



communication  
workers  
union



**EBA11**  
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# LOG OF CLAIMS

## Australia Post Enterprise Bargaining Agreement

The following reflects the core bargaining position of the Communication Workers Union Division (CWU) of the Communications Electrical Electronic Energy Postal Plumbing and Allied Services Union of Australia with regard to the current round of enterprise bargaining with Australia Post.

Due to the nature of negotiations, the CWU reserves its rights to make additional claims, from time to time, throughout the bargaining process.

### **JOB SECURITY AND EMPLOYMENT ARRANGEMENTS**

#### **1. RRR Agreement**

We are seeking for the Retraining, Redeployment and Redundancy Agreement contained within the current Agreement to remain as is and unaltered.

Further, we are seeking clear guidelines to ensure surplus employees are not involuntarily retrenched until all genuine attempts to have been made to identify suitable alternative employment — including redundancy swaps.

#### **2. No compulsory retrenchment**

As Australia Post continues to undergo change, workers need job security now more than ever before. We are seeking a commitment that no Award-level employee will be involuntarily retrenched through the life of any new Agreement.

#### **3. No Structural Separation or Privatisation**

Separation or Privatisation of Australia Post poses a significant threat to efficient and affordable community postal services and jobs. We are seeking a letter of comfort Australia Post will not pursue such an outcome, over the life of any new Agreement.

#### **4. Seniority for part-time to full time and casual to permanent conversion**

Seniority should apply when considering the conversion of part-time to full-time employment and also when considering the conversion of casual employment to permanent employment. The CWU commits to working with Australia Post to develop a process which reflects the spirit of this claim.

## **5. Employment arrangements**

All current employment arrangements should be maintained — in particular, principles surrounding the maximising of full-time employment. Further, fixed-term and casual employees should not be introduced to a workplace without prior agreement with the Union.

## **6. Part-time hours review**

The hours of engagement of part-time employees should be reviewed every six months with a view to increasing nominal hours in line with the average actual hours worked in the six-month period directly preceding the review.

## **7. Part-time hours reductions**

Australia Post is required to provide three-months' notice to reduce a part-time employees' hours of engagement. We believe this is unfair and are seeking a removal of this provision.

- a. Furthermore, where any reduction of hours are considered, the provisions of the RRR Agreement should apply to the employee for the purpose of retraining, redeployment or redundancy.

## **8. Minimum engagement**

The minimum engagement for employees should be amended in any new Agreement to a minimum of three hours per day over a minimum of five-days per week.

## **9. Employee discipline**

The Union is seeking a joint review of the disciplinary process, including the suitability of determined penalties, and the Code of Ethics.

- a. Furthermore, we seek the ability to appeal the outcome of disciplinary matters at the warning counselling level in the Board of Reference under agreed exceptional circumstances.

## **10. Base-grade transfers**

We are seeking for employees to be able to access a fair, simple national transfer process, to apply to all occupational groups and base-grade classifications

# **PAY, ALLOWANCES, PENALTIES AND ASSOCIATED MATTERS**

## **1. Annual wage increase**

Australia Post's Award level employees deserve to be fairly remunerated.

We are therefore seeking annual increases to nominal salary levels that reflects CPI, to ensure our members and their families are able to continue meeting their financial obligations.

## **2. Unconditional wage movements**

Any contemplated wage movements or bonus payments must be unconditional.

## **3. Allowances**

A continuance of the adjustment of EBA allowances at the same rates as annual wage movements, as is currently the case.

## **4. Prescribed overtime rates**

We are seeking to amend the prescribed rate for overtime duty performed on Saturdays, from 150% for the first three hours and 200% thereafter for non-shiftworkers, to 200%.

## **5. Annual review of all other allowances and supplements**

We are seeking a joint annual review of the rates payable for all allowances and supplements provided for in the Principal Determination.

## **6. Payroll irregularities**

Where underpayments to an employee occurs, the payment owing to the employee should attract 5% in interest penalties paid daily until the underpayment is rectified.

Any bank default or dishonour fees charged to the employee due to them being unable to meet their financial obligations resultant of an underpayment should be met by Australia Post.

Any agreed recovery of overpayments made to an employee should be capped at 5% of the ordinary salary payable for that period or 5% of the overpayment amount — whichever is lower.

## **7. Processing of allowances, penalties and overtime**

There is no reason that allowances, penalties and overtime can't be paid in the same pay period that the work is performed, across all occupational streams.

## **8. Payslips**

Australia Post payslips are complicated and difficult to read. We are seeking a simplified payslip that enables employees to ensure they are being paid correctly and on time.

## **9. Night shift penalties**

We are seeking to apply the 30%-night shift penalty rate to all work performed by a full-time, or part-time, employee between the hours of 6:00pm and 8:00am.

