

COMMUNICATION

workers news

FEBRUARY 2009



Financial members of the CEPU can now benefit from free Journey Insurance Cover, which will help protect their financial security in case of an accident.

Cover includes:

- 85% of your average gross weekly wage up to \$1500 (including overtime normally worked, allowances or bonuses earned).
- The benefit begins after 2 weeks off work and is payable up to a maximum of 104 weeks. If you are over 66 this benefit term is reduced to 52 weeks.
- If you return to work in a reduced capacity the weekly benefit will be the difference between the above benefit and the weekly wages earned in that reduced capacity.
- There is an Accidental Death Benefit of \$100,000 (or \$20,000 if you are without dependants).
- Medical costs are not covered.

The union has been able to fund this scheme within what we're able to afford under current membership dues. We could only fund a more comprehensive scheme by increasing our dues – which would have the effect of making membership expensive for ordinary workers.

Full details are on the Federal Union web-site:
www.cepucconnects.org/about-us/our-services/cepu-journey-cover

The CEPU is pleased to announce an important, new measure for its members: free journey cover to and from work ... from 1 January, 2009.

As you know the former Howard Government stripped away a critical protection for Australian workers: the right to claim workers compensation for injuries sustained on your way to and from work. And workers who sustained an injury while on a meal break away from a workplace also had their workers compensation rights seriously limited. The former Government made these changes for no other reason than to cut \$20m per year.

With this new benefit... in the event of an accident on the way to and from work financial CEPU members are now insured at no cost to themselves. Similarly, financial members are covered if an injury is sustained during an authorised employer meal break. This new policy will also cover members who might experience an accident on their way to or from an out-of-hours Union meeting.



Joan Doyle

Branch Secretary

Website: www.cwuvic.asn.au
Email: cdptvic@cepu.asn.au

200 Arden Street
North Melbourne
Victoria 3051
Ph: 03 9600 9100
Fax: 03 9600 9133

THE NEW INDUSTRIAL RELATIONS LAWS

THE RUDD GOVERNMENT'S NEW DRAFT INDUSTRIAL RELATIONS LEGISLATION is not what we were promised or what we need.

The best that can be said is that at least it removes some of the worse aspects of "WorkChoices."

We are concerned that the minimalist protections for workers in this Bill will not be sufficient in the current economic circumstances. Weak worker rights will make it harder for income, demand and economic growth to resume. Resolution of the major economic crisis to come would be assisted by strengthening workers rights to collectively bargain as this would create a cycle of higher wages and greater spending power which would stimulate demand and therefore employment growth.

The Bill is due to be passed by Parliament by the end of March 2009 with certain parts coming into operation by 1 July 2009 and the rest being implemented by 1 January 2010.

Unions are currently lobbying politicians to try to get them to improve the Bill for working people. A Senate Committee Inquiry is to report by 27 February 2009.

There will be an additional (as yet unseen) Bill tabled by mid March to enable a transition to the new system.

KEY ELEMENTS OF THE FAIR WORK BILL

A NEW SET OF MINIMUM EMPLOYMENT CONDITIONS

NATIONAL EMPLOYMENT STANDARDS

Work Choices provided only 5 very basic minimum entitlements.

The new safety net will apply to all employees from 1 January 2010. These are:

- Maximum weekly hours of work
- The right to request flexible working arrangements (with no means of enforcement.)
- Parental leave and related entitlements
- Annual leave
- Personal / Carer's leave and compassionate leave
- Community service leave
- Long Service Leave
- Public holidays
- Notice of termination and redundancy pay (redundancy pay only applies to businesses with 15 or more employees)
- Provision of a Fair Work Information Statement detailing rights and entitlements and how to seek help.

MODERN AWARDS

This is the second element of the safety net.

Modern awards will be industry or occupation-based and will streamline and simplify thousand of awards.

A flexibility clause will be placed in each modern award. While this flexibility clause is not supposed to leave employees worse off there is considerable disquiet in the union movement about the effect of this arrangement. If individuals can get personal variations to the agreement that suits them it may be beneficial. But when individuals do not have much bargaining power or work in the un-unionised sector such arrangements can be de facto AWAs, contracting out of the terms of the collective agreements.

