



POAAL

Post Office Agents Association Limited
A.C.N. 006 382 314

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14 February 2005

Committee Secretary
Senate Employment, Workplace Relations and Education Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

Dear Secretary,

Inquiry into the Workplace Relations Amendment
(Right of Entry) Bill 2004

The Post Office Agents Association Limited (POAAL) represents the small business operators who have a contractual relationship with Australia Post as owners of Licensed Post Offices (LPOs), Community Postal Agencies, and Mail Contractors.

Over the past couple of years POAAL has been in discussions with the CEPU regarding a minimum rates award for employees at LPOs. The award that resulted from these discussions is *The Postal Services Industry Award*. We therefore have a keen interest in workplace relations as it impacts on small business.

Our comments on the Right of Entry issue are attached. Many of the points we raise are common to all small businesses where the number of employees is small.

If you require any further details from us, please do not hesitate to contact us.

Yours faithfully,

Ian Kerr
CEO

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the provisions of the Workplace Relations Amendment (Right of Entry) Bill 2004

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INQUIRY INTO THE WORKPLACE RELATIONS AMENDMENT (RIGHT OF ENTRY) BILL 2004

From time to time the need may arise for workplace inspections however inspections should not be to the detriment of the business of small business people.

Employees at Licensed Post Offices

Licensed Post Offices (LPOs) are privately owned post offices which operate under contract to Australia Post. Many of them operate in conjunction with another business. Sometimes the business is obvious such as a newsagency, general store or pharmacy. Sometimes the in conjunction business is less obvious – it could be sale of stationery, greeting cards, or giftware for instance.

Prior to the implementation of the *Postal Services Industry Award* in August 2003, LPO staff were usually paid under a State Retail Award. Then, as now, staff were also employed under AWAs and Certified Agreements. The implementation of an Australia-wide minimum rates award gave a degree of certainty of employees and employers alike.

Many LPOs have employees, be they casual, part-time or full-time. It is not unusual for an LPO to be family-operated. LPOs are small businesses with no HR department or in-house professionals.

Checks and balances

Regrettably there are isolated incidents where small business owners do not look after their staff as well as they should. It would be unfair to tarnish all small businesses with the same brush, however the network is strengthened by appropriate checks and balances to ensure that LPOs are operated professionally. In an industry such as the postal industry, often handling sensitive and personal information, it is important to be seen as professional and well-trained. Many of these checks and balances are carried out by Australia Post under the terms of the LPO Agreement.

With this in mind, it is obvious that an employee advocate could be beneficial to the entire industry as well as individual LPO employees in certain cases. This depends upon employee representatives adhering to specified guidelines, such as those already enshrined in law. The wise and selective use of *Right of Entry* will determine its popularity amongst employees and its respect from small business employers, who are at present largely suspicious of union claims to *Right of Entry*.

If there are no employees at the small business (eg sole operator or family operated with no eligibility for union membership), unions should have no *Right of Entry*.

Interruption to business

Licensed Post Offices are busy hubs of the community. Taking staff away from the counter while they are on duty serving customers, will have an immediate adverse impact on the flow of work in the post office, queuing times, customer frustration and service delivery times, eg mail pickup times thus affecting the entire area postal network.

It should be clearly noted that union representatives may not under any circumstances enter the secure part of the post office, particularly behind the counter and any area where mail is openly handled or remittances are being prepared or checked. This protects the Licensee, LPO staff and the union official.

Advance notice

Right of Entry visits must be timed to coincide with employee meal breaks or at the end of the employee's shift. At least 24 hours notice should be given to permit all parties, including the employee, to make any appropriate preparations for the visit. If the employee is not available on the day and at the time advised by the union, it is not appropriate nor relevant for them to seek *Right of Entry* at that time.

Visits should only take place when the employer is present. It is not appropriate for *Right of Entry* visits to take place when an employer or manager is absent or a relief manager is on duty.

Employee agreement to participate

The employee's right to accept or refuse to participate in discussions with a union representative must be respected.

Business situated in conjunction with residence.

In many instances, particularly in regional and rural areas, the owner (Licensee) of the LPO lives in a residence attached to the post office business. It is important that the union official seeking Right of Entry recognises that the residence is not part of the business and should not be entered by the official.