## **10. Protection of current penalty rates**

We are seeking a "no disadvantage" test to be applied to penalty rate income following workplace change resulting in an involuntary change of shift or redeployment under the RRR Agreement.

### **11. Part-time “Additional Hours”**

Currently, part-time employees are only paid at the ordinary rate of pay for working hours above and beyond their nominal hours, with overtime rates not applicable until a part-timer has reached 36.75 actual hours during the ordinary week.

Members complain of regular and consistent abuse of this provision and claim very rare circumstances of ever working just their nominal hours.

We are seeking the introduction of over-time rates to be payable to part-time employees once their nominal part-time hours of duty have been exceeded in a given week.

### **12. Single day higher duties**

If an employee is undertaking the work of a higher designation, they should be paid for it. There is no fair reason that higher duties shouldn't be paid from day one.

### **13. Trainee wage**

We are seeking to abolish the trainee wage in all instances where it currently exists.

### **14. Forklift allowance**

We are seeking a forklift allowance of \$15 per day for employees engaged in forklift duty.

### **15. Mail Redistribution Centre classifications**

We are seeking for all employees handling dead letter mail to be classified at the level of Senior Mail Officer, pursuant to the Work Level Standards.

### **16. Team skills - technical classifications**

We are seeking for PTO 7, PTO 6, SMEs and 2ICs in the technical and engineering workgroup to be eligible for team skills.

### **17. PTO 5 progression**

We are seeking for those employees classified as PTO 4 (level 8) for a period of 5 or more years to automatically progress to the PTO 5 designation.

### **18. Technical apprenticeships**

We are seeking a to establish committee to jointly develop a national apprenticeship program to ensure Australia Post can attract, retain and maintain the skills required with regard to the technical and engineering occupational group.

### **19. Technical pay structure – increment levels**

We are seeking the following adjustments to the below-mentioned technical and engineering designations:

- Postal Technical Officer Level 4 (Increment 9) \$3,000 above increment 8

- Postal Technical Officer Level 5 (Increment 3) \$3,500 above increment 2
- Postal Technical Officer Level 6 (Increment 1) \$4,000 above current salary
- Postal Technical Officer Level 7 (Increment 1) \$5,000 above current salary
- Postal Technical Officer Level 8 (Increment 1) \$5,500 above current salary
- Postal Technical Officer Level 9 (Increment 1) \$6,000 above current salary

## **20. Income protection**

We are seeking for an income protection scheme to be afforded to all employees, ensuring that should they sustain a major injury or serious illness they are not disadvantaged.

Further, “journey cover”, providing income protection and the payment of medical expenses, resulting from an injury sustained during an employee’s commute, should be reinstated to employees.

## **21. Cease the exploitation of Retail relief “head station”**

We are seeking to stop the exploitation of a Retail relief employee’s head station for the purpose of reducing Post’s obligations to pay ETT and other applicable allowances.

Retail relief head stations should be assigned, ta

## **22. Emergency duty and restriction**

We are seeking for the emergency duty payments provisioned in Clause 17.5 of the current Agreement to apply to employees recalled to duty who are defined as “restricted” by Clause 17.6.

# **SUPERANNUATION**

## **1. No removal of the defined benefit**

Australia Post can exercise certain discretions over the APSS fund. We are seeking a letter of comfort that Australia Post will not seek to withdraw from the defined superannuation benefits payable to current eligible APSS members.

## **2. Increase Superannuation rate**

Strong superannuation entitlements are more important now than ever before. To meet the increased demand on self-funded retirees, the rising cost of living, we are seeking a modest increase in the rate of superannuation contributions across defined benefit and accumulation funds, to 15.4%.

## **3. Primary carer superannuation supplement**

Primary carers availing of unpaid leave from the workforce to raise their children don’t deserve to be punished in their retirement. We are seeking for measures that supplement superannuation earnings during periods of unpaid parental leave that level the retirement playing field for primary carers of children under school-age.

#### **4. Workers compensation superannuation supplement**

Workers who are recipients of workers compensation as a result of a workplace injury or illness are currently disadvantaged in their retirement. We are therefore seeking for superannuation to be paid on workers' compensation payments.

## **LEAVE**

#### **1. Reasonable approval of leave**

Members have reported the unfair and inconsistent rejections of ARL and LSL requests. We are seeking to formalise agreements on approval timeframes and processes that ensure our members are afforded reasonable access to avail of their leave entitlements.

#### **2. ARL rostering**

In workplaces where leave periods are rostered in advance, there should be local participation and consultation in producing a roster that accommodates employees as fairly as possible.