The devil is always in the detail and we are waiting to see how our private sector awards will be affected. Our enterprise awards in Telstra and Australia Post are not involved. Work value variations will be able to be made.

The Bill removes existing legal award rights for all employees earning over \$100,000 (indexed from August 2007) in an unfair and arbitrary manner.



They might be the
— OLDEST
(Ray Gorman) & the
— YOUNGEST
(Troy McGuinness)
Organisers in the UNION.

***BUT bosses be careful,
they weren't born
yesterday.***



A ONE-STOP SHOP – FAIR WORK AUSTRALIA

THIS WILL REPLACE THE AIRC, the Fair Pay Commission and the Workplace Ombudsman and other agencies. Specialist Fair Work Divisions will be created in the Federal Court and the Federal Magistrates Court that will hear matters which arise under the new laws. These Divisions will have flexible remedies. The Courts will be able to make any orders considered appropriate to remedy a contravention, including injunctions, rather than just imposing a penalty. It is an 'each party bears their own costs' jurisdiction.

The Minimum Wages Panel of FWA will set minimum wages from 1 July each year.

A SYSTEM THAT HAS AT ITS HEART BARGAINING IN GOOD FAITH AT THE ENTERPRISE LEVEL

FAIR WORK AUSTRALIA WILL BE ABLE to make orders that force both parties to bargain in good faith. Where there is majority support for enterprise bargaining, the employer will be required to bargain collectively (but not agree) with the relevant employees.

There will be no distinction between union and non-union agreements. Unions may elect to be covered by an enterprise agreement if they are a bargaining representative for the agreement. The presence of one union member in a workplace entitles the union to be represented at the bargaining table. Greenfields agreements will now need to be made with one or more relevant unions. The government is attempting to make pattern-bargaining impossible. This is a great impost on working people. It is important that workers can make gains across an industry. The concept of 'prohibited matters' is removed, but matters will still have to pertain to the employment relationship. This excludes issues that workers want to have a say on - like saving the environment.

PROTECTIONS FOR FREEDOM OF ASSOCIATION & OTHER WORKPLACE RIGHTS

IT WILL BE UNLAWFUL FOR A PERSON to take adverse action (dismissal, discrimination, prejudicially altering the position of a person) because a person has or exercises a workplace right. It will be unlawful to discriminate against an employee because they are a member of a trade union. The protections will cover industrial action, sham contracting arrangements, sex, sexual preference, age, disability, pregnancy, absence from work because of illness or injury.

The Bill provides sanctions including the power to obtain injunctions to restrain the conduct. The employer bears the onus of proof.

The Bill makes a union strictly liable for the actions of its delegates, even if the union took reasonable steps to prevent the delegate from acting in an unlawful fashion. Yet there is no minimum Charter of Delegates Rights or guarantees of training.

The Howard government abolished award rights for consultation. This Bill does not contain legal workplace democracy rights to information or consultation or to elect a workplace representative structure. (These have to be won in an EBA.)

SOME PROTECTION FROM UNFAIR DISMISSAL FOR ALL EMPLOYEES

SPECIAL ARRANGEMENTS WILL APPLY for small businesses with fewer than 15 employees. Compared with larger businesses, smaller business owners will benefit from:

A doubling of the qualifying period from 6 to 12 months, during which time employees cannot take a claim for unfair dismissal. A small employer may dismiss an employee summarily in the case of theft, fraud and violence or OH&S breach, or in the case of redundancy, or if they give them one valid warning based on the person's conduct or capacity to do the job and a reasonable chance to rectify the problem. The warning does not even have to be in writing. Sacked workers are to have only seven days to lodge a claim. This is an absolute disgrace!

SOME OPPORTUNITIES FOR LOW PAID WORKERS TO GET A BETTER DEAL

FWA WILL BE ABLE TO ASSIST multiple-employer bargaining for low paid employees who have not had access to the benefits of, or who face substantial difficulty undertaking collective bargaining. This will only be available for employers and employees who are bargaining for the first time.

