





# Better, fairer workplaces: the big picture

**2011** has been another busy year for your Union.

Much of our daily work is spent resolving issues that come up at your workplaces, whether it's an unfair disciplinary action, a safety breach or denial of employment conditions. Every day, we deal with disputes affecting individual members.

But we also have an eye on the bigger picture.

We are always working towards tomorrow's improvements in work systems and workplace culture that will impact not just on your experience of work today but over the course of your whole working life.

Making progress on the big picture issues can be slow-going; but in 2011 we have made some important headway.

For many years now, your Union has been working hard to push back on a culture of bullying that was prevalent across Australia Post.

We have repeatedly asserted that postal workers deserve to be treated with dignity and respect and we have raised these issues at the most senior levels of Australia Post.

Finally, we are seeing some movement on this front, as Australia Post senior management realises it is not in the interests of reducing productivity to bully employees. We are seeing a real decline in reports of unfair treatment by management, which we hope will continue throughout 2012.

I'm also very pleased at the concrete progress we are making in creating full-time employment opportunities. For many years, members have reported to us their deep concern at not being able to access the income security that goes with full-time work.

During our negotiations for the Fair Work Agreement signed last year, your Union made it a priority to include undertakings around prioritising full-time work.

Building on that agreement, your Union in NSW has worked hard to turn that commitment into a reality. I'm proud of the time and effort our workplace representatives have put in to collaborate with Post to reorganise shifts and rosters to convert hundreds of part-time to full-time positions at Chullora Parcel Facility and Sydney West Letter Facility - two of our largest workplaces. We have reached agreement with Post management for similar programs to commence in delivery workplaces throughout 2012.

The achievements we have made on full-time jobs will deliver real benefits to Australia Post and their employees well into the future.

In telecommunications, we are also working towards better job security for our members across the industry.

The ACTU's secure work campaign is highlighting the epidemic of 'insecure' employment arrangements across Australian workplaces.

It is estimated 40% of the Australian workforce is now on an insecure work arrangement, whether contract, casual or short-term.

There is no clearer example of the downside of insecure work arrangements than the situation of subcontractors in the telecommunications industry.

Foxtel pay TV installers receive no income security as they can be fined for taking time off for being sick or to attend to family matters and they can have their contracts terminated at a moment's notice - their situation has become worse with new contracts that cut their pay rates.

Telstra installation and maintenance technicians face similar circumstances with new contracts kicking in early in the New Year that are designed to cut pay rates and conditions.

We've kicked off a campaign to support Foxtel installers and we'll be taking that to a new level in 2012, as well as campaigning for job security measures across the telecommunications industry.

Telecommunications is one of the worst offenders for sham contracting and insecure work. Our ambition is that the National Broadband Network should not just deliver high-tech, world-leading broadband technology; it should also deliver secure, skilled jobs.

On a final note on behalf of staff, officials and the Branch, we want to wish all CEPU members and their families a happy and safe Christmas and New Year.

We look forward to returning in 2012 to deliver better, fairer workplaces with the involvement of all our hard working representatives and members within both the Postal and Telecommunications industry sections.

**Jim Metcher, Branch Secretary**



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# Pay TV installers call on Foxtel for a Fair Go

Foxtel installers are calling on the pay TV giant to intervene in the issuing of unfair work contracts that cut pay rates and impose harsh fines for breaches like taking a sick day

Foxtel farms out management of its pay TV hardware installation to two telecommunications contractors - BSA and Downer - who have issued new contracts which exploit workers. The contracts force installers to complete increasingly complex jobs and travel further between them with no extra allocated time and harsh fines for lateness.

A survey of installers conducted by the CEPU shows that nearly all expected to earn less this year than they did last year, despite nearly ninety percent often or sometimes working both Saturday and Sunday due to scheduling pressures from BSA and Downer.

The survey also showed that quality customer service is likely to suffer with nearly ninety five percent feeling they are under increasing pressure to cut corners on installations following the introduction of the new contracts.

In November installers sent a message to Foxtel that they would not put up with this treatment, launching the Fair Go Foxtel campaign at Trades Hall in Sydney.

CEPU Secretary Jim Metcher spoke at the launch and highlighted the unfairness with the contracts.

"Installers have no job security. They just get handed a new contract and have no choice but to sign it. If they don't - they get no entitlements, no redundancy pay out, they just get left carrying a huge debt and no job."

Unions NSW Secretary Mark Lennon formally launched the campaign saying it had the full support of Unions.

"I applaud installers for standing up for better conditions for working Australians," he said.

A number of installers also came forward to talk about their experiences of working for Foxtel. These stories will be included in the CEPU's submission to the Inquiry into Insecure Work commissioned by the ACTU.

At the time of going to print Foxtel, Downer & BSA have refused to meet to resolve installers' unfair contract issues.

Installers have had enough and are determined to escalate the campaign in 2012.

## Installers say ...

*"My daughter had to be taken to hospital once when I was scheduled to do a job... my supervisor said that I would get fined \$200 for each job."*

*"For the first seven years that I worked as a Foxtel subcontractor I didn't have one holiday. I couldn't afford it."*

*"When I lost my job there was no redundancy or holiday payout, they just told me one day that they were going to stop giving me work and that was it."*

**ACTU tackles insecure work epidemic. SEE PAGE 11.**



# Bullying continues after Brollie-gate

During some of the wettest weather in Sydney last month, a Postie was put under an official disciplinary investigation for a breach of Australia Post protocol on the beat – using an umbrella

The CEPU acted quickly to have the investigation dropped when the unsuspecting Postie was pulled up by a manager for committing the “crime” of holding an umbrella in one hand and pushing his buggy with the other.