#### **3. Seven Day shift workers**

We are seeking for all employees engaged in the Deliveries Group, who may be subjected to potential rostering for duty on Saturdays and/or Sundays, to be afforded an additional week of annual recreation leave per year with no further qualifier.

Furthermore, Van drivers who qualified for the fifth week annual leave entitlement prior to the introduction of the former Federal Government's temporary regulatory relief, should have a fifth week of annual leave grandfathered for the remainder of their employment as a van driver with Australia Post.

#### **4. Cashing out of sick leave**

Notwithstanding the important role that sick leave plays in employee health, we are seeking the ability for excess accrued sick leave to be paid out as cash in special individual circumstances.

#### **5. Pay-out of personal leave**

Notwithstanding the above, we are seeking the ability for unused personal leave to be paid to an employee upon separation.

#### **6. Cashing out of annual leave**

We seek to remove the *once per calendar year* restriction on an employee cashing out an eligible ARL balance provisioned for at 20.5.1(d) of the current Agreement.

#### **7. Reduced attendance rostering (RAR or RDOs)**

The CWU seeks for the restoration of RDOs to any facility, particularly Retail facilities, where this highly valued benefit was removed under the cover of Australia Post's COVID-19 rostering response.

## **8. Medical evidence requirements for accessing sick leave**

We are seeking for Australia Post to accept medical certificates issued by pharmacies in lieu of General Practitioners in instances of minor illnesses or injuries for the purpose of providing evidence when seeking access to sick leave entitlements.

The CWU recognises Australia Post's proposal to partially allow this in certain circumstances through a proposed policy change, only in regional areas. However, employees are finding it more and more difficult to access a GP for the purpose of certifying their illness or injuries on the same day that leave occurs – regardless of their location.

There is no legislative hindrance preventing Australia Post from agreeing to this reasonable and responsible policy change and would come at no cost to the organisation.

## **9. Authorised Holiday and peak period leave black-out**

Australia Post has unilaterally altered the way the Union Picnic Day / Authorised Holiday, that was traditionally held during the week between the Christmas and New Year public holidays.

We are therefore seeking for the peak-period leave black-out that applies to members employed across operational areas, particularly the days that fall between the Christmas and New Year public holidays, to be lifted.

The Union is committed to working with Australia Post to develop an agreed framework and process which would allow this to occur, ensuring the business is able to continue to meet its peak-period demand, whilst also alleviating the dissatisfaction amongst many employees who wish to spend this time with those closest to them.

Furthermore, we are seeking for the balance of employees' authorised holiday leave credits to be specified separately from other leave accrual balances on an employee's payslips.

## **10. Long Service Leave Entitlement**

We seek to include a clause that identifies employees' entitlement to Long Service Leave as a practical addition to the EBA.

## **11. Personal leave**

We are seeking for pre-arranged medical appointments, confirmed by the medical practitioner, to be specifically covered by personal leave.

# **DISPUTE RESOLUTION**

## **1. Removal of mediation process**

The Fair Work Commission's conciliation process is an adequate avenue of mediating disputes that are not resolved internally. An additional mediation process after conciliation serves no purpose other than to frustrate the resolution of a dispute when conciliation fails. This process has been seldom used since its introduction and we are seeking for it to be removed.

## **2. Removal of executive requirement for Arbitration**

Currently, where conciliation and mediation fails to resolve a dispute, the Union requires approval from its National Executive body prior to commencing an arbitration process against Australia Post in an effort to resolve a dispute (Clause 42.6.2). We are seeking a removal of this requirement.

## **3. Dispute resolution development leave**

Events held by the Union in order to provide training and development to improve the dispute resolution capability of our workplace Authorised Union Representatives (AUR) is essential to preventing the escalation of disputes above the local level. Preventing such escalation is in the interests of both the Union and Australia Post.

To further support this development, the Union is seeking to increase the paid leave allowed to CWU AURs, to attend such events, from two days per year, to five days per year.

## **4. Board of Reference Chairperson appointment**

We are seeking for continuing the process of Australia Post and the CWU jointly agreeing on the appointment of the Board of Reference Chairperson and other internal appeal boards, without the assistance of the Fair Work Commission.

## **5. Related matters**

The Union is seeking for any employment related matter, not limited to just those related to terms of the Agreement, or the National Employment Standards, to be subject to the dispute resolution procedure outlined in Clause 42.

## **6. Status Quo**

The Union is seeking an amendment to Clause 42 to include a stipulation that the status quo will continue in relation to matters subject to formal notice of dispute.

# **HEALTH AND SAFETY**

## **1. Personal Protective Equipment**

All employees should be provided with the appropriate Personal Protective Equipment relevant to the areas they are required to perform their duties in.