SAME PUNITIVE LIMITATIONS ON RIGHTS TO TAKE INDUSTRIAL ACTION

ONE OF THE MOST DISAPPOINTING FEATURES of the new legislation is that workers still do not have adequate legal rights to withdraw their labour. When this is combined with limited rights to obtain arbitration the power of workers to defend themselves, much less make advances, is diminished. The right to arbitration must be won in an EBA.

TRANSFER OF BUSINESS

UNDER 'WORKCHOICES' MANY EMPLOYEES lost the benefit of their industrial instruments when a business changed hands even though they were performing the same work for the new employer. There will now be broader protection for employees' terms, conditions and entitlements. On a transfer of business a new employer will be bound to recognize employees' service with the old employer when calculating most entitlements. If the new employer does not want to recognise annual leave and redundancy pay accruals, the old employer must pay out these entitlements.

UNION RIGHT OF ENTRY

THE EXISTING RESTRICTIVE AND UNFAIR 'RIGHT OF ENTRY' rules are being maintained. The permit holder still has to abide by the route and room specified by the employer. This is slightly ameliorated in that the employer cannot exercise this power unreasonably and the union can go to the FWA in case of dispute.

One improvement is that once again union officials will be able to look at and copy records of employment where there is a suspected breach of the law being investigated. Agreements can confer rights on officials to participate in inductions, grievance procedures and other agreed union activities at the workplace. Permit holders can enter to hold discussions with workers who are eligible to be members. Unlike 'WorkChoices' there is no need for the employees to be covered by an award or agreement to which the union is bound. This will make meeting with employees of contractors much easier.

RETAIL NEWS

MANUAL HANDLING IN RETAIL

THIS IS A USEFUL MANUAL FROM the Commercial Division. It highlights 4 pieces of useful equipment for dealing with heavy mail and parcels:

- **Mini Pallet** – this is primarily used where the storage of heavy parcels is only possible on the floor. The benefit of this is that the parcel does not need to be lifted a second time and can be transported by the two wheeled trolley rather than carried. (Please note that this is not the union's preferred option as proper shelving should be supplied!)
- **Two wheeled trolley** – The benefit of this is that it does not take up a lot of space, it is light while strong and can be folded up.
- **Flat Top Trolley** – Only the top shelf is to be used. It is sturdy and good for heavy parcels such as cartons of wine.
- **Outward Mail Trolley** – Many of the trolleys currently in use are heavy and have wheels that are not moving freely. These are new, light and fit through the smaller doorways and the gates can be removed easily.



MAKING MANAGEMENT HONOUR THEIR LEGAL OBLIGATIONS

It shouldn't be so hard!

EBA 6 COMMITS AUSTRALIA POST to giving preference for full-time jobs to part-time employees. "EBA 6 Conditions of Service – Part-Time Employees – Preference "Priority will be given to permanent part-time employees when applying for permanent full-time vacancies in accordance with agreed guidelines" Clause 6 Attachment A, EBA 6.

When one of our country retail members was passed over for a vacant full-time job after she had been working part-time for 15 years we were totally astounded. (The successful applicant was a young male new recruit.) The union tried to conciliate the matter in the AIRC as we knew there was another job becoming available and Australia Post could right the wrong done to our member. Even though the Commissioner tried to lead Australia Post to do the right thing by our member they continued to ignore the disadvantage they had done to her.

The union then made a claim to the Magistrates Court for a breach of the EBA and for the material loss suffered by the member. An agreement to settle quickly followed, and after lengthy negotiations a compromise was reached that both sides could live with.

Our member obtained her full-time position. There was agreement that no staff would be disadvantaged by this. Her previous acting full-time service was recognised as service for all purposes. Management has agreed to meet to make sure there is a common understanding about what are the "agreed guidelines".

In the course of this dispute, the union became aware that some managers are not paying staff correctly when they are nominally part-time but are rostered for full-time work.

