

E-BULLETIN Postal

#18. Friday, 4 October 2013



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1. CWU wont surrender right to represent members

Ahmed Fahour
CEO
Australia Post

Dear Minister

Australia Post is abandoning country customers and businesses with its plan to cut next day delivery for regional centres in Victoria.

'Next day' mail service has been provided to regional Victoria for the last 35 years, but Australia Post wants to reduce this to a 'Day 2' service.

As well as reducing productivity for country Victoria, this will lead to job losses at the Regional Mail Centres in Seymour, Morwell, Bendigo, Ballarat, and Geelong, with mail sorting to be carried out in Dandenong instead of these regional centres.

Country Victoria deserves a first class postal service and needs these jobs to remain in regional communities. Please stop Australia Post from cutting country service standards and jobs.

Name: _____

Address: _____

Postcode: _____

Signature: _____

Place Stamp Here

Hon Malcolm Turnbull
Minister for Communications
Parliament House
CANBERRA ACT 2601

Authorised by: Joan Doyle Secretary CWU P&T Victoria

Australia Post (AP) this week launched an extraordinary attack on the independence of your union to try and silence us from speaking out about cuts to country mail services and jobs. AP says that the union is required by the non union EBA to pro-actively support their unilaterally decided corporate changes including job cuts. We would never surrender our right to represent members.

When AP announced they intended to cut country mail services and jobs in the districts (and catchments) of Geelong, Ballarat, Bendigo, Gippsland, Wollongong, Central Coast, Bathurst, Wagga, Albury, Casino and Kempsey the union met with newly elected labour candidate for the Federal seat of Bendigo, Lisa Chesters, at the Bendigo Mail Centre to outline what the cuts would mean for regional communities, i.e. the reduction of services to over a million Australians in regional Australia and big job losses in regional communities.

The visit received local media coverage, prompting AP to write to your Union demanding assurances that we would not talk publicly about the changes being proposed. Not getting the response they wanted AP has lodged the matter in FWA, naming both the Victorian State Secretary and the National Assistant Secretary and alleging that your union is breaching the EBA (clause 45 - support workplace change).

As a further try on, Assistant National Secretary, Martin O'Nea was refused access to AP headquarters this week for an important meeting on the tender process for the new load shifting equipment. This childish act, seemingly from the highest levels is unbecoming of an Australian business government enterprise.

Your union has placed AP on notice that such an attack on the independence of your union will not be tolerated. We make no apologies for standing up for Jobs. We make no apology for standing up for services. Australia has the world's best postal service and your union has every intention of ensuring it stays that way. Ahmed Fahour may understand intimately the counting of beans but it seems he does not get the provision of services to country Australia. **An online petition has been launched** <https://www.change.org/en-AU/petitions/stop-aussie-post-reducing-country-postal-services-cutting-country-jobs>

2. Coalition cold on privatisation of Australia Post

Prior to the federal election the CWU Divisional Office wrote to the coalition seeking a commitment that it would not privatise Australia Post if elected. This week Communications Minister, Malcolm Turnbull, has again promised postal workers the Coalition has no plans to privatise Australia Post or change the regulations that govern it.

As the opposition communications spokesman, Mr Turnbull wrote to the Divisional Secretary Dan Dwyer: "The Coalition understands the concerns of the Communication Workers Union during this transformative period for postal networks globally; however, the Coalition has no plans to privatise Australia Post." Mr Turnbull also provided the union with reassurance over its "community service obligation" - the regulation that requires Australia Post to make mail deliveries around the nation on every weekday and for the same price. Other countries have been reducing the number of deliveries in an effort to cut costs. Mr Turnbull said independent audits of Australia Post's performance standards had not identified any need for change and the Coalition had no intention of doing so.

Notwithstanding Mr Turnbull's promise the Coalition's proposed commission of audit is expected to be asked to examine whether major assets such as Australia Post, Air Services Australia and Medibank Private need to stay in public hands. The Howard government used the privatisation of Telstra to pay off debt, as was recommended by the audit it commissioned after winning government in 1996.



