E-BULLETIN Telecommunications

#2. Friday, 19 February, 2016

1. CWU meets with Telstra on workforce planning

The CWU met with Telstra on Thursday 18 February to seek information about the employment implications of Telstra's new contracts with nbn.

Late last year Telstra was awarded two contracts for maintenance of sections of the nbn network which involve the ongoing use of Telstra copper – a Copper Sub-Loop Agreement and an Operations and Maintenance Master Agreement.

The Copper Sub-Loop (CSL) Agreement basically extends the Interim Maintenance Agreement with nbn which Telstra signed up for late last year. It involves the maintenance of those sections of the FTTN network that lie beyond the node but which have not yet been declared fully Ready For Service (RFS). It can potentially operate – and so provide work to Telstra members – until the roll-out in all areas currently served by copper is finished (currently scheduled for 2020).

The Operations and Maintenance Master Agreement (OMMA) contract relates to ongoing work on the wireline sections of the nbn once an area has been declared Ready For Service.

The initial contract is for four years and accounts for roughly half of the total copper-based work that will be available over that time. The rest of the work will be shared between contracting companies BSA and Service Stream.

Areas within the NBN footprint which will be served by HFC – ie some 34% of total premises, located predominantly in metro areas – have not yet been allocated.

Obviously these contracts represent work opportunities for CWU members. At the same time they bring into focus questions around the longer term impacts of the nbn project on employment in Telstra.

For instance in areas such as Perth and most of metropolitan Victoria and NSW Telstra has not won OMMA work. While in the short-term there will continue to be work in these areas under the CSL contract, in the longer term a significant retraining effort will be necessary if there is going to be work in Telstra for current CFW workers.

Some retraining has of course already been done under the 2011 agreement with the Commonwealth. But the pace will need to pick up over the next 18-24 months if jobs are to be retained.

The CWU will continue to engage with Telstra on these issues. The union understands that the company intends to provide detailed briefings to employees about the new contracts in the coming weeks.

2. Telstra travelling time policy: no change for “itinerant” workers

Telstra has agreed to modify proposed changes to its former Network Construction travelling time policy following representations from the CWU.

Late last year, Telstra signalled that it wished to make Excess Travelling Time arrangements consistent across the company and to bring policy for employees in what was once the Network Construction (NC) group into line with those in other sections of the company.

The CWU argued that the NC arrangements had been developed to reflect the fact that the NC employees had different working arrangements from those in the Customer Field Workforce and were typically itinerant, with no permanent “head station” or fixed work area.

Telstra has now acknowledged that a one-size-fits-all approach will not work and has agreed to retain the provisions of the NC Travel Policy (now the Networks Delivery Travel Policy) for employees engaged in such work.

The company is still seeking however to develop new arrangements for employees in Customer Service Delivery who may previously have worked under the NC policy. In particular, Telstra is proposing changes to CSD Wideband employees who work largely in the Sydney CBD.

The CWU will be consulting with members affected by this particular proposal in the coming days.

3. Canberra CSIRT members have win on rosters

After a lengthy period of consultation, CWU members in Canberra with the support of the union had a great win regarding a major change to their 24/7 roster.

In November last year, Telstra management informed employees in its Computer Security Incident Response Team (CSIRT) that it wanted to reduce the number of their night/evening shifts and increase the day shifts of their 24/7 roster.

CWU members said that the rosters were unacceptable from a Work Health and Safety point of view.

After several emails and members’ meetings with Telstra management and Human Resources, the union and members took the matter in hand and themselves created various rosters that met all operational requirements without compromising health and safety.

The result was that Telstra management accepted a roster from our members that not only met its business needs, but also met work life balance needs for the CSIRT employees in Canberra.

Attention Telstra management: win/win outcomes are possible when employees and their representatives are involved in problem solving.

4. Visionstream (Silcar Telepower) agreement update

Negotiations are continuing for a new agreement to cover employees in what was the Silcar Telepower Group, now part of Visionstream/Ventia.

The CWU and other individual employee representatives met for a full day face-to-face negotiating meeting on 10 February.

Discussions focussed around the following unresolved issues:

- **Shift provisions**. Employees are concerned that the company may force them onto shift arrangements where none currently exist. The CWU has proposed a clause that would ensure that shift work was voluntary.

- **On-call.** Management want to introduce on-call provisions into the EA. Employees are concerned this may undermine current recall conditions. Progress is being made on this issue but no final agreement has been reached.

- **Classification structure.** Management wish to introduce a new structure and a policy which would allow employees to be downgraded from their current positions if they do not meet certain skills requirements in a set period. Discussion of this controversial proposal is still at an early stage.

- **Consultation.** The CWU is seeking to strengthen the consultation (major change) clause to allow consultation to take place before final decisions are made by management.

There has been no discussion of pay rises yet but the CWU anticipates this will be on the agenda for the next meeting which is scheduled for Tuesday 23 February.

5. Telstra contractor dies after fall from tower

The death of a Telstra contractor while working on a mobile tower in the Northern Territory has highlighted the risks involved in much telecommunications industry work.

The 43 year old man was working at Adelaide River, about an hour south of Darwin, when he reportedly fell some 50-60 metres from the tower to the ground.

The incident is being investigated by local authorities and by Comcare but as yet the CWU has not been able to get any information about the circumstances and likely causes of the fall.

The incident does, however, raise obvious questions for both Telstra and its contractor Aussie Build, about the level of training and supervision being made available to contractor employees and subbies, especially those working in remote locations.
Cutting corners on health and safety is endemic in the telecommunications contracting sector, as the nbn asbestos issue showed not long ago.

