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Australia Post is at long last replacing the posties' wet weather gear after a storm of complaints from CWU members that the current gear has utterly failed to do its job.



Postman Anthony Veal in his rain jacket.

In response to complaints from members, representatives from CWU branches in all states and CWU members met with Australia Post to arrange a further trial after the first trial failed to deliver suitable wet weather gear.

An online member petition imploring Australia Post chief executive Ahmed Fahour to help the nation's posties stay dry was signed by over 7000 people, including the Prime Minister. This petition certainly helped to activate Australia Post's otherwise illusory cultural pillar 'speed of action' with a new trial commencing this week. Trials of wet weather gear for motorcycle and bicycle posties are being conducted in States that are more likely to receive rainfall during this period, i.e. QLD, NSW, VIC, TAS and SA. Trial participants include union nominated representatives and Australia Post nominated personnel.

Thanks to CWU members standing their ground, posties should have wet weather gear that is fit for purpose in time for next winter.

## Drivers raise concerns about safety of convex mirrors

Drivers in NSW have raised concerns over the use of convex mirrors on Australia Post trucks. They have told their CWU officials that judging distances when driving and reversing using the convex mirror can be dangerous due to depth perception.

Two drivers recently conducted a test using the mirrors. One driver stood behind the truck and marked his position on the ground. The driver in the cab using the mirror noted where he thought the driver was standing. When the driver came down and pointed out where he thought the other driver was standing he was approximately one metre out! This would seem to confirm their concerns that using convex mirrors when driving and reversing may be dangerous.

NSW official Greg Rayner raised this issue at the National Transport Forum on 18 September. Post management representatives acknowledged this issue has been raised previously and will respond at next month's forum. The union understands new trucks are being fitted with normal mirrors. Unfortunately it appears trucks that currently have convex mirrors are not being retrofitted with normal mirrors.

If you have a story about your experience with convex mirrors let us know.

## Drivers raise concerns about safety of convex mirrors (cont)

### Linehaul Forum

On other matters transport the union has raised the issue of re-establishing the Linehaul Forum on a national level. Union representatives argued at the recent National Transport Forum that a specific Linehaul Forum is required in order to address Linehaul issues. The reason being that Linehaul issues are considered to be quite different to regular Transport issues.

Australia Post has agreed to have a Linehaul Forum as part of the National Transport Forum. This means that in future the union will be seek to have face to face meetings and telephone hook ups with Linehaul

## Retail staff are best placed to evaluate staffing levels against workload

Retail staff are best placed to evaluate staffing levels against workloads in retail outlets - this is what the CWU will be saying to Australia Post when we meet this week to try and progress the dispute over staffing models in Retail outlets. We have previously criticized the current methods (MODAPTS and ROM) used by Australia Post to determine staffing levels of post offices and argued that they should be abandoned on the grounds that they are deficient and inaccurate.

The principal error in the MODAPTS method is the assumption that the variable elements in EPOS transactions, such as the unpredictable behaviour of the public, can be included in a time standard. They cannot.

The use of averaged times for back office tasks in ROM is hopelessly biased in favour of Australia Post as it requires PMs, with limited input from staff, to compile a great deal of information from recollections and anecdotal accounts in order to complete a survey of the previous month's business activity; while also performing their own work duties.

AP has not managed to counter our criticism of the use of MODAPTS and ROM other than to say that they believe that it is an appropriate application.

However AP recently agreed to explore the principle of the use of live data as advocated by the union. We support a detailed study of live times in counter work as a way of assessing the projected work times against actual work times. A study would also serve to verify, or not, the MODAPTS time standards prepared by AP.

Further we propose that the current methods for determining staffing be replaced by a simple recording process which would monitor, on an ongoing basis, the following:

- Whether the business at any given outlet has been satisfactorily completed within the day's hours of operation; and
- Whether that work can be completed within the paid hours of work, with all staff members able to take their breaks, and able to complete the work in an environment that is not unduly stressed such that it affects the health of the individual.

