

Sydney Water's wish-list revealed: **STRIP YOUR RIGHTS AWAY!**

Sydney Water say that they want to 'simplify' your agreement. They provided your negotiating team with a whole new Agreement but refused to outline exactly what they want to change. Your negotiators have analysed the whole document to find out exactly what Sydney Water was hiding.

It is now clear that Sydney Water wants to drastically reduce your rights and working conditions – and Management are STILL yet to put a pay offer on the table!

SYDNEY WATER'S WISH-LIST

1. MAKE IT EASIER TO OUTSOURCE JOBS

- Removing the requirement to weigh up all alternative options.
- Removing the requirement for Outsourced companies to comply with the same industry safety, environmental and quality standards as Sydney Water.
- Removing the requirement to use the consultation clause when they are outsourcing.

2. FORCED MEDICAL AND OTHER ASSESSMENTS

- You can be directed by management to attend a 'fitness for work' assessment about any issue, not just medical, at any time!
- Sydney Water choose the doctor or 'other expert'.
- All records of the exam must be related to Sydney Water.

It is a fundamental breach of your privacy and your right to choose your own medical provider.

3. ATTACKING YOUR RIGHT TO BE REPRESENTED

- Give management the power to reject notification of who elected delegates are.
- Reduce the ability of elected members of your Committee of management to represent all members at Sydney Water.
- Threaten delegates with disciplinary action when carrying out union work.

It is a basic right at work to be represented by democratically elected union delegates to stand up for their fellow workers – management should have no say in this.

4. LESS CONSULTATION AND MORE POWER TO MANAGEMENT

- Limiting what they have to consult with employees about – including redundancy, retrenchment and changes to hours of work.
- Removing the obligation that management has to 'minimise adverse effect' in all circumstance where there is change, except for redundancies.
- Not having to provide documentation on the changes.

5. MAKE IT EASIER TO SUSPEND OR DISMISS YOU

Sydney Water's proposal allows them to suspend you, without pay, for behaviour that does 'not necessarily amount to misconduct'. Even more outrageous is that this behaviour does not even have to occur while you are at work! They are also trying to expand the list of things you can be summarily dismissed for to include anything that occurs outside of work!

6. REDUCING YOUR LEAVE ENTITLEMENTS

- Removing RDO accumulation while you are on Rec leave, that's less RDO's each year.
- You accrue sick leave as you work, not get 20 days at the beginning of each leave year.
- You only accrue Rec leave and sick leave every 4 weeks of continuous service, if you need to use the leave after 3 weeks, it won't be there.

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FROM THE SECRETARY



Last month I attended, along with other public sector Union Secretaries, a meeting with the NSW Treasurer Eric Roozendaal.

In this meeting the Treasurer proposed the idea of a public sector wages "pause" where all 2009/10 pay increases would be deferred for a period of 12 months. We were told that this needed

to be seriously considered because of the global economic crisis and the impact it was having on the NSW economy. We were told that the GST revenues were down considerably and that this loss of revenue was a big problem and that public sector wages make up a large part of the budget.

One after another, leaders representing public sector workers told the Treasurer that they did not believe that their members would accept the wage freeze and that their members were angry at the Government for their attacks on the public sector, for privatising government assets, and that we were believed the public sector wages policy (no increases beyond 2.5% without "employee related cost savings") was unreasonable.

There was a long discussion about the ridiculousness of a wages policy which focused entirely on "employee related savings" for workers obtaining pay increases. Many examples were given where workers identified productivity improvements that would make services better for the public and more efficient for the Government, yet these were rejected by the bean-counters in Treasury because they could not easily convert the proposals into dollars and cents.

Nearly every public sector wages deal has flagged job losses. The ASU believes that the whole approach to wages negotiations where the Government tries to trade off short term pay increases for longer term job losses is unacceptable. This is really one generation of workers being forced to sell out the jobs of the next generation.

