



4 June 2007

Secretary
Senate Standing Committee on Employment, Workplace Relations
And Education
PO Box 6100
Parliament House
Canberra 2600

Dear Secretary

Community and Public Sector Union (PSU Group) ("CPSU") would like to make a brief submission to the Inquiry into the Workplace Relations (Restoring Family Work Balance) Bill 2007 ("the Bill").

In making this submission, CPSU intends to focus specifically on the situation of our members working for Telstra and their problems in reconciling their family work balance. Workers in Telstra's call centres have a particular problem with being able to control their working hours and accessing state and regional public holidays.

While the intention of the bill is to "give back Australian workers their public holidays", it proposes to do this not by giving workers any right to take a public holiday, but merely to access time in lieu and penalty rates if required to work.

This Bill is therefore disappointing and of no assistance to CPSU members working in Telstra's Call Centres who are unable to take public holidays to spend with their families.

For CPSU members in Telstra's Call Centres, the issue is that on a public holiday they have no right to be at home with their families if they choose to be. In many cases, workers will have children at home on a public holiday but can be forced to work instead of spending that day with their family.

The issue of access to public holidays for working Australians is well summed up in the following statement from a Telstra member:

In an age where we assert the need for mental health and family cohesion, the public holiday is more relevant than ever. Lives are busier, time shorter and mortgages/debts larger than our forefathers had to endure. It's a time honoured joy to look forward to the acknowledged long weekends. It takes the lid off our pressurised work lives, allows us to re-centre as individuals and families, celebrate the occasion being honoured and remember who we are as a nation.

CPSU recently dealt with this situation with regard to a Telstra Call Centre in Brisbane. The Minister for Employment and Workplace Relations Mr Hockey described the law on access to public holidays on the ABC Insiders program on 22 April 2007 as follows:

BARRIE CASSIDY: The RSL is now worried that some employees on AWAs will have to work on Anzac Day. Is that another unintended consequence of WorkChoices?

JOE HOCKEY: Not at all, Barrie. Section 611 and the following sections of the Act ensure that if people do not want to work on public holidays such as Anzac Day for family reasons then they don't have to work. And anyone who forces them to work will be prosecuted by the Office of Workplace Services.

BARRIE CASSIDY: Is that right, because Senator Steve Fielding says it's not guaranteed, as a minimum condition and

JOE HOCKEY: Well, Senator Steve Fielding's wrong. He should just refer to the legislation that went through the Senate and also have a look at Kevin Andrews' press release a year ago when the unions ran this fear campaign again last year and I'm just going to dust off Kevin Andrews, the former minister's press release, because he says then as I say now that you don't have to work on Anzac Day if for family reasons you don't want to.

At the time of these comments, CPSU was trying to clarify the situation for Call Centre workers who did not want to work on the Queensland May Day public holiday. Telstra had at that stage issued a notice that informed employees that they would be required to work that day.

Following Minister Hockey's comments on the ABC Insiders Program, CPSU wrote to Minister Hockey on this issue and the Minister arranged for the Office of Workplace Services to investigate this situation. [Attachment A]

The result of the investigation by OWS was that those Telstra workers who had requested leave due to family circumstances were able to take that public holiday. However, because of Telstra's earlier direction that leave would not be available, this enabled only a handful of Telstra workers to take advantage of the OWS intervention. A copy of the response from OWS on this matter is attached. [Attachment B]

As the Telstra email of 18 April [see Attachment A] indicates, Telstra policy for access to leave on a public holiday is not given because of family reasons. Telstra workers can only access a public holiday under "exceptional circumstances" – and those circumstances have to be agreed to as exceptional by the Telstra Centre Manager before being allowed.

As Telstra's email explicitly states: "Family commitments is not considered Exceptional Circumstances."

The Telstra Call Centre AWA states that workers will be required to work on a public holiday in the following clauses:

- 6.6 Telstra strives to provide an excellent level of service to its customers. For this reason, and because of the nature of your position, you may be rostered to work on a public holiday. Telstra will endeavour to give you reasonable advance notice should it require you to work on a public holiday.
- 6.7 If a public holiday is observed by Telstra in your work location on a day you are rostered to work, you will be eligible for equivalent time off in lieu (as agreed with your manager) or payment in accordance with Telstra policy.