20th May 2013

Mr Dan Dwyer
Divisional Secretary
Communications Workers Union
Level 9, 365 Queen St
Melbourne VIC 3000

Dear Mr Dwyer,

Thank you for your correspondence on behalf of the Communication Workers Union regarding Australia Post.

As you note, declining letter volumes are not unique to Australia and the Coalition is aware Australia Post faces significant challenges in remaining a viable postal service that continues to meet the changing needs of the Australian public.

Australia Post's Customer Service Obligations (CSOs) as set out in Section 27 of the *Australian Postal Corporation Act 1989* (the Act) and provides Australia Post must meet certain access and delivery requirements in the provision of a letter service. Amending the CSOs would therefore require legislative change.

In 1998 regulations were made to prescribe minimum performance standards and Section 28C of the Act provides for the making of regulations to which outline the performance standards that must be met by Australia Post.

The *Australian Postal Corporation (Performance Standards) Regulations 1998* detail those particular standards relating to the frequency, speed and accuracy of mail delivery, as well as the accessibility of the postal network facilities.

These regulations have been in place since 1998 which only two minor amendments made since the regulations were introduced.

As a legislative instrument, these regulations are governed the *Legislative Instruments Act 2003*, Section 17 of which requires that before a rule-maker makes a legislative instrument, and particularly where the proposed instrument is likely to have a direct, or a substantial indirect, effect on business or restrict competition, the rule-maker must be satisfied that any consultation that is considered by the rule-maker to be appropriate and that is reasonably practicable to undertake, has been undertaken.

Any change to the regulations would also require the tabling of the regulation in both Houses of Parliament and would be a disallowable instrument; meaning that a motion of disallowance may be moved in either house for 15 sitting days after the regulation is tabled.

As the standards that underpin the operation of the Australia Post network, regulations made under Section 28C of the Act are subject to independent audit by the Australian National Audit Office (ANAO). So far the performance audits have not indicated a need for change.

Australia Post's 2012 Annual Report contains the ANAO's audit which found Australia Post to be in compliance with all of the prescribed performance standards. In these circumstances the Coalition has no plans to amend Australia Post's CSOs or Performance Standards.

The Coalition understands the concerns of the Communication Workers Union during this transformative period for postal networks globally, however the Coalition has no plans to privatise Australia Post.

Thank you for raising your concerns with me and my colleagues.

Yours sincerely,

MALCOLM TURNBULL MP



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CWU Assistant secretary, Martin O'Nea, said postal workers would strenuously oppose the privatisation of any part of Australia Post's operations. "We believe the Australian community wouldn't accept it either." Asset sales would be unlikely to make a serious dent in public sector debt, which is rapidly approaching \$300bn, rising by a little over \$1bn a week.

3. Field testing of load shifting equipment poor

Earlier this week (1st Oct) a meeting took place between the CWU and Australia Post (AP) to discuss the roll out of the Load Shifting Equipment (LSE) tender process. This meeting was organised by the union to try and rectify the shoddy and haphazard approach that AP is using to field test potential new LSE.

On 18 September, just 5 days before the start of the process, AP advised that they would be rolling out the field testing of potential new LSE – no other documentation was provided. When pressed AP provided one evaluation form for a forklift notwithstanding that most of the equipment to be tested are not forklifts. AP stated that their form was sufficient for the dozen or so other different types of LSE that would be assessed, saying they wanted to keep it simple and did not want to “complicate things” out on the job!

The insulting and condescending attitude of Australia Post towards the members on the job is at times breathtaking and management's hypocrisy when talking of engaging with staff is astounding.

Your union has demanded proper consultation on this issue. Members on the job need to have a full say on the suitability of the equipment they will be using for the next 5-10 years.

To any Senior Post management reading this, rest assured our members and your staff are more than able to deal with separate evaluation forms for different sort of LSE.

4. National linehaul meeting

Post Transport management met with linehaul union reps, State and National union officials in Melbourne on Tuesday 1 October to discuss proposed changes to linehaul routes.