Not one week later another retail member was counseled for allowing a child to stand on a box to make them tall enough to have a passport photo taken at an Australia Post retail outlet.

The CEPU have had these outrageous actions dropped by Australia Post but the cases of unfair disciplinary action keep coming.

CEPU Secretary Jim Metcher said it is time for Australia Post to address the overuse of disciplinary processes by middle managers.

“While some progress has been made, there is plenty more to be done to clean up the workplace bullying culture across the organisation.”

## Telstra EBA talks under way soon

Telstra EBA workers received their last pay increase in October this year under the current agreement that is due to expire in November 2012.

Negotiations for a new EBA for Telstra workers will get underway around March 2012. The next round of EA talks is scheduled to start sooner than previous years with the onus on trying to achieve back-to-back agreements.

The CEPU is hopeful of reaching a new deal before the current agreement expires.

Again the CEPU will be looking to secure key membership entitlements on a nine-day fortnight, redundancy, hours of work and overtime pay among other issues.

Telstra’s lower pay offer for employees covered by the union deal during the last EBA negotiation angered members and was a key sticking point in the length of time it took to reach a deal.

This matter has been the subject of ongoing talks with Telstra and this pay issue will be on the table for negotiation at the upcoming EBA talks.

The CEPU will begin surveying members early in 2012 to identify members’ bargaining priorities prior to the commencement of negotiations.

Branch Assistant Secretary Shane Murphy is seeking to represent the NSW CEPU membership at the next Telstra Enterprise Bargaining negotiations.

## SMALL BUSINESS LOSES OUT IN BLACKTOWN CLOSURE

Small businesses will be hit by Australia Post’s closure of the Blacktown Business Centre in early December.

The Business Centre operated 500 private boxes, of which 300 plus were operated by small businesses. It was also a major supplier of stationery and postal products in the area as well as offering financial transaction services.

Australia Post has opened a small mail receipt operation at the present Seven Hills Delivery Centre and is a poor substitute for the current service, said Branch Secretary Jim Metcher.

“People will have to travel further for an inferior service, it’s a lose-lose outcome.”

Despite this poor decision by Australia Post, the CEPU intervention has resulted in all the jobs of employees at Blacktown Business Centre being protected.

## CEPU best union for Australia Post drivers

The CEPU has won the support of NSW’s peak union body as the appropriate union to cover Australia Post drivers.

The Transport Workers Union had been attempting to recruit Australia Post drivers, who have traditionally been covered by the CEPU.

Unions NSW Secretary Mark Lennon said the CEPU was the appropriate union to cover Australia Post drivers for a number of factors including our historical coverage of Australia Post employees and

our existing enterprise agreement and awards with Australia Post.

“We respect the right of all unions to strongly represent their members and contribute to better working conditions for Australians,” said Branch Secretary Jim Metcher.

“However in this case the TWU were purely trying to poach members for their own self-interest, with no benefit to drivers or working Australians more broadly.

“The CEPU has a proven track record in

dealing with Australia Post on transport issues.

“All of the current workplace benefits and conditions members receive have been fought for and won by hard working CEPU members, past and present.”

As members of the CEPU, Australia Post drivers will be represented by a union that has campaigned strongly for and won the right for drivers to be employed in permanent, full-time jobs, unlike much of the transport industry.



# Victory on Separate Bundle Delivery

## In a win for common sense Australia Post has agreed to an indefinite suspension of separate bundle delivery

In high level talks at the end of November, following a vigorous campaign by the CEPU, senior Australia Post officials agreed to ditch the unsafe and inefficient delivery procedure.

The CEPU was closely involved in the trial of separate bundle delivery, but it was clear from early on that separate bundle delivery was leading to health risks and dangerous amounts of outdoor time for posties as well as high levels of missorts meaning a poorer mail delivery service.

Time trials and audits at both Alexandria and Leightonfield Delivery Facility highlighted an unacceptable volume of missorts within machine sequenced mail. On average 30 to 40 missorts per day were identified on each separate bundle delivery round, representing around 4 per cent of the average round mail volume.

The CEPU made the case that single bundle delivery automatically removes the present level of missorts by merging machine sequenced and residue mail into the V-Sort frame.

The union also pointed out that the missort levels were a threat to the conditional wage increases being provided for all employees under the Fair Work Agreement 2010 (EBA7) because they made it impossible to reach the 94 per cent Service Performance Standards.

Before agreeing to the indefinite suspension, Australia Post had engaged in winding back the program, converting 500 separate bundle delivery rounds from a total of 1900 around the country back to single bundle delivery.

"This is a great outcome for the safety of our members; and for maintaining a quality mail delivery service to the community," said Branch Secretary Jim Metcher.

"The union is extremely appreciative to members who continued to work the SBD rounds under sufferance in order to collect the information that proved the system of work is not only dangerous but costly and inefficient."



» CEPU Official Peter Chaloner explains the changes to Alexandria posties

"This includes the Seven Hills and Lakemba Delivery groups who were initially involved in the SBD motorcycle trials under the co-ordination of both local union representative Tony McCallum and Branch Organiser Peter Chaloner.

"In addition, we appreciate the efforts of members who reluctantly had to perform separate bundle delivery on the 38 walking rounds located at Frenchs Forest, Alexandria, Leightonfield and St Leonards Delivery Facilities for the past 12 months – longer than any other delivery employee across the nation caught up in this dispute."

### DANGER!

The Union strongly opposed Separate Bundle Delivery due to exacerbating health and safety risks for posties. Posties were reporting back and neck problems from having to turn repeatedly to reach the side bags, strain from the poor angle to read the Front Letter Carrier (FLC), the increased accident threat from reading and riding, dangers of longer hours on the bike outside and stopping on hills.

