

E-BULLETIN Telecommunications

Friday, 1 April 2016

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1. CWU meets with Optus on company restructure

The CWU met with Optus via teleconference on Friday 18 March to discuss job losses arising out of a proposed company restructure.



Last month the media carried reports that Optus was planning to slash staff numbers by up to 1,000, a figure that would represent over 10% of its current staff.

Optus has now told the CWU that it is unlikely that job losses of that magnitude will occur.

But it has confirmed that a company-wide restructure is underway involving most areas of its operations and that several hundred jobs are definitely at risk.

Optus insists that at this point no final decisions about the numbers and locations of any redundancies has been made, although obviously the process is well advanced. It appears likely that some degree of outsourcing and offshoring will be involved, but again no detail was provided.

The CWU continues to regard the level of information being provided by Optus as inadequate, especially given the wide publicity that the proposed cuts have received.

The union has also reiterated its view that such cuts are counterproductive in an environment in which Optus is trying to expand its customer base and where TPG is nipping at its heels. But while not dismissing the CWU's arguments, Optus clearly intends to seek savings through what is potentially a self-defeating strategy of staff reductions.

A further meeting has been scheduled for 30 March at which the CWU hopes to receive detailed information about the scale and location of any job losses.

2. Telstra flags redundancies in Defence Engagement

The CWU has met with Telstra to discuss proposed changes to operations in Defence Engagement.

In 2013, Telstra won a \$1.1 billion contract with the Department of Defence for supply telecommunications, network and mobile services. At the time, the six-and-a-half year contract represented the “largest customer undertaking” Telstra had ever taken on, according to then Telstra CEO David Thodey and involved the creation of 350 new jobs in Telstra.

Telstra has now notified the union that following an internal review of this area of its business it has made an initial decision to make the following changes:

- A reduction of 24 roles across Service Operations and Business Enablement;
- The creation of 7 new roles; and
- Movement of some teams of employees into the relevant areas of Telstra, in Telstra Operations or Global Services.



Telstra says these last changes are reporting line changes only and will not have a significant impact on employees.

The CWU met with Telstra over these changes on Wednesday 16 March. Telstra told the union that the number of roles affected is now 23 rather than 24 and that the bulk are located in Canberra with a small number in Melbourne (in Procurement and GES).

There is no offshoring or outsourcing involved.

Employees working in this area are generally required to have security clearances and, as Telstra acknowledges, this is one good reason for keeping them in the company. The union believes that Telstra should be aiming for a high level of retention of these staff – depending, of course, on employees’ own preferences.

CWU members affected by this restructure and wanting advice on their options should contact their state branch.

3. Visionstream Telecommunications: EA report

Negotiations for a new Enterprise Agreement in Visionstream Telecommunications (formerly Silcar Telepower) have been underway since late last year and are now moving towards a conclusion.



The week beginning 14 March the CWU has been consulting with members and other employees over the contents of a draft agreement.

There are still some matters to be finalised in negotiations and the current draft may still be modified in the light of employee responses. However the draft does represent the final point reached to date on most of the major issues dealt with in negotiations.

These include:

- Counselling and disciplinary procedures
- Planned overtime (as opposed to recall) provisions
- Shift arrangements
- Standby rosters
- Transition to new classification structures.

The CWU consultations have thrown up a number of questions in relation to the agreement.

It appears, however, that the issue causing most dissatisfaction is the proposed pay rise which at this point stands at 7.2% over three years – a rise the CWU has pointed out may not even match inflation over the period.

The CWU will be making further representations to management on this and any other outstanding issues early in the week beginning 21 March.

4. ACMA employees say NO to wage offer

Employees at the Australian Communications and Media Authority (ACMA) have voted down a proposed agreement which would have delivered a 6% pay rise over 3 years.

ACMA employees haven't had a pay rise since July 2013! The effective pay freeze is a result of Coalition government policies which have tried to force Commonwealth employees to trade off conditions for meagre pay rises which will almost certainly be lower than inflation.

CWU members have rejected that strategy, as have the great majority of other ACMA employees. Nearly 90% of the employees eligible to vote did vote and of the 396 valid votes cast, 302 (76.3%) voted NOT to accept the offer made.

The ball is back in ACMA's court. The CWU expects that there will be further meetings with ACMA.



5. Silcar Communications: EA consultations begin

The CWU has commenced Enterprise Agreement consultations with members in Silcar/Thiess Communications.

The purpose of these consultations is to canvass views about the way forward for Silcar/Thiess employees now that that company has been merged into the new mega-organisation, Ventia – or Visionstream as it is still known for trading purposes.



In the case of the former Silcar Telepower, the Ventia board has obviously accepted that there is an argument for a separate enterprise agreement, given the specialised nature of the work of those employees (largely exchange battery maintenance and facilities management).

But Silcar Communications employees perform much the same work as those working under the Visionstream Field Workforce Agreement.

That agreement reaches its nominal expiry date in 2018 and it is clearly the intent of management to establish

one common set of wages and conditions for these two groups of workers at that time if not before.