Please note that if you are "booked" to work full-time for a period of time, but you fall sick or there is a Public Holiday during that period you should be paid at a full-time rate. Remember the union is willing and eager to collect under-payments on your behalf! We would also like to thank our country member for sticking up for herself (and all other part-time staff).

STAFF ATTITUDE SURVEY

9 – 20 February

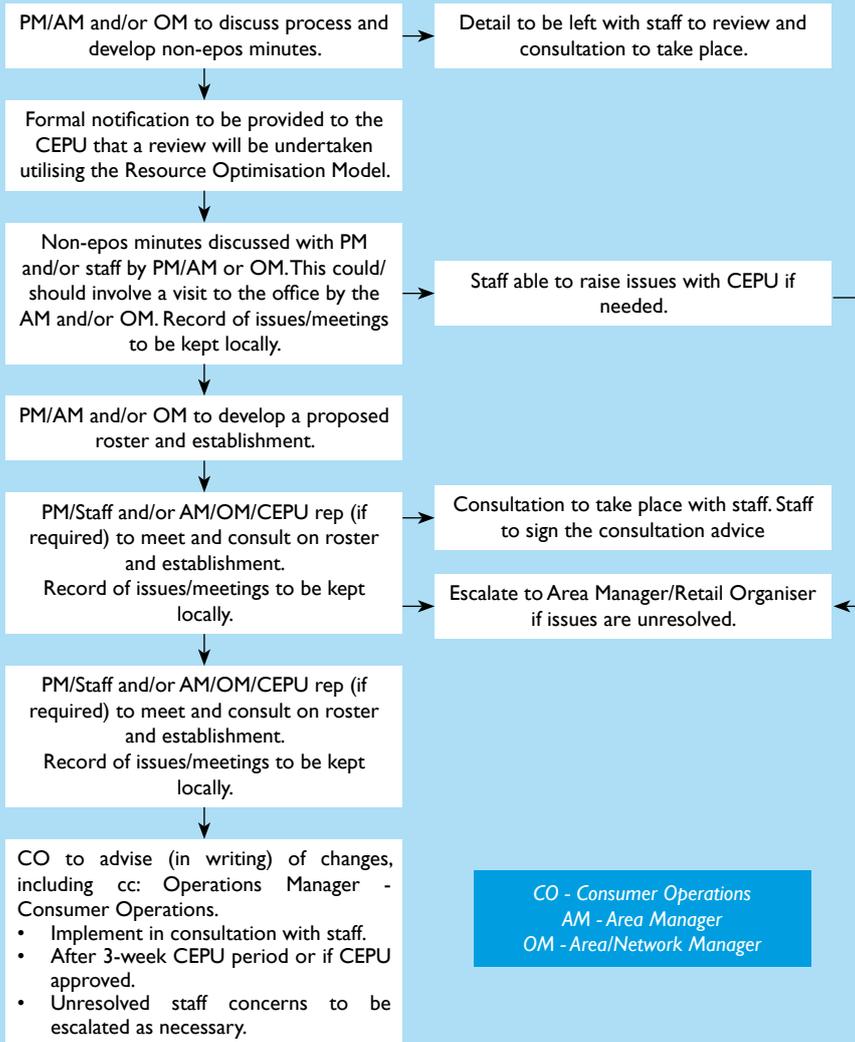
THESE TYPES OF SURVEYS ARE ALWAYS developed to obtain certain results. Management like to claim that the staff have complained about each other – e.g. that staff want 'poor performers' disciplined.

Make sure you use your survey to protest about unfair treatment by management. Find room to protest about the treatment of injured workers, about bullying, unreasonable over-time and or the lack of time provided to do your job safely. **Get your issues on the record not theirs!**

RESOURCE OPTIMISATION MODEL - PROCESS

ROM includes consultation as a key component of the process at the local level. All retail staff must be consulted and may query any aspect of the information, transactions, functions and time allocations. Staff may also raise any issue or concern with the union as an agreed part of the ROM process. The agreed process is set out in the below ROM process chart.