This information would be obtained by an ongoing evaluation and recording method such as, log on times, diaries, etc.

Most staff at Retail outlets already know whether they are *usually able to complete the work in the normal paid hours of employment and do so in a measured and non-stressful environment* - we reckon this is the fairest method for determining staffing.

## **Post flip flops on remote localities fares assistance**

When it comes to applying the remote localities fares assistance to employees Australia Post is again flip flopping on its position in relation to this matter. After informing the union in June this year that the fare to be used shall be one that provides for 'an ability to be cancelled, rebooked and/or altered without cost', Australia Post now says that this does not provide for a booking to be cancelled and payments reimbursed! The flip flop has occurred because Australia Post does not want to reimburse employees up to the cost of the full Qantas economy airfare that has been their entitlement right up until Post unilaterally took it away earlier this year.

Employees have also been able to request payment before leave regardless of type of travel, i.e. by car or plane. Having informed the union that, employees who are travelling by car may request payment in advance Australia Post's Qld management are doing another flip flop and requiring employees to demonstrate financial hardship before making payments in advance of travel. As CWU members in Qld rightly argue, it is not rocket science that employees savings unnecessarily tied up in fares until after leave, instead of being available for away from home costs, such as food, accommodation, other fares and entertainment etc, is a financial burden and for some a barrier to actually using the entitlement. It is ridiculous to suggest that Post management should judge an employee's financial position in the processing of a routine entitlement.

## **Unions accuse business of stepping over legal boundaries**

According to the Australian Council of Trade Unions, there has been a rise in the number of complaints about businesses actually sitting in on employees' visits to the doctor.

CWU members are no strangers to this outrageous practice. Members would recall Australia Post's Injury Management Early Intervention program that managers tried on to attend actual medical appointments with injured workers and force workers to attend company doctors. We also had cases of doctors being pressured to change medical certificates and return-to-work plans. We had other cases of managers contacting employees' doctors without their knowledge to change their medical certificates. It is difficult to believe that a wholly owned government business enterprise could get away with such practices until complaints from the union and its members lead to a Senate Inquiry and forced Australia Post to abandon same.

The Fair Work Ombudsman is so concerned about recent reports surrounding employers attempting to attend medical appointments with employees that it issued a statement last week saying that it does not condone or support this behaviour and sees no reason why an employer should seek to attend a private and confidential appointment with an employee, unless specifically requested to do so by the employee.

The laws around sick leave and personal leave are quite simple. While an employer may request evidence that would substantiate the reason for an employee's entitlement to personal/carer's leave, a medical certificate or statutory declaration is generally considered an acceptable form of evidence.

The Fair Work Ombudsman does not consider that it is reasonable for an employer to seek to attend a medical appointment with the employee for this purpose and views this as a breach of the employee's privacy. It is not the role of the employer to attend the appointment in order to determine a certificate's validity.

When considering requests for personal/carer's leave, it is important for employers to respect their employee's privacy and to only obtain evidence that is relevant to substantiate the absence. The cause and nature of their absence is not necessary, except in unusual or exceptional circumstances.

Employers should not be pressing for contact with doctors and doctors should not be talking to employers unless the employee is willing, and has provided their consent. The union's advice if you are injured at work is don't go to an Australia Post doctor for medical treatment, do fill out an incident form (P400) and keep a copy, and do complete a workers' compensation form.

## Labor flags support for penalty rates

The federal Labor government has made it clear that it will oppose moves to scrap penalty payments for those who do weekend work, shift work or work on public holidays.

It has confirmed its "unequivocal" support for these payments in its submission to the current review of modern awards being conducted by Fair Work Australia. The review has provided an opportunity for a concerted campaign by business to reduce employee entitlements in this area.

In a Ministerial Statement issued on 18 September, Labor Minister for Workplace Relations, Bill Shorten, said that "adequate compensation for unsociable hours at work is reasonable."

Despite changes in traditional work/leisure patterns, the weekend is still a central part of family and community life, Shorten said. "Australia may have come a long way since the 1950s but we should not surrender the idea of a weekend, or give up on getting the balance right between work and family time," he said.



