

E-BULLETIN Telecommunications

#5. Friday, 10 April 2015

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1. Optus award discussions

Discussions between the CWU and Optus over the Optus modern award continue, with a meeting being held on Tuesday 31 March.

The meeting was concerned mainly with the minimum wage rates in the award.

Last year when the application for a modern enterprise award was heard, the Fair Work Commission questioned whether these rates were properly made.

This is a technical issue dating back to the National Wage Case in 1989. It has no impact on the actual wage rates in Optus which are set by the Optus enterprise agreement (the Employee Partnership Agreement).

However the minimum rates in the award do provide a “floor” for the Better Off Overall Test (BOOT) which is applied when new agreements are taken to the FWC for approval.

There is also a small number of other issues about award content that were not resolved last year, relating to shift loadings, rest breaks and allowances. The CWU has indicated that it wants to pursue these issues. Optus and the CWU may approach the Commission for assistance if they cannot be resolved.



2. NBN Co agreement update



The CWU met again with NBN Co on Tuesday 31 March to attempt to progress Enterprise Agreement negotiations.

As reported in earlier E-bulletins, negotiations between NBN Co and all relevant unions have been bogged down since late last year when NBN Co indicated that it was bound by the Abbott government’s policies for public sector bargaining.

These include compulsory trade-offs for any wage rises and a ban on back pay. As the current NBN Co and Technical Employees Agreement reached its nominal expiry date on 1 August last year, this policy is now costing employees a significant amount of money – as it is of course designed to do.

The CWU has requested that NBN Co now formalise its current offer so that members have a concrete proposal to consider. To date, however, there has been no indication that they or other NBN Co employees are likely to find any government-imposed trade-offs of conditions acceptable.

3. Telstra Business Support and Improvement (BS&I) redundancies

Telstra has notified the CWU of a number of potential redundancies arising out of proposed changes to the teams that provide internal administrative services to Telstra CBD buildings.

Telstra says the proposal would have an immediate impact on Business Administrators in the Administrative Services Group and the Executive Services Group at Band 4i (or equivalent) level in Sydney and Adelaide, with a net reduction of 11 roles in these areas.

Any CWU members potentially affected by these proposals should contact their state branches immediately.



4. ACMA negotiations enter 9th month

April is the ninth month of the negotiations between the Australian Communications and Media Authority (ACMA) and its unions for a new enterprise agreement.

Like the negotiations with NBN Co – and all other Commonwealth departments and agencies – the stumbling block to reaching agreement is the federal government’s policy of trade-offs in return for below inflation wage rises i.e. real wage cuts.



To date the CWU and other unions involved have rejected ACMA proposals to reduce current working conditions or to make them unenforceable by putting them in policy rather than in the agreement.

However it is always possible that ACMA may soon simply bypass the negotiation process and make an “offer” to staff which is in line with the government’s policy.

Based on discussions to date and on bargaining in other Commonwealth employment areas, the

unions estimate that any ACMA offer is likely to include:

- A pay offer of under 1.5% p.a. and no back pay
- Reductions in allowances
- An increase to working hours
- Reduction of rights to union representation
- A larger performance-related component in pay.

The CWU will continue to consult with its members about the progress – or lack of progress – of these negotiations. Members should contact their state branches for further information.

5. NBN adds a further 550,000 premises to roll-out schedule

NBN Co has added a further 550,000 premises to its roll-out targets for the end of September 2016, about the time when the next federal election will be due.

The addition mean that NBN Co is now scheduled to either have work underway, or in plan to commence, to connect over 3.1 million premises by that date. This is in addition to the 870,000+ already connected to the network.

New communities added to the plan include Noosa on Queensland's Sunshine Coast; Mt Gambier and Whyalla in South Australia; Bendigo and Docklands in Victoria; Bathurst in the NSW Central West and Castle Hill in Sydney's North West; the township of Broome and the Perth suburbs of Hilton and Bassendean in Western Australia.

The targets do not, at this stage, include any HFC-based services which NBN Co has said it will start introducing from the first quarter of 2016.