To read the health and safety experts' findings on SBD see the Shaw Report at [www.cepu.org](http://www.cepu.org).



## POSTIES SAY GOOD RIDDANCE TO SBD

### Missorts frustrating

"The outside work was the worst, trying to find the right position on the bike to sort. The missorts were so frustrating. I was getting mail for Ballarat or overseas that I had to take back and also the out of sequence mail that I had then to backtrack to deliver."

Mark Davies

### Bad for my back

"I'm 6 ft 3in and I had to lean back or lift up the carrier to be able to read the addresses. Because we had multiple bundles we were

going into the bag more often. Twisting around to the side was also pretty tough on my back compared to single bundle and I pulled up sore every day. Doubling back for the out of sequence mail was also very annoying."

Troy Duncan

### Hard to see cars

"Separate bundle definitely has more safety problems – you have your head down so much it's hard to stay aware of cars and driveways. I'm glad we have gone back to single bundle."

Andrew Eagers



» Left to right: Alexandria PDOs Mark Davies, Troy Duncan, Phil Brusica, Andrew Eagers

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# Union campaign delivers more than 200 new full-time jobs



» Paula Houghton

The union campaign to change the Australia Post (AP) model of preferring part-time to full-time work has been a huge success. After months of consultation and negotiation with management, agreement has been reached on a revised employment model that provides for the prioritising of full-time work over part-time.

Starting at the Sydney Parcel Facility at Chullora and the Sydney West Letter Facility at Strathfield, the transition to full-time jobs was much smoother than management expected. "This was a direct result of the dedicated local union reps who have been deeply involved in the process from beginning to end – from the initial modelling and realignment to job allocations," says Branch Secretary Jim Metcher. "Their extensive experience of the complexities of the different shifts and roles in each workplace, and their ability to piece it all together was an invaluable contribution."

At Strathfield, 178 part time members expressed an interest in full time work. Following this process, only 17 of them are left waiting for a full time job.

"The new agreed staffing model will mean that these 17 part-time employees will not be waiting long to be given the opportunity of getting a full-time job at the facility," said union representatives Paula Houghton and Dharmpal Singh.

"The new workplace model is still bedding down as people are skilled up to speed in new job roles with the vast majority of people being happy with the transition. We are really happy

that all the hard work on this important issue has paid off for our members," says Paula.

The transition process was also efficiently managed at Chullora where all part-time staff waiting for full-time jobs were offered full-time employment, says Branch Official TK Ly. The only remaining part-time jobs are held by those who prefer part-time hours of employment. The majority of staff moved to new roles in August with the rest moving early in the new year.

"Most people were really pleased to move from an evening shift to newly created 6am and 2pm shifts," says TK. "And it has been a huge relief for part-time people who have been waiting years for a full-time job."

The union successfully achieved the outcomes it was aiming for and it is a great result for members, says Mr Metcher. "Everyone is a winner. The changes have resulted in productivity gains by reducing downtime during shifts, and aligning resources more efficiently with employees benefiting by having access to additional income."

The move to full-time jobs at Chullora and Strathfield was significant as the whole workplace was completely

remodelled and new jobs were specifically designed around maximising full-time jobs.

"The EBA provided for these reforms, so rather than holding back and waiting for national action - the NSW CEPU has led the way and moved forward on these important initiatives around additional earnings and job security," says Jim. "The successful determination and implementation of the full-time jobs project in NSW is expected to be the model for application in other states to

achieve similar outcomes."

The CEPU is about to embark on a larger but similar exercise in Sydney delivery centres. Both Australia Post senior management and the union are currently finalising the terms of reference for remodelling delivery centres, including time frames, reviews and employee consultation. Later the process will roll-out to country delivery centres, which have a much lower proportion of part-time employment.

## Bonus should benefit all postal workers

The CEPU was deeply concerned over Australia Post's announcement it would exclude employees who had received a disciplinary warning from receiving a \$500 year-end bonus.

Australia Post announced the one-off cash bonus would be paid in December due to a surprise return of a \$241 million profit after tax.

"Australia Post's disciplinary process comes with counselling and warnings and sometimes financial penalties, which means employees have already been punished," said Branch Secretary Jim Metcher.

"Five hundred dollars means a lot to postal workers, who live on modest incomes.

"This profit has been delivered by the hard work of all 33,000 employees and the subsequent bonus should be enjoyed by all 33,000 employees."

If you are concerned that you did not receive the December bonus, contact your union representative.



# FUTURE C

## Union fights for Future Ready benefits to apply to retail workforce

With letter volumes dropping and parcels increasing at a rate of 10.9 per cent over the last year, Australia Post (AP) is expanding its parcels capacity in order to ride the internet shopping boom.

The union welcomes the expansion of Australia Post's parcel business as the increased traffic has already led to growth in full-time jobs, in particular at the Sydney Parcel Facility, and increased opportunities for part-timers to access full-time work.

However, parcels growth is just a part of the Future Ready plan announced by AP Managing Director and CEO, Ahmed Fahour, which aims to transform AP "into a more customer-focused organisation concentrating on eCommerce and trusted services."

Over the coming 12 months AP plans to create 'super post offices' – comprehensive postal and service hubs where people can access a range of agency services including State and Federal Government services and a far wider range of financial services and products. It is envisaged the new network will be designed based on customer need and demand and will comprise of flagship 'super' offices and extended-offering offices, but also post offices similar to what we know them to be today.

In terms of increasing profitability this new concept will be prioritising lower-volume, higher-value agency

*"The RSTA is crucial to ensure that staff will receive fair pay and conditions."*

transactions, as opposed to higher-volume, lower-value services and bill pay.