One of the proposed changes is to remove changeovers at Dubbo and Hay and have all routes go Brisbane-Sydney-Melbourne-Adelaide. There would be new changeover points along this route.

Post's view is that by routing the trucks in this way it will reduce the need for contractors. Also trucks that were not operating at full capacity would be able to be topped up.

Northern (Queensland & NSW) and Southern (Victoria & SA) working groups have been set up with management, union and workplace reps. These groups will examine the proposals that affect their State. This information will be fed back to the main working party to examine proposals and impacts including possible financial impacts on drivers take home pay.

As a lot of the work will be performed at a local level initially linehaul drivers are advised to contact their workplace rep and manager to have input in the process.

5. Where the money has gone for training postal workers

Australia Post promised \$20 million over three years to provide employees with a range of programs to equip them for the skills required in the business in the future and for work outside the business.

What's happened to the money?

AP says it has invested in the following programs for employees who are not in supervisory or management roles:

- Customer Service for Van Drivers
- Computer Skills – On line training modules available to access from home or at work
- My Mentor – a program for women to develop personal and professional skills
- Building Resilience – how to maintain energy and focus during times of change
- Career Management
- Online English language training
- Retail Sales and Service
- Certificate III and IV in Customer Contact
- Create Your Future – retirement planning
- Business Hubs – Sales and service skills

For workers on the job this story seemingly should have a happy ending: workers getting training in on the job and off the job skills, should it not? But some of the above programs look like the kind of training that AP was doing before the promised \$20 million or what should be doing as part of normal on the job training.

If you have participated in any of the above programs we would love to hear from you about how you found the training or if you would like to participate in training we would also like to hear from you. We would be interested in knowing whether members have any problems in accessing the online training programs. You can contact us on cwu@cwu.org.au

6. How anti-bullying, work health & safety and workers' compensation laws relates to Australia Post workers

The Coalition Government has indicated it will keep the new **anti-bullying laws** that were passed by the federal Labour Government giving the Fair Work Commission (FWC) jurisdiction to hear bullying complaints and issue appropriate orders from 1 January 2014 – with one possible amendment adding in a "preliminary step" before FWC becomes involved - we will keep you advised. In the meantime it is worth being aware of the relations between anti-bullying, work health and safety and workers' compensation.

Relation with WHS

The new anti-bullying laws allows the FWC to make any order it considers appropriate where it is satisfied that a worker has been bullied and there is a risk that the bullying will continue. The FWC may also refer the matter to a Work Health and Safety Regulator (eg. Comcare). Where such an order is made, this could be used as evidence that bullying has occurred and thus comprising a risk to health and safety thereby opening the way for prosecutions for breaches of WHS laws. Potentially organisations, their officers and individuals can be fined for breaches of WHS laws.

Relation with Workers Compensation

The anti-bullying laws state that "reasonable management action carried out in a reasonable manner" is not workplace bullying. Notwithstanding this a FWC order could be used by employees to support a workers' compensation claim given that the FWC could not make such an order unless workplace bullying occurred. The timeframe for FWC to begin dealing with bullying complaints (14 days) also makes it possible to have complaints dealt with in a timely manner. Members who have used the Australia Post's (AP) internal complaints procedure where it can take up to 6 months to get an outcome would appreciate this position.

The scope of the anti-bullying laws is far reaching. No wonder earlier this week AP has recently reviewed its discrimination, harassment and bullying policy and rolled out calls for employees to nominate for the positions of its Harassment Contact Officers.

7. Decipha Enterprise Agreement ballot voted up

The results are in for the Decipha Enterprise Agreement ballot. An overwhelming majority of Decipha workers have voted to accept the new Enterprise Agreement. The following table has the voting breakdown on a state-by-state basis.