Telstra policy with regards to the direction to work on public holidays has changed in recent years. Before August 2005 the policy involved a 5-stage process which involved firstly calling for volunteers to work on a public holiday and if that did not result in enough staff being available, then employees could be rostered, but only after "taking into account their personal circumstances, including family responsibilities."

However, that policy was then changed and Telstra now requires 100% of employees in Call Centres to work, even on local rather than national public holidays. CPSU correspondence from Telstra on 24 August 2005 outlines these policies. [Attachment C]

The distinction between local and national public holidays is important – Telstra operates many call centres across Australia. It would not be too difficult in circumstances of a local public holiday such as for the Bendigo Cup or Tasmania's Regatta Day for Telstra to simply call for volunteers to work on that day and to fill any shortfall through other interstate Call Centres.

Instead, Telstra chooses to apply their public holiday policy for Call Centre workers in a manner that disregards their workers preferences to spend a public holiday with their families. One of our Telstra call centre members expressed the issue as follows:

With regards to being forced to work on Public Holidays, Telstra's argument that we have to work on the Qld. Labour Day holiday is illogical. There are plenty of volunteers who are prepared to work and we are part of a national chain of call centres. They are simply making us work because they can. Its unfair to all those who want to access their entitlement to a Public Holiday so they can spend time with family and friends.

The lack of access to choice about working on public holidays is the main issue for CPSU members working in Telstra's Call Centres. It is not penalty rates or time in lieu. If a worker cannot spend a public holiday with their family if they chose to do so – then this is what puts pressure on families.

Firstly, I believe we as Telstra employees should be able to have access to what the word says "Public Holidays" If we are forced to work, then they are no longer Public... Not all people are moved by financial compensation for losing a day that is available to all others. Firstly, a number of these Public Holidays are very important days in the Australian way of life, character & History & to not have the choice or chance to participate in these days would be in the least "Very Un-Australian" . Imagine The Anzac Day march if all Telstra & other workers were forced to work...

Secondly, a number of these public holidays fall at crucial times of the work year & in fact have important Health & Safety benefits for the entire Community in providing a break & rest and for the employee & a chance to interact with his community as well in many of the events that are generally part of these Public Holidays...

As a Telstra worker trying to provide contribute to being a 1st class Telecommunications Company, I do not wish to be reduced to being a 2nd

class Australian because I have no choice or chance to participate in Australian Public Holidays.

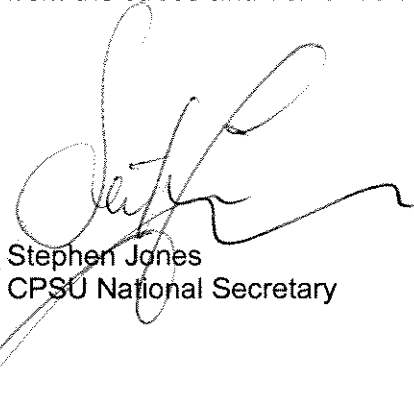
There are other aspects of call centre work that puts pressure on families. In regional areas, call centres provide one of the main employment opportunities. However, the hours of work can be hard for families to accommodate easily. One of our members posted this recent comment on the CPSU Blog site:

Work hours have been extended to 7pm in call centres. Those workers who have children in childcare have to pay \$1.00 for every minute late for pick up after 6.00pm. In country areas there are no childcare centres open til 8.00pm. Can Sol influence the child care industry to stay open for his business purposes?? Telstra family values...what a joke. Who in their right mind signs a five year contract?? New recruits in our centre are told no AWA no job.

Conclusion

In closing, CPSU would like to reiterate the point that while worthwhile and welcome, the provisions of the Workplace Relations (Restoring Family Work Balance) Bill do very little to assist working Australians who wish to have access to public holidays in order to better balance the demands of work and family.

The issue for them is not access to penalty rates, although these help to balance the family budget; or time in lieu – it is those special days – public holidays - that are a welcome respite from the stress and demands of busy working lives.



Stephen Jones
CPSU National Secretary