If you do not agree with the process being used or the outcome from the ROM review at your office, please **DO NOT** sign the 'consultative advice' and contact the Union for assistance.



CO - Consumer Operations
 AM - Area Manager
 OM - Area/Network Manager

The ROM (Resource Optimisation Model) is a 'time & motion' system used by management to match staff to a workload in a retail outlet. Each function is allocated a time regardless of how small or large the task is. EPOS and Non-EPOS function times are calculated to make up the ROM.

EPOS + Non-EPOS = ROM

However, there are problems with the ROM. Staff should be aware that:

- MODAPTS is the system that determines the time allocated per function. MODAPTS is not appropriate it is usually used to layout work areas.
- MODAPTS has not been updated since 2002.
- A substantial number of recent EPOS services are not being calculated correctly.
- Some EPOS are not being calculated at all.
- Short falls need to be listed and included in the Non-EPOS component.
- Consultation at the local level is a key part of the process.
- All staff **MUST** be consulted and staff may **QUERY** any aspect.
- Staff may raise any concerns with the Union.
- Remember 'No Task is Too Small', it all takes time.

Base level staff do not receive training in ROM, and many managers are confused by the ROM program. It is very hard to question something you don't understand.

The ROM system is being manipulated by Australia Post and staff are being confused, bluffed and intimidated into accepting whatever outcome Australia Post wish to project. Jobs are being lost, hours are being reduced and supervisory positions being cut.

It is no secret that Australia Post relies heavily on unpaid overtime and unpaid additional hours to get job done in a Retail Outlet.

“STOP PRESS” Management are trialling a new version of ROM in Broken Hill. We will keep you informed.



OLD HEAD OFFICE

They say it's all about location!
 Just ask Australia Post.
 Obviously the current Head Office is in the wrong spot - as they are moving two BIG city blocks down to Bourke Street (about 500 metres) at great expense.



SOON TO BE NEW HEAD OFFICE

BACK IN 1968 . . .

Our union (then called) the Amalgamated Postal Workers' Union of Australia led postal workers on strike for increased wages for drivers. It was arguably "the greatest struggle in the history of our union".

This was a time where Australia had three Prime Ministers in two months (Holt - McEwen - Gorton) and where the Vietnam protests were growing in strength. The government brought in scab labour or 'volunteers', they threatened the union with the Crimes Act and (in final desperation) threatened to bring in the army. Unions and students banded together. The students published and distributed the following regarding 'volunteering':

"Postal workers are involved in a struggle to improve their wages and conditions. They are using the strike as a last resort after months of waiting for a Public Service Board decision on the case they had presented . . . Our action of volunteering will lead, not to a settlement of a dispute, but to its widening. Within a short space of time seamen, wharf labourers, railwaymen and many others will become involved in sympathy.

The provocative action of the new Prime Minister in refusing to negotiate and calling for 'volunteer' labour will not be tolerated by the Trade Union Movement."

And neither they did.

The Postal Workers were supported by the Transport Workers, the Railways' Union, the Waterside Workers, the Engineering Union, the Electrical Trades, the Plumbers' Union, the Building Workers Union and the Builders' Labourers' Union.

Following are excerpts from a speech made by General Secretary, George Slater to a mass meeting of 5,500 striking postal workers at Festival Hall January 23, 1968.

"There are some things in life worth fighting for. We think that the Drivers' pay claim is worth fighting for.

A man's ambition may be great or it may be small, but he must be quite sure about his beliefs and fight for them. And if his cause is just, then truth and justice will prevail . . .

Your solidarity and militant spirit has been magnificent. Let me say you have been an inspiration to the whole working people of Australia . . .

We have been to the negotiating table with your strength behind us . . .

The government went from one panic move to another.

You know what has happened - they have tried to smash us with the recruitment of scabs.

What a desperate shoddy move. They thought you would buckle, but you demonstrated your strength and stood up and fought."

The Postal Workers' Union demands were met including getting rid of 'volunteers' or scabs and re-instating any employees whose employment had been effected by the dispute.