Additionally, and specifically, walking-based postal delivery officers continue to complain of the inadequacies of their wet-weather protective clothing. We are seeking for the provision of the Goretex PPE to all outdoor postal delivery officers.

## **2. Work rates**

Clause 39 of the current Agreement prevents management from using sort and machine rates from unfairly managing a worker's performance.



Where Australia Post does contemplate utilising sort and machine rates for the purpose of managing performance, the Union is seeking to be consulted on the individual matters prior to any performance management or disciplinary process being undertaken.

### **3. Adequate relief**

The Union is seeking a joint review to examine and review relief staffing ratios across all occupational groups.

### **4. Inclement and extreme weather**

The Union is seeking a process to jointly develop an agreed inclement and extreme weather policy, containing consistent guidelines to be automatically applied to employees who find themselves working in, or affected by, inclement and extreme weather conditions or events.

### **5. Board of Reference review of harassment and bullying complaints**

Members continue to complain of harassment and bullying complaints that go nowhere. We are seeking for the outcomes of serious harassment and bullying complaints lodged by employees to be open to review and/or appeal by the Board of Reference.

### **6. Joint Australia Post / CWU investigations in death and serious injury incidents**

Where serious incidents occur that result in the death or significant injury of an employee, the Union is seeking that a joint review be convened to assess the circumstances that led to the incident occurring. The Union will be provided all relevant information pertaining to the incident to allow such review to occur with the active involvement of the Union's nominees.

### **7. Workers' compensation review**

Recommendations and agreed commitments arising out of the high level 2016 workers' compensation review should be retained in any new Agreement. Furthermore, the CWU is seeking for a similar review to occur again to examine fresh matters of contention for the Union and its members.

## **CONSULTATION**

### **1. Review of Clause 33**

Clause 33 deals with consultation with employees and their representatives when Australia Post is considering workplace change.

The Union is seeking a review of this Clause to ensure that employees are afforded genuine, open and transparent consultation rights with the bona-fide opportunity to furnish alternative proposals that mitigate any negative effects the proposed changes may have on their employment terms and conditions.

The Union is seeking access to consultation on matters that *indirectly* impact on employees in addition to those matters directly impacting upon employees referenced in clause 33.4(a).

We also believe that workplace change should be introduced with the agreement of the Union, not just following consultation with the Union.

## **2. New technology and equipment**

We are seeking specific consultation arrangements surrounding the introduction of new technology and equipment that may have effects on our members.

## **3. Peak period arrangements**

The peak period brings challenges for the Union and Australia Post. We are seeking a requirement for Post to initiate consultation no later than October each year, directly with the State CWU Branches, on proposed peak period work and staffing arrangements.

These talks should proceed with a view to finalising period arrangements prior to peak period operational changes being implemented.

# **GENERAL MATTERS**

## **1. Minimum duration**

Minimum three-year duration of any new Agreement.

## **2. Letters of comfort**

All letters of comfort, side letters, letters of commitment entered or offered at the commencement and during the term of the current Agreement, including the commitments to continue recognising a number of non-certified agreements, should be incorporated into the body of any new Agreement either directly or by reference to ensure the obligation is able to be enforced for the life of the Agreement.

## **3. Non-certified industrial agreements**

Any current non-certified industrial agreements which still exist should be incorporated into the body of any new Agreement either directly or by reference to ensure the obligation is able to be enforced for the life of the Agreement.

## **4. Principal Union clause**

The Agreement should reinstate the recognition of the Communication Workers Union Division (CWU) of the Communications Electrical Electronic Energy Information Postal Plumbing and Allied Services Union of Australia as the principal Union for Australia Post employees.

## **5. Access to inductions**

CWU access to new-employee inductions should occur for a minimum duration of 45 minutes.

## **6. Guidelines, rights and responsibilities of Union Delegates**

Recognition, guidelines, rights and responsibilities of CWU Union delegates, including the CWU Delegates' Charter, should form part of any new Agreement.

## **7. Memorandum of Understanding**

The Memorandum of Understanding entered into between the CWU and Australia Post with regard to the new delivery model, should be submitted to the Fair Work Commission for filing alongside any new Agreement.

## **8. Buy Australian Policy**

We are seeking a letter of comfort that Australia Post will not only procure new uniforms and protective clothing in consultation with affected employees, but that priority be given to Australian manufactured products to support Australian jobs.

## **9. Uniforms**

All Australia Post employees, regardless of occupational stream, should be entitled to receive a free corporate uniform, relevant to the environment in which they are required to perform their roles.

## **10. Tea breaks**

We are seeking for a standardisation of tea-break entitlements across facilities which provisions a paid tea-break all part-time and full-time employees.