*Workplace Relations Minister Bill Shorten: no surrender on penalty rates.*

Shorten also pointed out that penalty payments represent a very significant proportion of the total pay of some of the lowest paid Australian workers so removing them would hit the most vulnerable sections of the workforce hardest.

For example, penalty rates comprise approximately 11 percent of the salary of a casual restaurant worker and 9 percent of a casual hospitality worker who regularly work weekends.

CWU members should be reassured to see that there have been no changes to penalty rates in the latest Telstra Enterprise Agreement. This remains an area, however, where we can expect ongoing pressure from employers, especially in the event of a change of federal government.

## Majority of workers unaware of right to request flexibility benefits

Workers aren't aware of the Federal Government's workplace laws regarding flexibility and, as a result, aren't requesting alternative work arrangements, according to new research conducted by the University of South Australia.

"But, actually, people are requesting flexibility even if they aren't aware of their rights. And most of the time, they get what they asked for – 60% who ask get what they request in full or partially met."

The research comes alongside an ongoing debate about productivity in the workplace, and how workers could be more productive if allowed to work from home during certain hours of the week – the survey found 16% of respondents do so during their week. And despite these rules being established in part to help women in the workplace, the new research has found dissatisfaction among women working full-time regarding their work-life balance has risen since 2008.

The government has two reforms regarding flexible work. Employees with pre-school aged children or children under 18 with a disability have a right to request flexibility from their employer. The second relates to paid parental leave. But most people are unaware of these. Only 30.2% surveyed knew about the flexibility laws, and only 23.5% of mothers of pre-school children knew about their rights.

The research also included an investigation into the rate at which workers complete tasks – 36.8% said they're working at a very high speed for three quarters of their time or more, with 40.2% of those women. And 40.6% say they work to tight deadlines three quarters of the time or more and 31% believe they have

## Majority of workers unaware of right to request flexibility benefits (cont)

too much work for one person.

"Work-life interference is high amongst those working long hours, or more than they would like and those who do not get flexibility when they request it."

"Longer hours are particularly a problem for fathers, with many having a significant gap between their usual and preferred hours. As in previous years, most workers working long hours want to work less (taking account of the effect on their pay packets) but many appear to have difficulty reducing their hours."

The point made by the study is that workers should ask if they are able to access flexible arrangements and perhaps employees need more education about their right to request these types of benefits.

## Young workers duded through cash-in-hand payments

One in four young workers are not receiving their legal entitlements to penalty rates, sick leave, superannuation and other conditions because employers are using a black market cash economy to avoid their obligations, according to new research.

A survey of more than 1000 workers commissioned by the Victorian Trades Hall Council and the ACTU reveals the shocking abuse of "cash-in-hand" in the modern Australian economy. Launching the report, ACTU President Ged Kearney said employers paid workers cash-in-hand to avoid their legal obligations and to dodge taxes. "The illegal use of cash-in-hand payments to workers is one of the dirty secrets of the Australian economy, and is being used by employers who don't mind ripping off the taxpayer and denying entitlements to their workers," Ms Kearney said.

The survey, conducted by Essential Research found that 13% of workers had worked 'cash-in-hand' in the last three years, and 5% were working cash-in-hand in one of their current jobs. Younger workers were more likely to work cash-in-hand than older workers, with 24% of people aged 18-29 saying they had worked cash-in-hand. A clear majority of cash-in-hand workers were not receiving penalty rates, annual leave or sick leave, and a worrying 48% not being paid superannuation.

Ms Kearney said that it was appalling that at the same time employers were running a major campaign to abolish penalty rates, it was evident that between 50-60% of all young workers in black market jobs were being denied their basic legal entitlements.

She said it was in the interests of both companies and workers in the mainstream economy to stamp out practices that were essentially anti-competitive as well as exploitative.

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If you have any questions on any of the above articles, please contact an official at the Union office on (08) 8232 5999.

Yours faithfully,



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