

E-BULLETIN Postal

#14. Friday, 15 August 2014



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1. Loss of pay 'not on' says CWU

The CWU has told the FWC that the union cannot accept the loss of a week's pay.

We also told the FWC that repaying a loan to make up for the loss of a week's pay was not acceptable.

CWU National Secretary, Dan Dwyer, emphasised that it would cost Post not one cent more to make up the loss of a week's pay because under the current system they would have to pay it anyway. "This is costing Post nothing," said Dan.

A large, bold, black and red graphic that reads "NO WAY!". The word "NO" is in a very large, bold, black font, and "WAY!" is in a slightly smaller, bold, black font. A large red exclamation mark is positioned to the right of "WAY!".

The CWU emphasised the strong opposition by employees to Post's proposal that they skip a week's pay this year and have the loss made up on termination of employment.

[Click here to have your say.](#)

Post has rejected the union's "efficient processing" proposal to move the pay calculation date and align penalty payments and base pay without shifting the pay day to the extent proposed by Post.

We re-put our first proposal – pay a week's pay in the transition week to bridge the gap.

Post has agreed to further consider the union's proposals and to extend the consultation process.

They had wanted the consultation to finish on 7th August and commence their communications spin and implementation steps the following week.

The FWC issued a further Recommendation following the conference on 7th August 2014. Click here to read the [Recommendation](#). A further conference will be held at FWC on 15th August 2014.

2. Company that places casual workers in Post has gone into receivership

A company used by Australia Post to recruit casual workers has gone into receivership. As a result the casuals will not be paid the wages and other benefits they are entitled to.

The company, Bluestone Global, has determined not to pay any amounts owing to its employees from 28 July 2014 for a period of 16 weeks.

The impacted casual workers have not been paid for the period they worked at Post.

Bluestone currently supplies approximately 25 casual workers to Post across the following facilities:

- Adelaide Mail Centre
- Bibra Lake Parcel Delivery Facility
- Dandenong Transport facility
- Adelaide Van Services
- Melbourne Transport facility
- Netley Parcel Centre
- Osborne Park Parcel Delivery Facility
- Perth Mail Centre
- Wendouree Delivery Centre
- Welshpool Parcel Delivery Facility.

While the union's position is that we want permanent employees to do the work rather than agency staff there is a compelling view that these casual employees are entitled to be paid for the period they have worked at Post. The exploitation of any worker should not be tolerated.

3. Monitoring workers' health and safety at MPF and SPF

Your union has told Australia Post that it should be monitoring workers' health and safety in the training and testing trials at MPF and SPF and on an ongoing basis once the facilities go into full operation.

The possibility of over-exertion on any heavy task, particularly in black-spots such as the bull ring, the manual induction, singulation take off point and the loose loading and unloading in the new expanded parcel facilities is real.

Some tasks might require different work durations especially where heavy manual handling is performed. Let us know what you think may be safe work durations - cwu@cwu.org.au or www.cwu.org.au

Most of the injuries that will arise are likely to be chronic injuries (thus occurring over time) but there is still potential for acute injuries, particularly at the areas mentioned above such as the bull ring etc.

The need for monitoring of certain heavier tasks is obvious. Receiving input from workers is a good way to do this.

We have suggested diary entries (at the work station) would be a simple way to record this information. Workers provide input on how they found the work effort on each task. For example:

Work effort

Easy Moderate Hard (Tick box)

Comment if ticked moderate or hard. _____

Obviously people would have to be assured that collection of information is not to be used for any ulterior motives.

4. New tender on mobile material handling equipment



Australia Post has signed a two year agreement with Toyota Material Handling Australia for the purchase, rentals and maintenance of forklifts and mobile materials handling equipment.

Members would be aware that load shifting equipment from three vendors was trialled and assessed. Field assessments were conducted late last year in Melbourne Parcel Facility, Dandenong Letters Centre, Mt Waverley Business Hub, Sydney Parcel Facility and Sydney West Letters Facility.

While Post had tried to insist that everything in relation to the tender was “strictly confidential” the CWU National Office was able to secure the involvement of HSRs and CWU Delegates nominated by State Branches in the process.

Getting operators as well to use the equipment is fundamental in the whole process. Users of the equipment need to be guided on their own experiences. The Post evaluation form was deficient. Hopefully Post’s flawed process will not be repeated and has not fouled the desired outcome of getting equipment is safe and fit for purpose.