The positive side-effect of the movement towards the concept for AP retail staff, will be the opportunity for learning and development in more complex tasks and to be financially rewarded for this. For the first time, it is envisaged that retail staff will have clearly defined and achievable opportunities to improve their abilities and in turn, their remuneration.

"It will be an opportunity for retail staff to increase their skills and to progress in their career with AP," says Branch Secretary Jim Metcher. "In recent times our retail members have had little chance to progress financially or professionally."

There are however some challenges in this process – with more responsibility should come

better remuneration.

"There is a big difference between selling stamps and processing passports or selling financial products such as term deposits – there will be a lot more training and accreditation – and it raises questions as to how staff will be structured, classified and paid," explains Jim.

As a result the union is deeply engaged with AP in nutting out the Retail Services Transformation Agreement (RSTA) which, amongst other things, will set guidelines for the overhaul of retail classifications and pay scales.

The RSTA is crucial to ensure that staff will receive fair pay and conditions and that the AP business thrives while still meeting its social obligations.

The union is also acutely aware of how the change of focus and restructuring will

affect traditional post offices.

Australia Post has closed no more post offices in NSW this year. However, without clear policy on these important matters, it won't be too long before we experience a repeat of what took place earlier this year with the closures of Glebe, Woollahra and Turramurra post offices at the stroke of a pen.

That is why another major part of the RSTA negotiation process is the reassessment of the conversion policy which defines the criteria for converting a corporate office to a Licensed post office, but also the critical development of a policy clearly defining financial and social criteria to be met before Post can consider closing an outlet altogether.

The current timeline for the completion of these negotiations is May 2012.

"Both Post and the union have committed to getting on with the job of finalising the agreement by May, but this is something completely new for Post and is very complicated. For our members to walk away with any benefit from this agreement, we need to make sure we get it right," said Jim.



# OF RETAIL

## Retail Services Transformation Agreement

The scope of the RSTA negotiations agreed by the union for the future network and facility/outlet formats is:

- Future staffing models and flexibility;
- Retail Technology;
- Postal Managers, Grade 1-3 – Remuneration Conditions;
- Future Conversion Arrangements;
- Outlet Performance;
- Retail organisation structures and classification systems;
- Career paths in retail; and
- Training and development.

## Number crunching

- AP still earns \$2 billion revenue from letters, but the expansion of online deliveries is now generating \$1 billion revenue.
- Parcel revenue is up from 4.2 to 5.3 per cent over the last financial year.
- The rise in parcels revenue resulted in a 36 per cent growth in profit over the past 12 months.
- Retail agency services revenue growth is up 2.8 per cent and 18 new identity services have been added to the 750 business and government bodies for which AP acts as an agent.

## THE FUTURE IS NOW

As part of the Future Ready plan, AP has announced extensive changes to the way the public will interact with Australia Post (AP) emphasising convenience, flexibility and choice.

Starting with extended trading hours, including weekends, at 100 locations across Australia, customers will also be able to choose the parcel-pickup location most convenient for them.

This coincides with the trial of new 24/7 electronic parcel lockers in Sydney, Brisbane and Melbourne, plus an email or SMS notification sent to customers when a parcel arrives.

There will also be new bigger parcel lockers for Post Office Box holders which will be available in 24 locations nation-wide by the end of November, with more to come next year.

For home deliveries, drivers will be required to leave a card under the front door, rather than the letterbox, to ensure customers who are at home receive their parcel delivery.

This year AP also trailed drive-through parcel collection in Sydney and almost 90 per cent of residents surveyed who took part in the trial said they wanted the service to continue.

New self-service, supermarket-style machines for the posting of domestic parcels and B-pay will be trailed at five locations and a new online label printing service, Click and Send, will allow customer to print labels, pay for postage and organise courier pick up online.

Australia Post has struck a deal with eBay to provide satchels and boxes at a flat rate to anywhere in Australia and a new international tracked parcel product, Pack and Track, offers lower-cost tracked delivery between the United States and Australia with more international destinations to be added in the future. This is currently available online and will be in retail outlets early next year.

A flagship AP concept store recently opened in Brisbane will have a dedicated online shopping area, a 24/7 parcel pick up zone. plus vending machines with stamps and packaging.

Helping small to medium businesses to cash in on the online growth, the first of the 60 upgraded business hubs was recently opened in Mount Waverley, Victoria. In addition, SecurePay business and Shop In A Box 20 will be launched by the end of 2012 to help retailers with their online ordering and payments.

## NEW OPPORTUNITIES

After 24 years in retail, Postal Services Officer Maureen Morris has seen Australia Post policies chop and change as each new wave of management arrives. However she feels positive about the move to open more special purpose 'super post offices' and the extra jobs that it will create.

"It's so hard for people to get a full time job with Australia Post," she says. "I see it all the time talented young people leaving Australia Post because they can't afford to live on a part-time wage and because there is no career progression for them. Hopefully the new super Post Offices will mean better opportunities."

## BETTER COMMUNICATION

Postal Manager Jeff Perry thinks Australia Post is responding well overall to the change in retail, but would like a more streamlined approach to communicating with staff on the front line about the company's plans and staff opportunities.

"There are a lot of glossy brochures coming through to us from upper management – but actually it is pretty convoluted," he says.

"I think it needs to be more streamlined and more targeted to the PSOs who are aspiring to work their way up the ladder. Fewer brochures and more face-to-face meetings would make the situation clearer."



Maureen Morris



Jeff Perry



# Telstra/Big Pond subbies rates and conditions cut

Telstra subcontractors will see their pay rates and conditions cut in the new year when the telco transfers its installation and repair contract to ISGM.