Correct health and safety procedures are potentially a cost to the contracting company, as is training and appropriate supervision of sub-contractors. Little wonder then that lives are put at risk, especially when there a few or no witnesses to dangerous work practices.

As of last week, Telstra had stood down Aussie Build, in line with its standard procedures in such circumstances. But Telstra has itself a duty of care here which, unlike Telstra jobs, cannot be contracted out.

The CWU expects to be fully briefed on the causes of this shocking incident once they are established and will be closely monitoring the steps Telstra takes to ensure it cannot be repeated.

6. REMINDER: Health and Safety Training

The CWU is currently coordinating a programme of training for Health and Safety Representatives (HSRs) in Telstra.

If you are a Telstra HSR and

- were elected after 1 January 2012 and
- have not yet undertaken an approved training course

you **must be trained** in order to be able to exercise your full powers under the Act.

If you are in this position, you are encouraged to contact the CWU State Branch Office immediately. There are still places on the next course the CWU is organising.

Remember:

- You cannot function fully as an HSR if you have not been trained.
- You have the right to choose what course you attend.
- Telstra must cover all costs associated with your training.
- You do not have to be a CWU member to attend this course.

Contact Clinton Thomas at clintcwu@iinet.net.au **for further information.**

7. nbn lifts run rate, revenues

nbn has reported significant improvements against key performance measures in results announced earlier this month.

nbn released its half yearly results on 5 February. They revealed strong growth in connections, activations and in revenues for the 12 months up to 31 December, with the number of actual nbn customers growing 128% to a total of 736,000.

Revenues grew even more quickly, increasing by 152% over the same period, with the rise reflecting not only the growth in activations but also a growth in Average Revenue Per User (ARPU) as customers take up video and streaming services.

The growth in activations in part reflects improvement in the percentage of premises passed that are actually Ready For Service (RFS).

As E-bulletin readers may recall, in the earlier phases of the roll-out pressures to reach "premises passed" targets saw a large number of premises passed but not actually connected to the network. nbn has now made the connection of these premises a priority.

But meeting connection targets will of course also be easier as the FTTN and HFC platforms are rolled-out. FTTN was launched 21 September 2015 and has already achieved 123.5k premises RFS by 31 Dec 15, with some 34k more added in January. A sharp acceleration of these connections and related growth in revenues can be expected in the coming 12-18 months.

Whether such growth will make the nbn business any more secure is another question.

nbn's business case continues to assume that only 15% of households with be mobile only by 2020. But as analysts have pointed out, the growth in mobile capabilities and the decline in mobile prices continue to pose a major challenge to these projections and to assumptions about nbn utilisation levels more generally.

8. NBN worth only half its build costs, say analysts

A report prepared for government agency Infrastructure Australia has found that, after it is completed, the NBN network will probably be worth only half as much as it will cost to build.

But that shouldn't stop it being privatised, according to the agency's report.

Leading consultancy firm Price Waterhouse Coopers (PwC) conducted the valuation exercise for Infrastructure Australia.

It estimated that the NBN will be worth some $27 billion in 2024-25 – a figure based on earlier modelling of the network's likely earnings at that time.

The current estimate for the total cost of the construction is some $56 billion.

Industry analysts have voiced some doubts about the PwC estimate – but not necessarily on the up side. In fact some recent estimates have suggested that the government might raise as little as $20 billion from a sale.

Full privatisation of the NBN at some point in the future is the policy of both Labor and Coalition parties, which the question of timing being less certain in the case of the latter. But if the PwC estimates are anywhere near correct, the sale is set to crystallise major losses to the public purse, probably in the form of a pre-sale write-down of the value of parts or all of the network.

Speculation about such a write-down has been circulating in the industry for some time. It is regarded by many not as a matter of if, but when.

In the end, the timing of any future sale may be determined by estimates of whether nbn's future revenue targets are achievable or whether they will be progressively undermined by the rise of wireless services – and if so, how quickly.

The next few years will be interesting, irrespective of which government is faced with this unwelcome challenge.

9. Social media: employee's posts sink chances of reinstatement

After a particularly bad day at work, it's tempting to let off steam on social media.

But, as a steady stream of cases is showing, such posting in anger is bad for employment prospects.

In one of the latest cases, the NSW Industrial Relations Commission (IRC) determined that even if it had found an employee was unfairly dismissed, his Facebook posts calling his employer a "bastard" and "criminal", after the dismissal, would have ruled out reinstatement.

The case involved an employee of the NSW State Transit Authority who was dismissed for removing lost property without authority and failing to ensure he had removed the correct items. The IRC's Commissioner Newell said that that the STA's action was "disproportionate and inappropriate".

But the Commissioner said that the employee's subsequent behaviour justified dismissal and prevented reinstatement.

First of all, he had not been completely truthful with the employer about the incident.

And then to make matter worse, he had, after his dismissal, made two posts on his Facebook page that remained visible for months.

The first named his employer's general manager of fleet operations and the officer who investigated his conduct and the second criticised the STA as "bastards" and "they are really criminal with stars".

Not even the most "elastic" approach to an employment contract could survive that, Commissioner Newell said as he dismissed the reinstatement claim.

Moral: think before you post.

Source: Workplace Express

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send us an email and let us know what you think via cwuwa@iinet.net.au
Check out our webpage at www.cwuwa.org

Regards,

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