposing that an employee must have less than 20 days recreation leave and long service leave **(combined)** to be eligible for purchased leave.

The CWU successfully negotiated long service leave out of it completely and changed the 20 days to 40 days so that an employee may have 40 days accrued recreation leave and still be eligible for purchased leave.

Purchased leave provides 4 weeks unpaid leave per year to help Postal workers balance their work and family and private lives. A worker accessing 48/52 receives their normal base wage but with an automatic deduction for a 12 months period to cover the 4 weeks leave without pay. Tax is calculated on the reduced amount. All permanent full-time and part-time employees can apply for 48/52 mode of employment. Applications should be submitted by 31 October for the following year.

Purchased leave is an initiative negotiated by the CWU to help meet the individual needs of Members.

5. Facebook bullying



The Fair Work Commission has held a pattern of office snubs and innuendo suggesting a sexual relationship was bullying, and has said Facebook de-friending was also indicative of such unreasonable behaviour.

Deputy President Wells accepted that the employer (a real estate agency) had de-friended the employee on Facebook immediately after an incident between them and said that the action "evinces a lack of emotional maturity" and was "indicative of unreasonable behaviour".

DP Wells found the employee was subject to unreasonable behaviour "over an extended period of time" that was belittling, rude, ignoring and damaging to her reputation and which posed a risk to her health and safety. The employee was diagnosed with depression and anxiety.

The case is interesting because it is the first instance of stop-bullying orders that were not first determined by consent.

The case also raises some interesting issues about how people deal with each other, both on and off social media.

6. China free trade agreement will cost local jobs

A report into the China-Australia Free Trade Agreement (ChAFTA) has found there are legitimate concerns that without labour market protections the Turnbull government will “invite a wave of Chinese workers into Australia”, driving down local wages and conditions.

The report found that unless employers are required by law to prove a skills shortage exists, it will be "entirely possible" under the FTA for a hospital or care home, for example, to simply choose to replace its Australian nurses with Chinese nurses.



Engineers and "most trades" will also be exposed to direct competition from imported Chinese labour under the FTA as it is currently drafted.

The FTA prevents the Australian government from putting any cap on the number of 457 visas issued to Chinese workers in two critical lower skilled categories: "contractual service suppliers of China" – basically trade qualified workers and "installers and servicers of China" – low skilled workers who will be able to access temporary visas.

The report gives support to unions and Labor to back up their efforts to get labour market testing put into law. Labour testing is designed to prevent an employer from preferencing an overseas worker over a local worker.

The politically explosive report is by employment migration expert Dr Joanna Howe, a senior law lecturer at Adelaide University and Rhodes Scholar who has advised the current Coalition government on its temporary worker 457 visa program. The report was commissioned by the Electrical Trades Union but the union had "no editorial input into the researching and writing of the report", said Dr Howe.

We welcome your comments and feedback.

Send us an email and let us know what you think via cwuwa@iinet.net.au

Check out our webpage at www.cwuwa.org

Yours in Solidarity

Barry McVee
Branch Secretary