What was also clear is that the NSW Treasury has learnt nothing from the global economic crisis and the response of many Governments, including our own Federal Government, to it. They are trapped in their neo-liberal mindset where they believe smaller government is better. Just imagine the impact of a large section of the workforce having their wages frozen for 12 months! At one end Rudd is pouring money into the economy and giving people \$900 stimulus packages so people keep spending; on the other hand you would have the NSW government pulling the levers the other way by taking away money from workers. Obviously people would spend less and this would have a negative impact for the whole of the economy.

We can expect tough negotiations for all of our Agreements over the next 12 months. Not just because of the global economic crisis, but because it appears that the NSW Treasury does not have the same vision as Wayne Swan and is still hell bent making the public service smaller through job losses and privatisation and our members poorer.

HUNTER WATER NEWS – EBA UPDATE

Enterprise Agreement negotiations have been progressing slowly but not due to the lack of commitment of your ASU's representatives. Hunter Water Corporation (HWC) has been scant with the information that your Single Bargaining Unit (SBU) has been requesting about HWC's claim and their costings and information they provided to Government Departments in order to formulate their claim.

The SBU has requested twice in writing and verbally at each round of negotiations for information that would assist your negotiators with the negotiations and for a better understanding of what HWC actually want. For instance the proposed Salary Banding management want to introduce has no detail on how it would operate; they have only provided a framework.

Early in the negotiations your SBU suggested to management that 2 sub-committees be set up to deal with 2 major parts of the HWC claim. One being Consolidation of all current Awards/Agreements to one document and the second being a proposal for a new Salary Banding structure. These sub-committees have been formed and meet regularly in order to aid the progress of the negotiations.

Your SBU meets with HWC on a fortnightly basis. However these meetings have not been progressing at a rate that is satisfactory to your negotiators and so ASU members meetings were held to endorse a motion to lodge a Bargaining Period notification with the Australian Industrial Relations Commission.

While all of this has been happening, HWC initially offered a 3% per annum wage increase for a 3 year Agreement to APESMA members which was rejected.

HWC have now offered APESMA members a 3 year Agreement with a 3% increase for the first year and a 3.5% per annum increase for the 2 subsequent years which was accepted by APESMA members.

Accepting this offer means that APESMA members have also accepted the following:

- 1 Leave liability reduction
- 2 Cashing out of Annual Leave
- 3 Head Office forced Christmas shutdown
- 4 Medical certificates
- 5 Introduction of GVPS
- 6 Introduction of Random Drug and Alcohol Testing
- 7 Salary Banding- frame work only, no details on how this will work
- 8 Long Service Leave entitlement access delayed from 5 years to 7 years service.

With this in view your SBU put to HWC at the last round of negotiations that an offer should be put on the table so that the SBU knows exactly what is on offer and how much this is worth to HWC employees as a percentage increase so that some serious discussions can take place. We await their offer.

Your SBU meets on a regular basis in order to progress the negotiations for your new Agreement. You will have been receiving bulletins that are produced following each meeting and distributed to members as a matter of importance. **If you have not been receiving bulletins you should contact your workplace delegates or ASU Organiser Jason Grills.**

Gow-Gates Financial Planning and Retirement Advice for ASU Members

Gow-Gates in partnership with the ASU can guide you in the process of meeting your pre-retirement and retirement goals.

Our services include advice in the following areas:

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Please contact our Union Liaison Officer, Maggie Ferguson on **(02) 8836 1111** or visit **www.gowgates.com.au**

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SYDNEY WATER: FORCED CHRISTMAS SHUT DOWN ANGERS STAFF

Last year, Sydney Water's forced Christmas shutdown period was for two weeks, including a full week in January with no public holidays. This forced members to take almost half their annual leave with no say over its timing.

The plan for next Christmas is to make the shutdown even longer! Sydney Water has sent notice to staff in some areas that the shutdown period will start on Friday the 25th December 2009 and the return to work not happening until Monday the 11th January 2010!

Yet again staff have been told that if they do not have enough rec leave accrued they can take rec leave in advance or even unpaid leave to cover the shutdown.

This blatantly unfair policy has been slowly rolled out across Sydney Water, Division by Division without staff consultation!

Remember, Sydney Water can change policy at ANY time without staff consultation or input.

