E-BULLETIN Telecommunications

#1. Friday, 5 February 2016

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1. CWU seeks clarification of new Telstra/nbn contracts

The CWU is seeking clarification from Telstra about the implications of new nbn contracts announced late last year.

In late December, Telstra announced that it had signed two new contracts with nbn for maintenance of elements of the nbn network.

Telstra said that the first contract, which will run for 3 years, would involve fixing faults on the copper network and undertaking a small number of new connections for services that are yet to transfer to the NBN.

The second contract will run for four years and see the company fix line faults and connect new homes and businesses for a range of technologies.

Both include the option for renewal of contracts at the end of their initial term.

Telstra also announced that it has signed a memorandum of understanding with nbn covering the design, engineering and construction management of the NBN network in the HFC footprint covered by the existing Telstra HFC network.

The two maintenance contracts are estimated to be worth some $280 million to Telstra over the next four years. But the big money is in the HFC contract. Although this is yet to be finalised, industry sources have estimated its value to be between $1.5b and $1.8b.

So who will be doing what work?

While it is obviously in the interest of CWU members and other Telstra employees that Telstra has an ongoing role in nbn construction and maintenance, it is not clear how much of the work involved will be given to internal staff and how much will be contracted out.

The CWU will seek details of Telstra's workforce planning in this area and assurances that there will be better use of the skills of its internal workforce than we saw during the round of redundancies last year.

2. Telstra voluntary redundancies: what is the proper payout?

The wave of voluntary redundancies in Telstra late last year raised some unexpected issues about the correct interpretation of the new Enterprise Agreement in the case of voluntary redundancies (VRs).

As reported in the last E-bulletin for 2015, in some sections of Telstra employees taking voluntary redundancy were informed by management that there was no point in their going into the Placement Period (PP) and that their payout would therefore not include the 4 weeks payment which would normally accrue to them while they did so.

While it obviously suited some employees to leave the company without going through the 4 weeks PP, employees in some sections of the company were not given this option and so missed out on 4 weeks' pay.

In the CWU's view, the new EA does not give management the discretion as to whether or not an employee enters the PP. Clause 43.4 specifies that even in the case of voluntary redundancy, employees go into the PP, like it or not!

And while Clause 49.7 provides that Telstra may "allow" you to leave the PP early, that's not the same thing as saying you have to leave early – or not go into the PP at all.

Telstra has undertaken to address this issue for all future cases of voluntary redundancy. But that still leaves the issue of last year's VRs. Members knowing of any cases where any of these former employees want to pursue this question should contact their state branch with details.

3. Silcar Telecommunications (Visionstream) EA negotiations underway

Negotiations for a new Enterprise Agreement to replace the current Silcar Telecommunications Enterprise Agreement 2012 are now underway.

Silcar was merged with Visionstream last year as part of the restructuring of the Leighton's group of companies. The new merged entity is called Ventia.

For the time being, at least, the employees covered by the current Silcar Telecommunications EA will continue to have their own agreement, reflecting the specialised work (largely telecommunications power maintenance services) performed by the group.

The CWU has attended three EA bargaining meetings, a full day face-to-face meeting on 21 January and two phone hook-ups on 28 January and 3 February. A further full day meeting is scheduled for 10 February.

The meetings are also being attended by a number of other employee representatives drawn from across the company. The CWU is looking to find common ground with these representatives in order to maximise the overall strength of the employee position.

At present the two issues causing most concern to employees are management proposals to introduce a new classification structure and to introduce on-call provisions into the EA (none presently exist). As yet the question of wage increases has not been opened up.

CWU members covered by this agreement and wanting input into these negotiations should contact their state branch now.

4. nbn employees get further wage increase

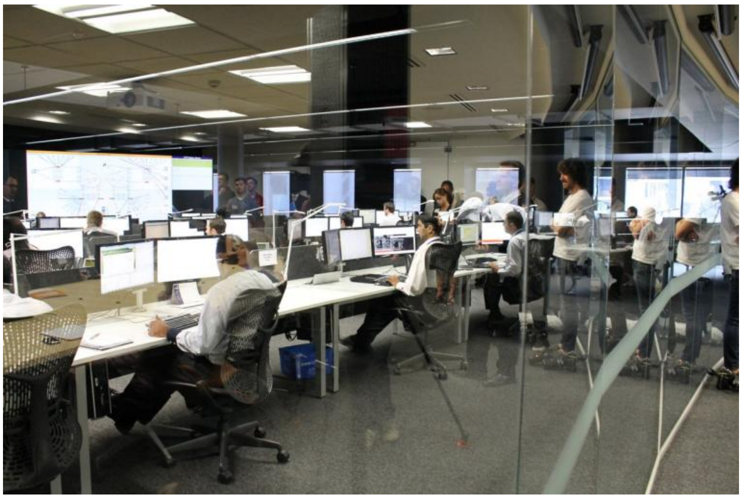
Employees covered by the nbn CEPU Technical Employees Agreement 2015 will get a boost to their expected wage increase following a successful application to vary the agreement.

nbn made the formal application to vary the agreement after the Commonwealth government relaxed its bargaining policies to allow a (slightly) greater increase than it had been offering during most of 2015, when the current agreement was being negotiated.

