

E-BULLETIN Telecommunications

#11. Friday, 3 July 2015

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1. Telstra EA negotiations

The most recent meeting for the Telstra EA negotiations was held on Wednesday 1 July. A detailed report on the day's discussions is contained in Bargaining Bulletin #9 of 2 July.



In summary, the most recent meeting did not broach much new ground. It moved closer to finalising wording of the proposed extended shifts agreement but details of wording around health and safety protections are still to be agreed.

It also looked at the interaction between the extended shift proposal and the current Group Flexibility Arrangements (GFAs) clause.

The parties also revisited the question of redundancy and redeployment procedures and their relationship to the current job movement rules (Section 16 of the current EA). No agreements have been reached in this area and discussions are ongoing.

One issue not previously discussed was the availability of RDOs. The CWU is seeking to restore the wording of earlier EAs which provided RDOs to all employees working in an area where they were in operation. The current EA grandfathers RDOs on an individual basis but does not make them automatically available to new entrants into a work area where they are used.

Telstra wants to retain the current RDO arrangements but also wants to be able to have employees work their RDOs in certain circumstances (e.g. peak load) while providing appropriate compensation.

Lastly, Telstra has indicated it is willing to lift the cap on cashing out of annual leave. This was one of the CWU's claims, although all parties agree that employees should be discouraged from using too much leave this way instead of for recreation. Some wording around this point will be considered.

2. Plebiscite: CWU members reject rule change

A clear majority of CWU members has rejected a change to the union's rules that would have allowed individual branches to leave the Communications Division and merge with another Division of the larger Communications, Electrical and Plumbing Union (CEPU).

Members voted down the proposed rule change by approximately 2 to 1. The official report from the returning officer, issued 1 July, shows that 3318 of a total 5342 valid votes (i.e. 63%) were cast against the proposal.

The original amalgamation between the three unions that make up the CEPU – Communications, Electrical and Plumbing – was based on a degree of independence between the different divisions, each with its distinct membership.

The idea was that members of these different divisions would continue to have their own elected officials who were answerable to them and knew their industry.



This arrangement could only be changed if all members of a Division voted to amalgamate with another one – not on a branch by branch basis.

The supporters of the rule change argued that branches should have the right to make such decisions for themselves, reflecting their particular needs and circumstances. The opponents said the rule change opened the way for the Communications Division to be pulled apart, bit by bit.

CWU Divisional Secretary, Dan Dwyer, said the vote in the plebiscite showed that CWU members wanted an independent union that could defend their particular interests as communication workers.

3. Optus: EPA discussions due to commence

The CWU expects to commence negotiations for a new Employment Partnership Agreement (EPA) in Optus in the coming period.



The current Optus agreement doesn't reach its nominal expiry date until 3 December, but negotiations to renew such agreements commonly start about 6 months before the expiry time.

This provides time for a smooth transition – if, of course, agreement with employees and their representatives can be reached.

At present Optus and the CWU are still engaged in finalising details of the modern Optus Award. This work will need to be completed in the coming weeks if EPA negotiations are to get underway on a secure basis.

Discussions won't start formally until Optus notifies its employees that it wants to begin bargaining.

In the meantime, Optus members should now be contacting their relevant state branches to raise any issues they want dealt with in the next round of bargaining.

4. Senate hears of 457 visa abuse

A New South Wales miner who was sacked and then made to train up temporary workers on 457 visas to replace him has given evidence to a Senate Inquiry investigating the abuse of Australia's temporary visa system.

Ben Loeve was one of 106 local workers at a coal mine in the NSW town of Boggabri who were made redundant by Downer EDI, while eight employees on 457 visas with less experience and qualifications were retained as the company tried to bring in another 360 workers from overseas.

Ben's case is only one of many being exposed by submissions to the inquiry. Others involve migrant workers who were paid just \$7-10 an hour and made to sleep in shipping containers.

And unions are pointing to many further examples of workers being brought into Australia supposedly to do skilled work only to find themselves doing low skilled jobs for illegally low pay.

ACTU President Ged Kearney, who addressed the inquiry late last month, called for action to ensure the large and growing use of temporary working visas does not impact on job and training opportunities for local workers and lead to exploitation of vulnerable foreign workers.