That's not going to be an easy task, given the differences that currently exist between the two current agreements, especially in relation to wages but also in relation to some conditions. The current Silcar Communications Agreement, for instance, pays all overtime at double time rates.

The CWU expects that Silcar/Thiess will soon be commencing a formal negotiation process. All CWU members will of course be represented by their national officials in these negotiations.

However, the union is also proposing that, following these current consultations, members in each state nominate a CWU rank-and-file representative to allow direct membership input into negotiations. Nominations should be forwarded to your state branch which can also assist you with the nomination process if you wish.

6. Tech company wants 40 hour week

The CWU is pushing back against an Enterprise Agreement clause which would require employees in Mirait Technologies Australia (MTA) to work a 40 hour week.

Under the existing Mirait agreement, which was made without CWU involvement, employees may be required to work an additional two hours a week over and above the standard 38 hours without being paid overtime.



Mirait argues that as long as the agreement as a whole meets the Better Off Overall Test (BOOT) by providing wages and other entitlements above those in the relevant award, the 2 hour give will not be a problem for the Fair Work Commission.

The CWU disagrees and has told the company that it believes the 40 hour requirement contravenes the legal maximum 38 hours set by the National Employment Standard.

Mirait is a NSW-based company whose employees work largely in telecommunications installation and maintenance. Members may recall that last year the CWU successfully appealed against the certification of a proposed Mirait Enterprise Agreement.

In that case the agreement had not been properly processed. But now that a fresh agreement is being negotiated, the sticking points relate to the conditions being proposed by the company.

Some good progress has been made in some areas to date, with the CWU successfully negotiating the inclusion in the EA of community emergency service, meal allowance and minimum notice periods for project arrangements as well as an increase to the minimum wage increases.

We are also still hoping to improve clauses relating to respite, travel time and recall.

Obviously, though, the 40 hour week has the potential to be an agreement-breaker. The CWU is expecting to hear further from Mirait on this matter in the coming days.

7. Workers' compensation: know your rights

The CWU has recently been handling a number of cases where members' workers' compensation claims have been delayed as a result of their participation in Telstra's internal "Injury Assist" programme.

Injury Assist was introduced in 2014 as an internal "injury management" and return-to-work programme and promoted as an additional service provided free of charge to Telstra employees.

Under the scheme Telstra pays for the first four doctor and first four physio visits and for up to \$250 worth of incidental treatment costs.

Participation is supposed to be voluntary, but CWU members report that they are being actively encouraged to use Industry Assist rather than applying for workers' compensation when they have suffered an illness or injury.



Members need to understand the possible disadvantages of going down this path and to understand their rights in this area.

- The stated aim of Injury Assist is to get you back to work as soon as possible after your injury/illness. While this might sound like a win-win for both Telstra and the employee concerned, it might not be. There is always a danger in such programmes of employees being encouraged to return to work before they are in fact fit to do so.

- An unstated aim of such company programmes is to minimise the company's workers' compensation costs by reducing the number of claims made. And even if you do make a claim, participation in Injury Assist may delay the process – either because Telstra delays processing it until you have gone through Injury Assist or because the employee doesn't put in a claim until they have come to the end of the Injury Assist process.

Be clear. If you have a work related illness or injury:

- You do not have to participate in Injury Assist or any similar internal company programme.
- You have the right to consult your own doctor about your fitness to return to work
- You have the right to apply for workers' compensation at any time after the relevant event that caused your illness or injury.

8. Health and Safety training: know your rights

The CWU has received a number of reports of Telstra management querying the rights of Health and Safety Representatives (HSRs) in relation to training.

The reports come at a time when the CWU has been stepping up its efforts in this area to ensure that **ALL** Telstra HSRs have been trained to the level required to be able to exercise their full rights under current laws.

Here, once more, are the facts:

- If you are an HSR and were elected **prior to 1 January 2012** you should by now have done a bridging course to bring you up to speed on the current legislation.
- If you are an HSR and were elected **after 1 January 2012** you should by now have received full training on the provisions of the current legislation.



If you are in either of these positions and have not done the required training you need to do so now so as to be able to exercise such rights as issuing a Provisional Improvement Notice (PIN) or directing that work be

stopped. While you may seldom, or never take such steps, the ability to do so is an absolutely key part of the HSR role.

You also have the right to attend a training course of your own choosing - and Telstra must pay for it.

Any HSR being given contrary information or being denied access to training should contact either his/her state branch or Dave Smithwick in the Divisional Office.

9. Election Notice – WA BCOM Vacancies

Western Australian Members are advised that there are currently two vacancies on Branch Committee of Management, nominations for these vacancies open today, 1 April 2016 and close 12 noon 14 April 2016.

A copy of the Election Notice has been forwarded with this E-Bulletin and is also posted on the Branch Website.

**We welcome your comments and contributions –
send us an email and let us know what you think via**

cwuwa@inet.net.au

Check out our webpage at www.cwuwa.org

Regards,

Clinton Thomas
Branch Organiser

0429 036 736