	Voted Yes	Employees who voted
VIC	90.5%	82.58%
WA	100%	84.62%
ACT	100%	100%
NSW	100%	90.80%
QLD	98.36%	85.92%
SA	100%	76.19%
Total	96.35% voted yes	85.92% voted across all sites

The final EBA is a vast improvement on what was initially on the table. We were able to improve the offer in a number of ways during the negotiations. This could not have been achieved without members' involvement and particularly the involvement of **local CWU Delegates - Bambi Keep and Anthony Graeme**.

This is the first time that local union representatives have been directly involved in enterprise bargaining negotiations in Decipha. Their involvement and the clear messages that they gave to Decipha and their union at all stages during the campaign resulted in a much better Enterprise Agreement for all workers. This was particularly evident when Decipha proposed 1% pay increase in the first year of the Agreement. Under the Fair Work Act, agreements are made between the employer and employees. Unions can then make an application to be bound by the agreement as part of the process. The agreement will come into effect when approved by Fair Work Australia.

Following a representation by the union Decipha has agreed that the first 3% wage increase will be paid effective from 23 September 2013.

Clearly being a union member works. Ask your work mates who are not in the union and who have therefore been getting a free ride to start paying their dues and join the union

8. CWU successfully defends compensation entitlements

The CWU has been successful in defending the compensation entitlements of Telstra employees who use take home vehicles. The case involved a NSW member who was injured in an accident while travelling home from work in his Telstra van. Telstra compensation officers said this was journey claim and excluded by the compensation act.

Following CWU representations, this decision has now been reversed. As postal workers would know compensation for injuries sustained when travelling to and from work – journey cover – was struck out of Commonwealth laws by the Howard government in 2007. From the CWU's point of view, the key issue here is the fact that the employee is effectively being directed to take the work vehicle home. Compensation is a difficult area and your union is helping many members everyday in securing their rights.

9. National delivery modelling tool

Australia Post met with State and National union officials in Melbourne on Wednesday 2 October to discuss the MDCS Miscellaneous Times review that had taken place in delivery facilities in each State. Also discussed was the proposed new National Delivery Modelling Tool (NDMT)

30 PDOs nationally were observed and some videoed in an attempt to understand the miscellaneous times and variations in delivery.

In the end, the only conclusion that could be made is that it's done in a variety of ways in each facility in each State. To attempt to get an agreed time on each task would be near impossible.

The NDMT is a combination of MDCS and Route Smart. All mail/parcels data in the facility is monitored over a 3-month period along with the individual PDOs times to set an average. Under NDMT the facility will be modelled to get the mail delivered maximizing full time work. There will be no indoor or outdoor assessments. An average time will be displayed based on live data collected previously.

Outdoor delivery time will be based on the same data. This way PDOs can drive and deliver in a safe manner taking into account the weather and traffic conditions. Some accidents in the past may have been caused by PDOs trying to achieve prescriptive outdoor times that caused them to race around or take unnecessary risks.

The union sees the abandonment of set times as sensible but we will need to monitor this carefully and ask members their opinion.

National briefings will start next week in Sydney to explain the new NDMT process. AURs, managers, State and National union officials and Post senior Delivery management will attend these meetings.

A trial will commence at Seven Hills Delivery Facility in the near future to monitor the proposed model with all parties involved.

Here are the dates for the NDMT national briefings.

- **Thurs 10/10 – NDMT NSW - 12.20p – 4pm Seven Hills DF**
- **Fri 11/10 - NDMT NSW - 12noon – 3.30pm – Alexandria DF**
- **Tues 15/10 – WA NDMT - 12 noon Perth Mail centre conference room – Boud Ave Perth Airport.**
- **Thurs 17/10 – QLD NDMT - 12 noon Brisbane GPO**
- **Tues 22/10 – SA NDMT - Adelaide GPO vicinity TBA 1.30pm**
- **Thurs 24/10 – TAS NDMT (Mitch Buxton to conduct) – TBA**
- **Thurs 31/10 – VIC NDMT– DLC Conference Room 2pm – 120 Nathan rd Dandenong**
- **Fri 1/11 – VIC NDMT– Port Melb DF 2pm – 509 Williamstown Rd Port Melbourne**



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