

Telstra HR out on a limb: new advice shows they must bargain

BULLETIN 11

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Official advice from the Department of Workplace Relations on Friday should compel Telstra Human Resources to go back to the bargaining table.

Background

On July 17, Telstra Human Resources cancelled Enterprise Agreement talks. Their unilateral decision stranded thousands of employees who rely on EA talks for a fair payrise and to win important conditions.

Of course, unions have at all stages said we are keen to resume talks. We have not at any point placed preconditions on continuing enterprise agreement talks.

Telstra's HR department, in a series of emails and briefings to staff, said unions' "illegal side agreement" was behind their decision to cancel talks. The side agreement they are referring to is a document called a Memorandum of Understanding (MoU) unions had written aimed at clarifying Telstra employees' rights at work.

Head of HR Andrea Grant had three main arguments for why she cancelled EA talks.

She said the MoU was undemocratic: but unions offered to put the MoU to a staff-wide vote.

She said the MoU was illegal: but unions wrote in the MoU itself that anything that did not comply with official code and guidelines would be removed.

She said the MoU would interfere with Telstra getting the broadband contract: but this would only be the case if the MoU was, in fact, illegal.

MoU is perfectly legal: new advice from Dept of Workplace Relations

Unions made clear we were committed to clarifying your rights at work – and that we definitely want the document to be legal. It's the Department of Workplace Relations, not Telstra's lawyers, that decides if the document is acceptable. So we submitted the MoU to the Department. After minor adjustments, the MoU has been deemed perfectly legal.

Telstra HR's excuse for cancelling the EA no longer stand up

Democracy X	Unions want a vote
Legality X	The MoU is certified as legal
Commercial X	MoU is legal so there is no impact

Telstra HR must now resume talks: or tell staff the real reason behind why they cancelled

After we received the Department's legal advice, unions wrote to Telstra HR informing them, politely, that their excuses no longer hold water. Ms Grant herself has said if the MoU was legal she would return to the bargaining table:

"Telstra is interested in a productive working relationship with unions and have said we would commit to a statement of positive, lawful relationship principles..."

"Telstra has repeatedly advised the unions that we remain willing to discuss lawful matters..."

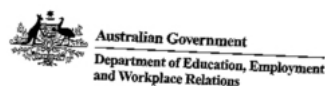
Andrea Grant (Telstra) to staff "Frequently Asked Questions"
10/07/2008

What you can do

Write an email to Andrea Grant: draw her attention to the Department's decision and ask her to go back to the table and bargain in good faith. www.yourrightsattelstra.com

Stay updated: on our campaign to resume EA talks here: www.yourrightsattelstra.com

Get in touch: Email unions with feedback or questions on Telstra@actu.asn.au



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4811/08

Mr G Fary
Assistant Secretary
Australian Council of Trade Unions
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Dear Mr Fary

I refer to your submission of 30 July 2008 in which you requested the Department's advice about whether the proposed Memorandum of Understanding, as noted in your request, is compliant with the National Code of Practice for the Construction Industry (the Code) and the Australian Government Implementation Guidelines, reissued June 2006 (the Guidelines).

The Draft Memorandum of Understanding is Code Compliant.

The Department of Education, Employment and Workplace Relations has deemed the MoU perfectly legal. For your copy of the Department's letter and MoU, visit our new website www.yourrightsattelstra.com