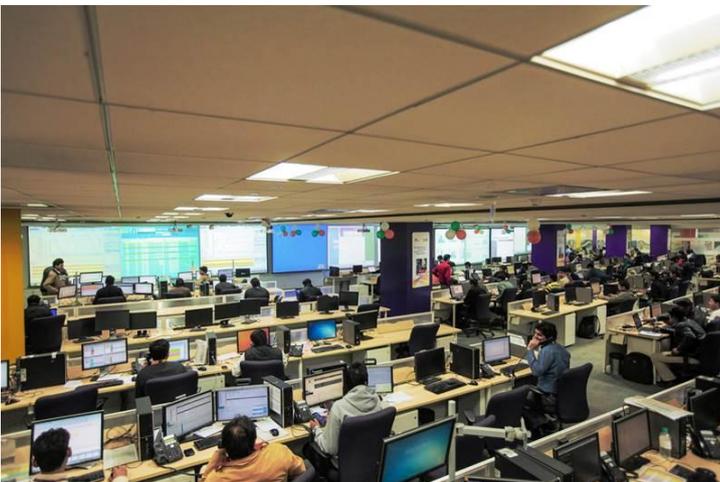
Activation of these services will have the potential to further enlarge NBN Co's customer base quickly, as there will be less need for the time-consuming civil works that have slowed construction of other platforms.



6. Vodafone renews offshoring contract

Vodafone Hutchison Australia (VHA) has extended its contract with Nokia to run its mobile networks operations from India.

The company will also provide customer service management for Vodafone's paging and mobile services.



Nokia's Global Delivery Centre, India.

Vodafone originally outsourced its network management functions to Nokia in 2010. Since then it has not all been smooth sailing, with Vodafone suffering well-publicised service difficulties during 2011 and 2012 that earned it the nickname Vodafail.

Nothing to do with offshoring though, according to Nokia Networks head of Australia and New Zealand Ray Owen.

"[With mobile networks] it works," Owen is quoted as saying. "There is no doubt there have been some issues and I will leave [Vodafone Australia] to comment on those issues."

"But what I would want to point to is where we are at today, which is a fantastic network and the user experience of people on the network that we help provide ... is fantastic."

Until the next major outage. The CWU continues to regard offshoring of network functions as a threat to network security and to service levels. It also obviously contributes to the hollowing out of the local technical workforce.

It is time Canberra seriously considered policies that would help reverse this trend and help both retain and develop skilled telecommunication work in Australia.

7. Insecure workers need better protections, say unions

Unions have highlighted the problems facing workers in insecure forms of employment in their submissions to the Productivity Commission's review of workplace laws.

The growth of "insecure" work such as casual, labour hire and contract-based employment has transformed the Australian workforce over the last two decades.

Employers like to argue that this change has been a win-win result, offering both them and their employees greater "flexibility".

But the reality is more often financial and personal uncertainty for those workers who have no guarantee of a regular income or regular hours of work and no protections such as sick leave, parental leave or workers' compensation entitlements.



Unhappy NBN sub-contractors in Tasmania: unions say "insecure" workers should have more rights and protections.

This situation is not only unfair to those in "insecure" work. It also undermines the position of those in permanent employment by offering employers a cheap alternative workforce.

In its submission the Australian Council of Trade Unions (ACTU) says that:

- Independent contractors or freelancers should be given the same rights and protections as other employees, including the right to bargain collectively
- Workplace laws should include a legal definition of a casual worker, prerequisites to hire a casual worker and the extension of minimum standards to casual workers
- Labour hire or temporary workers should have the same rights as permanent employees.

8. BHP wants new limits on industrial action

Australian employers are continuing to present their wish lists to the Productivity Commission's inquiry into workplace laws.

And a predictable lot of wishes they are!

BHP's submission to the inquiry offers the most recent insight into the thinking of the big end of town. It includes proposals for further restrictions on the ability of workers to take effective industrial action. It also calls for new limits on the content of workplace agreements and on unions' ability to represent their members.

According to BHP:

- Protected industrial action should not include selective work bans. The only legal industrial action (already restricted to action during bargaining) should be an all-out strike or employer lock-out.
- Unions should not be able to give notification of proposed action and then not go ahead with it. This, says BHP, causes great inconvenience to the employer!



Strikes and lock-outs: BHP wants an all- or –nothing approach to industrial action.

represent members in bargaining, particularly where levels of unionisation are low.

So, all or nothing!

At a time when unions are arguing for a greater role for the Fair Work Commission in resolving bargaining disputes such as the one that led to the Qantas lock-out, BHP wants to bring on WWII – which it presumably thinks it will win.

BHP also wants:

- Restrictions on agreement content that affects “operational” decisions. The example given is “last on, first off” redundancy policies.
- Further restrictions on unions’ right of entry into workplaces.
- Restrictions on unions’ rights to

There is little doubt that these proposals will strike a chord with the Abbott government. But if they are adopted as government policy, the 2016 federal election will show how popular they are going to be with working people.



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