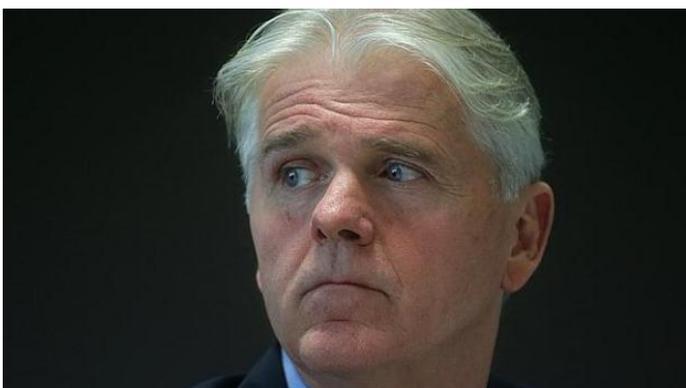
Unions are calling for caps on temporary visa numbers, tougher requirements for employers to hire local workers before recruiting workers from overseas and stronger training obligations for employers who use 457 visas, including requirements to train Australian apprentices in the same occupations where temporary visa holders are being employed.



5. NBN: Morrow says skill shortages persist

nbn chairman Bill Morrow says his construction programme is facing a "huge" skills shortfall as it prepares to roll-out the FTTN and HFC components of the network.

"If I look over the next two or three years," Morrow told a business forum recently, "we have a shortage of about 4000 people and I don't know where we're going to get them to be able to do this at this point without launching a massive retraining program to move people from other industries to come in."



Trouble brewing? nbn CEO Bill Morrow say he needs to 4,000 more trained workers for the project.

So the penny finally drops! The only thing at all surprising about this revelation is its belatedness. When the NBN was still no more than a gleam in former Communications Minister Stephen Conroy's eye, the CWU was urging the then Labor government to build the issues of skills and training into its considerations.

That was in 2008, when the first Request For Proposals was issued. Seven years and a change of government later, the labour supply issue has not been successfully addressed.

Meanwhile the CWU continues to receive reports of use (and abuse) of 457 visa workers on a project that was supposed to drive job creation for local workers.

But there is more than short-sightedness involved here. The shortages Morrow has identified also reflect the structure and economics of this construction project with its multiple contracting layers all squeezing their margins out of those below them on the heap.

Who, in this system, is going to pay for training? And will those who are trained, either already or in the future, be happy to work for the rates on offer?

Morrow's reference to a "massive training programme" suggests that government may be about to put in funding on a significant scale. It will still, however, have to recognise that skilled workers will want – and deserve – pay and conditions more favourable than those that are now commonly on offer if Morrow's problems are to be solved.

6. ACCC endorses revised Telstra/nbn deal

The Australian Competition and Consumer Commission (ACCC) has endorsed the revised deal between Telstra and nbn which will see Telstra's HFC network and those sections of its copper network that lie beyond the "node" acquired by nbn. (Lead in conduit was acquired by nbn in the original agreement.)

The decision formally clears the way for the roll-out of the Fibre-to-the-Node and upgraded HFC elements of the Coalition's mixed technology version of the NBN.

nbn has already started work on 400,000 FTTN premises, the first of which will be active this year. HFC is expected to be commercially launched in 2016.

While giving the go ahead to the transfer of Telstra's assets, the ACCC has yet to approve the sale of the Optus HFC network to nbn, saying the competition questions involved are different.



The ACCC has approved the revised deal between Telstra and nbn.

The sale of the Optus HFC assets may be a difficult pill for the ACCC to swallow, committed as it has been in the past to infrastructure-based telco competition.

But it found its way around similar difficulties with the previous version of this deal, which saw Optus' HFC broadband customers, as opposed to its HFC assets, transferred to nbn. With government policy behind it, it is likely to do so again.

7. China-Australia trade agreement poses safety risks say unions

Unions have vowed to oppose elements of the China-Australia Free Trade Agreement (FTA) which they say will dilute current skill standards and pose safety risks for both workers and the wider community.

The Electrical Trades Union and other unions in the construction sector have warned that the agreement removes current requirements for Chinese electricians to undergo a skills assessment before being approved for a work visa. The union says the arrangement is reckless, dangerous, and will lead to lives being lost.



The aim of removing the requirement for mandatory skills assessments for ten occupations, including electricians, is to reduce, or eliminate entirely, the requirement for Chinese workers in other occupations to undergo skills assessments before receiving temporary work visas within the next five years.

Electrical Trades Union national secretary Allen Hicks described the agreement, reached without industry or community consultation, as 'a dangerous policy that will lead to electrocution deaths, house fires, and other safety problems'.



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