**U**nder new contract arrangements imposed on subbies from ISGM, they will be provided with some materials they used to pay for. However they will receive significant cuts in rates and no guarantee of a pay rise in the future.

This comes after 11 years without any increase in rates.

Subbies will also be expected to:

- work seven days a week, 12 hours a day where necessary
- work on public holidays for the same rates of pay
- turn up to any job within a 30 km radius requiring long travel between jobs and making it more likely they will be late

- give 24 months exit notice from their contract, although ISGM can terminate any time.

Five hundred and fifty subbies currently carrying out the work under contracts with Silcar/BSA and Servicestream will be applying for 412 jobs, meaning over one hundred people will lose their contracts in the new year. Subcontractors will change over to the new contracts between 18 and 25 January.

The CEPU is seeking legal advice on the fairness and/or sham contract to see if it can be challenged legally.

CEPU Branch Assistant Secretary Shane Murphy is encouraged by the turn out of subcontractors at recently held meetings.

“The CEPU is seeking legal advice on the the fairness of the contract to see if it can be challenged in court” said Shane.

## BACKPAY WIN FOR SWLF SUNDAY VIDEO CODERS

In May this year the CEPU commenced proceedings against Australia Post to recover unpaid annual leave entitlements for a group of part-time small letter video-coding operators who worked Sunday shifts at the Sydney West Letter Facility (SWLF).

During proceedings before the Federal Magistrates Court, Australia Post and the CEPU agreed on a settlement providing for all employees to be credited with three and a half weeks annual leave – equivalent to three and a half years missed entitlements – that was paid within 14 days.

Further negotiations with Australia Post have also been completed for the creation of a new rostering system.

Employees may be required to work Sundays as part of their roster, but they will be eligible to receive up to an additional week’s leave or part thereof if they are rostered to work sufficient Sundays as they are shift workers and are eligible for additional ARL entitlements under both the existing Fair Work Agreement and/or the Award.

It has also been agreed that shift swaps can be arranged and that nobody will be forced to work as there will always be enough volunteers to fill shifts.

NSW State Secretary Jim Metcher said, “This unpaid ARL entitlement would never have been uncovered or possible to be pursued before the court if it wasn’t for the dedication of the local union representatives in gathering information and evidence to enable proceedings to commence against Australia Post.”

The union and its members acknowledge the efforts of union reps Fran Melbourne, Louise Elliott and member Karen Croucher who appeared as the union witnesses during court proceedings. Their efforts have enabled all part-time shift workers to receive important ARL entitlements provided for under the Fair Work Agreement and Awards.

## TRAINEES STILL WAITING

*“Excelior has fought tooth and nail to get out of doing the right thing.”*

Telstra trainees employed via labour hire company Excelior are still waiting to hear if they’ll be reimbursed for travel and accommodation expenses incurred during skills training.

The CEPU took legal action against Excelior earlier this year, on behalf of the trainees from across NSW who were out of pocket thousands of dollars after attending compulsory training in Newcastle.

Despite the fact the Award states that employees should get travel allowance for work training, Excelior told trainees there would be no allowance because ‘trainees’ were not considered ‘employees’, and ‘training’ was not considered ‘work’.

The trainees had to pay for their own accommodation and living expenses, with some reduced to living in cars or going into significant debt.

The matter was heard before the Federal Magistrates Court in September, however the the court is still to announce its decision.

“It has been a long process and Excelior has fought tooth and nail to get out of doing the right thing; but we’re doing everything we can to support these young trainee telecommunications technicians who have been been treated appallingly,” said CEPU Branch Assistant Secretary Shane Murphy.

“As far as the CEPU is concerned, these trainees deserve to be paid in accordance with workplace standards for employees.”



# REAL JOBS FOR REAL LIVES

## The ACTU's insecure work inquiry

The Australian Council of Trade Unions will hold an Inquiry into Insecure work as part of its campaign to strengthen job security for Australian workers.

It forms part of the Secure Jobs, Better Future campaign ([www.securejobs.org.au](http://www.securejobs.org.au)), which highlights the personal stories of workers struggling under insecure working conditions.

The inquiry will examine the causes as well as the impacts of the current worrying trend towards casual and contract employment and how it affects workplace rights, family finances and Australian society.

It is estimated 40% of the Australian workforce is now on an insecure work arrangement, including contracting, casual and other short-term arrangements.

Workers have the opportunity to contribute to the inquiry by sharing their stories about this sort of work alongside community groups, unions and employers.

Most of these workers don't enjoy the same rights as permanent workers, earn less, have no access to sick or holiday leave and can lose their jobs at short notice without redundancy.

Research done by the ACTU shows that insecure work not only affects people's working lives but also affects the quality of the life they lead outside of work. It makes it much harder for people to manage household finances, to spend time with their family and friends, and to plan for the future.

Stories from these workers will inform a series of recommendations to be put to government and employers to improve job security in Australia.

The CEPU has made a submission to the Inquiry on behalf of Foxtel installers, who – as

individual subcontractors – enjoy no job security, regular income or any of the entitlements awarded to permanent employees.

There are over a million independent contractors in Australia. In general, independent contractors are not entitled to the minimum wage, minimum conditions of employment or protections of unfair dismissal.

Harsh new contracts were recently issued to Foxtel installers by BSA and Downer. In response to this installers have launched the Fair Go Foxtel campaign to put pressure on Foxtel to ensure better pay and conditions for their workers.

The contracts will see installers paid lower rates and will impose unfair fines and penalties on top of their already tenuous working situation.