It is only through the perseverance of the union and its members that real wage increases were achieved.

"If the working people claim they cannot live on what they are paid, and their claim is true . . . then matters have to be changed."



MOTOR VEHICLE ALLOWANCE

The rates of allowance payable to employees who are authorised to use their private motor vehicles for official purposes have been increased. These changes represent an increase of 9.0% - the percentage increase in the Private Motoring Component of the CPI from September 2007 to September 2008.

ENGINE CAPACITY

(non rotary)

Above 2600cc

1601 - 2600cc

1600cc or less

ENGINE CAPACITY

(rotary)

Above 1300cc

801 - 1300cc

800cc or less

ALLOWANCE RATE

(cents per km)

76.0

75.0

62.00

The additional allowance for carrying passengers or goods has increased by 7.0 cents to 0.85 cents per kilometre travelled.

UNIFORMS - The Message is Getting Through Australia

Post has confirmed they intend changing the colour of the outdoor uniform from orange to flouro lime / yellow on the basis that the colour stands out more.

A new shirt with a ventilated flap on the back has been designed and is being trialled. We have been told the plastic branding on the back of the shirt is to be replaced or removed. A new shirt with the ventilated flap and cordura backing on the shoulders and arms is also being trialled. This weighs 0.6kg but should be useful in preventing abrasions.

PROFITS V. WAGES Did you know that the share of the economy taken up by profits has now hit its highest level in 50 years?

And did you also know that the share of wages is at its lowest for 43 years? Is this just a coincidence? No way. It is largely because for the last 12 years workplace laws were designed to deliberately weaken the ability of employees to collectively bargain to get a fairer slice of the wealth they created.

OBAMA'S COMMITMENT TO US LABOUR & DECENT WORK WELCOME

In late January President Obama signed executive orders that give a boost to workers. These orders prevent use of government funds for anti-union activity; require federal contractors to post a balanced notice of workers' rights and give workers a chance to keep their jobs when a federal contract providing services to a federal building changes hands.

CHILDREN'S SCHOOL EXPENSES Parents of school-aged children are reminded to retain their receipts for education expenses. The Education Tax Refund provides parents with much-needed help for education expenses, with refunds of up to \$375 per primary school student and \$750 per secondary school student. To make the most of it, parents need to keep your receipts and store them in a safe place. See www.educationtaxrefund.gov.au



Welcome to Monique!

Laurice (from membership) and her husband Mark have a new daughter.

Monique was born Friday 6 February.

Laurice will be on maternity leave for the foreseeable future.

MEMBERS EQUITY BANK

is 100% owned by Australian workers through the industry super funds.



ME does not charge union members a dishonour fee for union dues that reject because of insufficient funds. They do not pay the union subscriptions for the member but do not charge a dishonour fee.

BENEFITS OF A MEMBERS EQUITY BANK FIRST HOME SAVER ACCOUNT

- Earn a high 8% p.a.* on every dollar, every day
- Receive an additional 17% p.a. from the Government on your first \$5,000 made each financial year, to really boost your savings!
- No account keeping fees
- No minimum monthly balance required
- Contributions will be tax free
- Investment earnings (or interest) will be taxed at 15%.

Make home ownership a reality today call 1300 632 265 or visit www.membersequitybank.com.au/firsthomesaver

*Interest rate fixed until 28/02/09

TRAINING & MEETINGS

Delegates & members who would like to attend should contact the union for details

Shop-stewards Training
Friday 27 February 2009
8am – 4pm
at the union office

International Women's Day Rally
Friday, 6 March, 2 - 3pm at
the State Library,
Cnr Swanston & Latrobe
Streets, Melbourne

Return to Work after a Workplace Back Injury
A free forum with a panel of experts to discuss workplace injuries and RTW after a muscle stress or strain injury.
Tuesday 3 March 2009
9.30am – 12.30pm at VTHC
cnr Lygon & Victoria Streets,
Carlton

Comcare Seminar
Free session Friday 13 March
8am – 12.30pm
Rydges Hotel Melbourne

Anna Stewart Memorial Project
for women unionists wanting to become union leaders
11 - 22 May 2009
12 - 23 October 2009
at VTHC, Carlton

VTHC Comcare Course
for Health & Safety
Representatives
April 27 – May 1
July 13 – 17
9am – 5pm
VTHC, Carlton

From the Secretary . . .