Thank you to CWU Delegates, HSRs and members who provided feedback on the equipment during the tender process.

5. Licensed Post Office casual loading now 25% for all

Casual members in Licensed Post Officers should have a 5% pay rise immediately following a decision of the Full Bench of the Fair Work Commission.

The casual loading has increased from 20% to 25% for all LPOs that were party to the Postal Services Industry Award, and all Victorian LPOs.

For those few LPOs not party to the Award, the loading increased from 20% in 2011.

The rise is the result of the decision of the Full Bench on 8 August to allow CEPU to withdraw an application to create a modern enterprise Award.

In addition, the compulsory Superannuation Guarantee contributions have increased from 9.25% to 9.5% as of 1 July 2014.

6. Union conducted HSR training

Your CWU national Office conducts 5 days Health and Safety Representatives (HSRs) training and a 1 day Refresher course that trained HSRs are able to attend every year.

A big advantage of attending CWU conducted HSRs training is that union trained HSRs and Deputy HSRs know their rights and how to use them.

Under Work Health and Safety law, HSRs may choose their training provider.

Don’t just be placed into the Australia Post OHS course. Come along to the union HSR course and help establish vibrant, active and unionised occupational health and safety environments in your workplaces.

HSRs can contact us on cwu@cwu.org.au or www.cwu.org.au

7. Team briefs used as evidence in disciplining workers

It appears that team briefs are being used as evidence to discipline employees for non compliance with workplace policies, conduct and rules.

Obviously, someone in HR has come up with the bright idea that if they get employees to sign a bit of paper that they attended a team brief then this can be used as evidence against them whenever they slip up.

But the on-the-ground practicality of this is ridiculous. Many different matters maybe communicated on the run at team briefs. How are workers expected to remember everything?



Notwithstanding the above, policies, workplace conduct and rules provided at team briefs need to be clearly communicated to employees and employees need to understand the consequences of a lack of compliance before Post can assert, *'We have a policy on this and you have breached it'*.

Members are advised for your own protection to keep a diary entry of topics discussed at team briefs, how long briefing went for, whether there was time for questions and was any paperwork made available.

The CWU will raise the matter with Post.

8. Charges laid in relation to ACT workplace fatality

In the first prosecution of its kind, charges have been laid under the *Work Health & Safety Act 2011 (ACT)* (WHS Act) against a company and a company officer (worker) in the ACT over an incident that resulted in the death of a worker in March 2012.

Charges of Reckless Conduct, a Category One offence, have been laid against the company and worker in relation to the maintenance of a concrete boom which was undertaken in NSW.

The worker was killed when he was struck by the boom which collapsed at a construction site in Kingston. The boom had recently undergone a full six year inspection.

The maximum penalty for a Category One offence is \$3,000,000 for the company and \$300,000 and/or five years imprisonment for the individual manager/supervisor. Alternative charges have also been laid for failing to comply with a health and safety duty and exposing an individual to a risk of death or serious injury or illness.

As tragic as the circumstances are for the worker, his family and friends, the charges against senior managers sends a strong warning that liability for safety matters does not rest with companies alone. This is in line with the WHS laws, which were designed to ensure that people at the highest level are personally accountable for what happens within the company.

9. Government must address 457 visa fraud allegations

Reports of widespread fraud in the 457 visa scheme reinforce concerns unions have about abuse of the scheme.

“Unions have always had concerns that employers were abusing the 457 visa program to bring in cheaper labour from overseas,” said ACTU Secretary Dave Oliver.

“Now we have reports that the 457 visas scheme is the subject of widespread fraud and there are diminishing resources for the Department to police it.”

“Unemployment hit a 12 year high and youth unemployment is in double digits, yet there is no requirement for employers to invest in training so they are going overseas to fill those jobs.”

At the same time the number of workers on 457 visas is increasing.

“The Government must use the 457 visa review to strengthen the scheme so employers have to genuinely try to recruit and train local workers, as well as ensuring that foreign workers are employed under the same pay and conditions as Australian workers,” said Mr Oliver.



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Send us an email and let us know what you think via cwu@cwu.org.au

Check out our webpage at www.cwu.org.au

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