Insecure work suits employers because it allows them to shift the costs of business onto workers, said ACTU President Ged Kearney who is a strong supporter of the Fair Go Foxtel campaign.

“Ten per cent of the Australian workforce are now contractors, and many of them are vulnerable to exactly the same exploitation. They are treated like employees, but have none

of the protections or entitlements that genuine employees receive.

“Foxtel is a respected Australian brand, which should take responsibility for installers' work conditions rather than hiding behind the cover of downstream contractors, hired through contracting firms Downer and BSA.”

The Secure Work campaign aims to increase awareness of the situation of insecure workers and hopes that the findings from the inquiry will force governments and employers finally to take action to provide the protections that all Australian workers deserve.

The inquiry will be conducted by a panel of experts and community members and chaired by former Deputy Prime Minister Brian Howe. The findings and recommendations will be reported to the 2012 ACTU Congress.

### Change is needed: the broader affects of insecure work

The ACTU has released a report that reveals the full impact of insecure work in Australia.

Over the past few decades, Australia has experienced strong and sustained economic growth. But not all working Australians are sharing in the benefits of this economic prosperity.

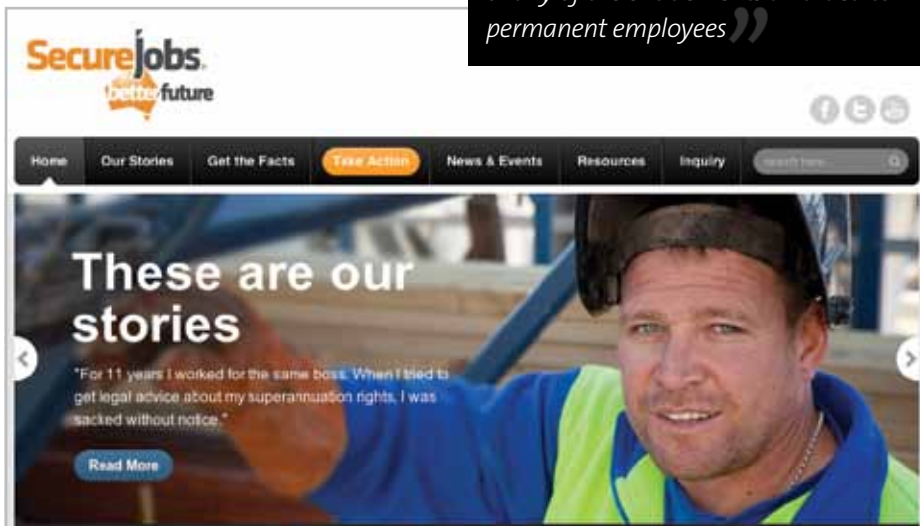
Many working families are feeling a growing sense of economic insecurity, a defining feature of which is the rising number of poor quality, insecure jobs.

An ongoing trend towards transferring risk from government and business to Australian households is having effects far beyond the workplace. It is damaging communities and the social fabric of Australian society.

Financial insecurity and uncertainty over working hours has a debilitating effect on workers' capacity to find time for relationships and for rest time, leisure and activities outside work.

This situation must not be allowed to continue, and in the coming years unions are committed to developing workplace standards that will provide Australian workers with the decent and secure jobs they deserve.

*“The CEPU has made a submission to the Inquiry on behalf of Foxtel installers, who – as individual subcontractors – enjoy no job security, regular income or any of the entitlements awarded to permanent employees”*





Dear members,

As many of you may be aware, our members have been able to access legal services from the union's law firm of choice which is known for experience, national reputation and delivery of results. While the type of legal service that has been provided to our members has predominantly been Comcare (Commonwealth workers' compensation), the union is also able to offer members referral in respect of a wide range of other legal services. The union recognises that members and their families may require legal assistance and advice for:

- ✓ Workers' compensation disputes
- ✓ Motor vehicle accidents
- ✓ Medical negligence
- ✓ Public liability
- ✓ Income protection/total and permanent disability cover through insurance and superannuation policies.
- ✓ Commercial litigation
- ✓ Wills, probate and estate litigation
- ✓ Family law
- ✓ Conveyancing
- ✓ Class actions

These are all areas in which the union's preferred law firm have considerable experience and expertise.

If you or your family require legal assistance please contact the union's enquiries line on (02) 9893 7822 for a referral.



Jim Metcher, Branch Secretary



## Member Benefits Legal Advice



A service offered to all CEPU members for free initial legal advice

- Work injuries
- Motor accidents
- Asbestos
- Family law
- Conveyancing
- Other legal services upon request

[www.cephu.org/member-benefits/legal-advice-and-assistance/](http://www.cephu.org/member-benefits/legal-advice-and-assistance/)

Call the CEPU on (02) 9893 7822 or contact an official or your delegate.



# Changes improve access to workers' comp

By Rachael James, Slater & Gordon Lawyers

**F**inally!! The long-awaited changes to the Federal workers' compensation system have arrived.

On Friday 26 November 2011, the eagerly anticipated *Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2011* was passed by the Senate. These changes will improve CEPU members' access to compensation significantly.

There are two of these changes, which affect CEPU member's entitlements quite significantly. They are as follows:

## 1. Medical expenses are no longer suspended for non-compliance of a rehabilitation program

Before the changes, where a worker refused to undertake a rehabilitation program, employers such as Australia Post and Telstra, in addition to stopping time-off work payments, were also able to refuse to pay medical treatment expenses.

The worker could not have his or her expenses paid until either they persuaded the Administrative Appeals Tribunal that the rehabilitation program was unsuitable or they started the rehabilitation program.