At that time, the federal government had set a 4.5% cap on total wage rises over three years. nbn's best offer was an increase of 4.5% over three years (2.5%, 1% and 1%), in line with the total.

This led to a stalemate in the Commonwealth's negotiations with the majority of its employees, leading the government to up its offer in October last year to a total 6%.

The nbn CEPU Technical Employees Agreement 2015 provided for wage rises of 2.5%, 1% and 1% - an offer which the CWU regarded as unacceptable but which at least did not involve any trade-offs of conditions.



nbn Network Operations Centre: employees covered by the nbn CEPU Technical Employees Agreement will get a further payrise above that negotiated last year.

The variation to the agreement means that relevant employees will now get increases of 2.5%, 2% and 1.5% over the life of the agreement.

5. Leighton's restructure complicates bargaining

The ongoing restructuring of Leighton Holdings continues to create delays in enterprise bargaining with the groups within the company.

Following the takeover of the group in 2014 by Spanish interests, Leighton subsidiary John Holland was sold off and a decision made to bring its remaining construction operations into one division. This has seen Theiss, which had already taken over Silcar in 2013, merged with Leighton Contractor Services and Visionstream to form Ventia last year.

The new structure has not to date caused problems in negotiations with the part of the new entity covered by the current Silcar Telecommunications Agreement, largely because of the distinct nature of that section of the business (ie telecommunications power maintenance and repair).

But renegotiation of the Silcar Communications Agreement is likely to be more difficult as the new EA will involve the merging of groups of employees already doing similar work but on different conditions.

The Silcar Communications Agreement has already reached its nominal expiry date and the CWU is seeking to progress negotiations so that employees are not put at a disadvantage in relation to pay rises. Preliminary discussions have been held.

Members wanting to contribute to the negotiations should contact their state branches.

6. Kordia Maritime agreement close to finalisation

The CWU is close to finalising a new enterprise agreement for members in Kordia Maritime Safety Communications System (Kordia MSCS) after a long period of negotiations.

The current Kordia Maritime agreement reached its nominal expiry date in June last year and bargaining has been ongoing since that time.

The new agreement is set to close the pay gap created by that delay, with payrises backdated to 1 July 2015.

The proposed agreement will deliver two rises of 4% per annum for 2015-16 and 2016-17 together with improvements to annual leave loading.

The CWU anticipates that the new agreement will be ready to go out to employees for approval in the next few weeks.

7. Attention Health and Safety Representatives

The CWU has received a number of queries from Telstra members about the training rights and requirements for Health and Safety Representatives (HSRs) under the current *Work Health and Safety Act 2012* (WHS Act).

The Act was introduced by the former Labor Government and took effect from 1 January 2012.

It provided for HSRs who had already been trained under the earlier legislation to do a short bridging course so as to be able to exercise all their powers under the new laws.

It also stipulated that any HSR elected after 1 January had the right to attend a training course of his/her own choosing, with the employer obliged to pay the costs of the training.

Any HSR who has not yet undertaken either the bridging training or, in the case of those elected after 1 January 2012, a full training course should contact the CWU immediately so that training can be arranged.

REMEMBER:

- You cannot exercise your full powers under the Act (issue a PIN, direct that work stop) unless you have undergone the required training.
- The HSR has the right to nominate the particular training course he/she will attend. Contact the CWU for advice on union-endorsed HSR training courses.

8. Still no agreement on ACMA EA

Union negotiators for a new Enterprise Agreement in the Australian Communications and Media Authority have still not been able to reach an agreement that can be recommended to members and other ACMA employees.

Negotiations have now been going on for nearly two years. The stumbling block remains Coalition government policy which has involved Commonwealth employees being forced to trade off long-held conditions in return for meagre pay rises.

Even though the government relaxed its policy slightly last year to allow a 6% pay rise, as opposed to 4.5%, over three years, CWU members still oppose trading off conditions to get the rise.

The latest indications are that ACMA will put the EA out to employees for a vote by the end of February – with or without agreement with the CWU and other involved unions. The CWU will make a recommendation to members as to how to vote if and when bargaining is concluded.

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,

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