This is the first of our Postal Newsletters for the year. We hope you enjoyed the Federal "cepu@WORK" which all the State Branches have contributed to.

The union has recently been producing several "Know Your Rights" leaflets. If they have not reached your workplace by now they are available on www.cwuvic.asn.au or by ringing the union office on 9600 9100.

The union office has been very involved in the Telstra EBA Dispute since before Christmas. Telstra management are even worse to deal with than Australia Post! Having taken full advantage of the Howard years to introduce mass individual contracts, Telstra are now trying to wipe out collective bargaining in the industry by dividing their workforce up into smaller and smaller groups asking them to vote over and over again for non-union agreements. Our Telstra members have stayed strong. Please help them by contributing to their Welfare Fund. Check www.yourrightsattelstra.com for further details. Our Telstra members also need to be congratulated on their magnificent efforts to restore phone services in bushfire areas.

They are truly "salt of the earth".

We are waiting for the results of many disputes and OH&S issues as we go to press – the Comcare report on the windowless Mercedes vans, the dispute about Plan Ops Duty Boards, the Monash Uni Accident Research Centre study on motor-bike safety, the Bundoora & Richmond DC PINs to name a few.

We have had some very good Compensation wins in the last few weeks and with the help of the Bendigo delivery shop-steward and the local member of parliament have stopped the contracting-out of Heathcote delivery. We will keep you informed of progress of the various disputes through workplace visits and delegates bulletins.

Remember to protect your health in the heat and DO NOT PUT UP WITH BULLYING!

BUSH-FIRE RELIEF

MEMBERS WHO HAVE LOST THEIR HOUSES OR BELONGINGS in the fires are asked to contact the union for assistance. (Phone: 9600 9100 or 1800 22 609 toll free for country members)

Many, many families have had a tragic and stressful time over the last several days. At least 3 post offices (Kinglake West, Narbethong and Marysville) have been lost in the fires and delivery of mail has been disrupted in many communities. Approximately 34 regional areas did not have mail delivery with another 21 partially affected.

Postal workers who are in the SES or CFA should organise paid leave with their managers – Section 14.13.5 of the Human Resources Manual deals with leave for natural or civil disasters and Section 14.3.8 deals with extraordinary circumstances.

Australia Post is granting \$2000 to individuals who have lost their home and to those who have been hospitalised due to fire-related injuries (in addition to government assistance). Affected employees, licensees and contractors should contact Chris Dixon, Manager HR Business Support Ph: 03 9299 4230.

Staff who are directly affected and facing difficulties should contact their manager and counselling services will be provided through Davidson Trahaire by appointment Ph: 1300 360 364.



CONTACT NUMBERS FOR THE UNION

Office Numbers

Ph: 9600 9100

Fax: 9600 9133

Email:

cdptvic@cepu.asn.au

Joan Doyle

0419 345 134

Secretary

Delivery / Decipha / PL

John Hogg

Assistant Secretary

0422 546 814

Delivery / Retail

Brendan Henley

0400 071 716

Transport / Country Mail

Centres

Sithy Marikar

0417 571 992

Retail

Returning to part-time work from extended sick leave.

Ray Gorman

0438 379 753

Delivery, DLC

Ray Richardson

Individual

members' concerns

0434 494 849

Shirley Winton

0407 515 841

Western suburbs

organiser

Troy McGuinness

0429 806 866

Recruitment

Val Butler is currently

working on Telstra

issues.

*Authorised: Joan Doyle,
Branch Secretary*



NEXT UNION GENERAL MEETING

The next meeting is on Saturday February 28 at 1pm. BBQ provided. Come and find out what has been happening and have your say.