In the case of the Tribunal, the process could take up to twelve months, during which time the worker would be left not only without an income but also medical treatment. Consequently, even if the rehabilitation program was found to be unreasonable, they would have been denied medical treatment for 12 months.

In many cases, this delay caused a massive set back to a workers' recovery. In some tragic cases where a worker mistakenly resigned from his or her employment after pressure from an employer to undergo a rehabilitation

program, an employer could permanently refuse to pay medical expenses as the worker, having resigned, could never restart the rehabilitation program.

This scheme has been criticised widely for this loophole, which has been vigorously exploited by some employers. Parliament has finally corrected this problem and provided workers with the security of medical treatment.

## 2. Workers are now covered for workers' compensation where they are temporarily absent from the workplace.

Previously, where a worker left their designated place of employment during the course of their usual day and was injured, compensation would only be paid if the worker could prove that their absence was necessary for the purposes of their employment. In real terms, the poor worker, who ducked across to the local shopping centre during their lunch break and slipped on water, which was lying on the center floor, was not entitled to workers' compensation. Now, Parliament has extended a worker's entitlement to include such a 'break' in their day.

*What does this mean for workers who currently have their medical expenses suspended or those who have suffered injuries during an ordinary break?*

At the moment, we are still unclear as to whether the legislation will apply to suspensions or injuries that occurred before 25 November 2011. As soon as we are clear whether previous suspensions or injuries are covered, we will let members know so they can make immediate contact with their relevant compensation section.



## JOURNEY COVER: STILL MORE WORK TO DO

NSW State Secretary Jim Metcher welcomed the legislative changes to date but heavily criticised all Federal Parliamentarians for not going far enough in legislating for compensation entitlements for workers who suffer injuries to and from work (journey cover) that were removed with a stroke of the pen by the Howard Government.

The CEPU would continue to provide income protection insurance for journey cover injuries for all financial union members in NSW and the ACT, he said.

"If it wasn't for the Union stepping in and filling the void for this income protection as part of union membership we would have seen many members and their families ruined financially."

The CEPU will continue its campaign for further legislative change on journey cover. Regardless of the legislation, reinstating journey cover would provide no more than 4% in additional workers compensation costs for employers like Australia Post and Telstra. These companies have the ability to reintroduce it without legislative change, and should provide this security for their workers.

*Changes to the federal workers compensation system mean CEPU members will be better off, with better access to medical expenses and compensation coverage during temporary breaks from work.*



## Australia Post trials new truck bodies

The CEPU and Australia Post have been in discussions with regard to a trial of the 28 ULD MaxiTRANS truck body.

The initial trial site is in Victoria and a further trial will be conducted in NSW. Each trial will be over a 3-month period.

The truck bodies will be fitted to the existing Mercedes Benz Cab/Chassis. The truck body also has approved load restraints designed into the curtains, this should make it easier for drivers and eliminate the need to strap loads.

Australia Post has advised the union that they are attempting to standardise truck bodies across Australia for OHS purposes. With a standardised truck body drivers will not have to familiarise themselves with each new piece of equipment.

Victorian members raised concerns with regard to the truck body access ladder. The ladder has now been re-engineered with the involvement of the CEPU in Victoria and the issue has been resolved. A new Safe Operating Procedure has been developed and distributed in the workplace.

NSW Industrial Officer Greg Rayner suggested the National Vehicle Selection Committee be re-instated. This committee previously became involved

in the selection of new vehicles allowing transport drivers direct involvement in the selection of transport vehicles.

The CEPU NSW will be working with Michael Etue of the National Office through the National Transport Joint Consultative Committee to ensure that

outcomes of the new body are fully debated and drivers' issues receive a fair hearing.

Once the truck with the new body arrives for trial in NSW any concerns or comments drivers have should be directed to the CEPU State Office.

## US POSTAL SERVICE SEEKS TO END SAME-DAY MAIL

The cash-strapped US Postal Service is moving forward with plans to end next-day delivery of letters, postcards and other First Class mail.

It has also sought approval to close more than half of its 461 processing facilities that have been critical for next-day delivery service.

The agency expects to eliminate about 28,000 jobs as part of the processing facilities plan. The Postal Service, which has been struggling to offset tumbling mail volumes and billion-dollar annual losses, first announced in September that it would consider 252 processing sites for possible closure in 2012.

The agency is looking to find \$20 billion in annual savings by 2015. It sees reducing its network of post offices and processing plants as key to adjusting as consumers increasingly pay bills online and correspond by email.

Plans to shrink the network would save about \$3 billion.

The closures would require the Postal Service to adjust its current delivery standards. First Class mail would be delivered in two or three days instead of one to three, with the exception of some pre-sorted mass mailings.



# Historic Post Offices added to heritage list

In a move that recognises the important role that post offices and the postal service have played in the development of towns and communities the Minister for Sustainability Tony Burke has added 43 post offices around the country to the Commonwealth Heritage List.

The heritage list covers a number of natural, indigenous and historic heritage places owned and controlled by the Australian Government.

In NSW post offices on the list include, in Sydney, the General Post Office Martin Place, Botany, Paddington, North Sydney and Pyrmont. In regional NSW those added were Albury, Armidale, Broken Hill, Casino, Forbes, Glen Innes, Goulburn, Hay, Inverell, Junee, Kempsey, Kiama, Macksville, Maitland,

Mudgee, Muswellbrook, Narrabri and Tamworth.

“The local post office was often the most prominent and substantial building in town and they quickly became important meeting places,” said Mr Burke.

“Having a post office signalled a town and community’s prosperity and permanency. By looking at the individual history of our local post office we can see the impact of national historic events for a local community.”



» **ARMIDALE POST OFFICE**, built in 1880, is unusual as it combines a Free Classical palazzo form with an attached stuccoed loggia.

## NBN UPDATE

# CEPU - Silcar deal delivers on NBN pay and conditions

A new agreement negotiated with telecommunications contractor Silcar locks in NBN industry-leading pay and work conditions on large parts of the National Broadband Network.

Silcar has a contract for roll-out and installation of the NBN in areas of NSW, Queensland and the ACT and is looking to employ up to 400-500 technicians by early 2012.

The four-year deal, negotiated with the CEPU and due to be voted on by members in early 2012 includes:

- a 36 ¾ hour working week, down from 38 hours
- paid superannuation of 10% or more
- overtime at double-time from January 2013
- pay increases of just over 20% over 4 years, with rises kicking in every six months.
- traineeships for young workers with access to all EA entitlements

“This is a very good agreement which introduces the 36 ¾ hour week to the private telecommunications sector for the first time,” said CEPU Telecommunications Organiser Peter O’Connell.

“The best thing is it locks in full-time jobs with good pay and conditions and proper OHS standards and training.

“The NBN is one of the most important infrastructure projects for Australia, giving workers access to fulltime jobs with good pay & conditions.

“This deal will deliver good, secure, decently-paid jobs for Silcar workers and their families.”



» After Federation the Commonwealth took over the design and construction of post offices. **PYRMONT POST OFFICE** is an early example built in 1901 in the Federation Free Style.

# Santa's Christmas deal

Due to the global shortage of skilled Christmas Elves and the upsurge of letters and emails to Santa, CEO of Christmas, Mr Claus has once again decided to renew his annual contract with Australia Post.

Human workers will collect and forward his Australian letters to the North Pole and then distribute his responses back to Australian children. Sort plans are in place at each mail facility to ensure Santa Mail is automatically diverted to eletter in Victoria where the replies will be printed and mailed out.

"There are expected to be around 120,000 letters this year and December 16 is the letter cut off so that the Manufacturing and Supply Chain Elves will have time to process and deliver toy orders before December 25," said Logistics Elf.

Every Santa Mail letter that has a return address on the back will receive a reply letter up until Friday 20 January 2012. As a result Mr and Mrs Claus will be delaying their annual holiday in order to clear the backlog.

"It's hard to find time to take a break when you run a family business," said Mr Claus. "And with the world population hitting seven billion we've been busier than ever, but we are very much looking forward to our whitewater kayaking safari on the Zambezi."

Mr Claus also vehemently denied rumours of a secret deal with AP to outsource parcel deliveries on Christmas Day. "We have just signed a new EA with the Christmas Elves and the Reindeers and are confident that our workforce can deliver Christmas on time and within budget," he said.

Children can download letter templates for Santa from <http://auspost.com.au/personal/letters-to-santa.html> and post to Santa NORTH POLE 9999.

## COMPETITION

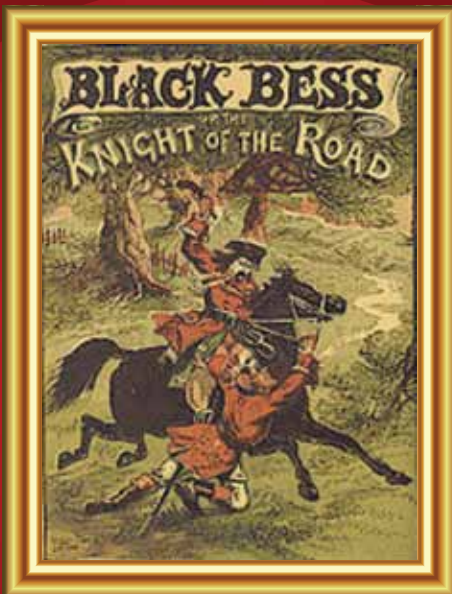
### WIN one of 10 Ambassador Card membership packs.

The Ambassador Card pack, worth \$555, gives you savings at more than 2000 restaurants, hotels, and leisure activities across Australia as well as accommodation vouchers and membership to the Ambassador Travel Club and to Go-Golfing.

As a CEPU member, your membership card already doubles as an Ambassador Card, but it makes a perfect gift for a friend or family member. Find out more at [www.ambassadorcard.com.au](http://www.ambassadorcard.com.au)

**To WIN, simply tell us in 20 words or less what you would suggest to your boss to make your workplace better.**

Send your entry, with your name, address, phone number and workplace, to [communicator@cepu.org](mailto:communicator@cepu.org) or PO Box 250 Parramatta NSW 2124.



'Black Bess or The Knight of the Road' (c.1866-1868)

**DICK  
TURPIN**

## YE OLDE POSTIE SLEUTH

Dick Turpin (1705 – 1739) was an English poacher, burglar, horse thief, highwayman and murderer who was made famous 100 years after his death in a gothic romance novel by William Harrison Ainsworth.

In the novel he was depicted as a likeable rogue with his trusty steed Black Bess, but in real life he was a nasty piece of work. In an interesting twist in the tale, it was a postie called James Smith who led to his capture and eventual execution.

To evade authorities while on the run Turpin took on the pseudonym of Palmer. While in prison in York for horse theft he wrote a letter to his brother-in-law, who refused to pay the delivery costs when it arrived, saying he didn't know anyone called Palmer in York.

The letter was then sent to Saffron Walden post office in Essex where James Smith, who coincidentally had taught Turpin how to write at school, recognised the handwriting.

This led to the revelation of the true identity of Turpin, and Smith received the £200 reward (about \$42,700 in today's terms) offered by the Duke of Newcastle for Turpin's capture after an earlier murder.

# HALL OF FAME