Many ASU members want to work during this period which they say is not necessarily a quiet time of the year. Moreover, our members want to have a say in when they are to take their rec leave. Christmas is the peak holiday period and it is often the most expensive time of year to travel. Members should have the right to decide whether or not they will take holidays at this time.

Results of Member Surveys

An ASU survey of members received a large response. Members have sent their comments about the effects of a forced annual shutdown on their individual lives and their families. Their message is clear. No forced leave for a shutdown! A selection of survey responses below illustrates the strength of opposition to the shutdown.

“Taking leave over Christmas is a waste as it means I don't have enough leave to cover other school holiday periods when I need to take leave. My husband is able look after our children during the Christmas period, but I also have to take leave then. This does not give me enough leave to cover the other school holiday periods which creates a major problem for me and my family.”

“Every January for the last 10 years I work in a voluntary capacity with underprivileged children. This takes 3 weeks of my annual leave. This leaves just 1 week for me. I cannot do the charity work plus have the annual shutdown without going into leave deficit.”

“This is draconian – so much for caring for staff and accommodating their wellbeing.”

“I take my holidays to coincide with family/friend functions (sometimes overseas) or religious or cultural events. All of the above do not always happen in the Christmas period and not all of us are Christians. I need to take leave when it suits my family and friends, not when it suits Sydney Water!”

“2 weeks is too long! It uses up too much leave.”

“I come from overseas and I like to use my recreation leave to visit my family at a more suitable time.”

“I do not have children and do not have a need to take my leave at Christmas. To have a holiday in this period is very expensive, I do not believe that we should be forced to take leave as I like to take mine during the year.”

“If Sydney Water want you to take time off, then THEY should pay for it.”

Unlike management at Sydney Water, your ASU delegates negotiating the current EBA have listened. The ASU log of claims to Sydney Water now includes a new clause opposing the forced annual shutdown.

SAME EMPLOYER – SAME RULES FOR EVERYONE!

The new agreement currently being negotiated will cover most workers in Sydney Water. In the current Award there are different rules for different workers. Part of your log of claims is about fixing this problem.

FAIR AND TRANSPARENT JOB EVALUATIONS THAT VALUE YOUR WORK

The current system of job evaluation means that each position is supposed to go through a process of grading against a set of rules that gives the position its IPS point. Almost every position in Sydney Water goes through this process, even most Senior Manager positions.

Members in Civil Maintenance are treated differently. Their pay levels were set in the Award almost 20 years ago. They have never been updated to reflect new skills, competencies or the introduction of new technology.

Sydney Water is proposing to introduce a new pay system that would see all staff treated this way. There would be no job evaluations for people covered by the new pay system and you would simply be stuck on a pay level, with no process of review.

Your log of claims demands that the process of job evaluations be fair and transparent, so that you are paid what your job is worth.

A 35 HOUR WEEK FOR EVERYONE

Members of the ASU have fought for decades to get the benefits that we all enjoy today. This includes working a 35 hour week and the choice of a 19 day month or 9 day fortnight. Civil Maintenance workers are treated differently to the rest of Sydney Water, they are required to work a 38 hour week and management refuse to fix this anomaly without cutting pay significantly.

Some staff have been told they can only work a 19 day month and do not have the option of working a 9 day week. Your log of claims also demands that ALL staff get to choose whether they work a 9 day week or 19 day month.

We all work for the same employer – it is only fair that we all have the same basic rights at work!

Don't Risk Second Rate Safety

NSW HEALTH & SAFETY LAWS UNDER ATTACK

To go to work and return home healthy and safe is a fundamental right of every worker. Every day ASU members face risks to their safety while performing their jobs and a strong set of laws is fundamental to ensuring a healthy and safe workplace.

NSW has some of the strongest workplace health and safety protections for workers in Australia. These laws are currently under threat as the Federal Government and the States attempt to create a single set of workplace safety laws across Australia. Before the last Federal election Labor gave a clear commitment to voters that they would "maintain existing safety standards". Despite these assurances that the new laws will create the 'highest possible standard' of safety, they will remove significant protections for NSW workers.

Under the proposed new laws unions in NSW will no longer be able to take legal action when companies breach workplace safety law. It would be harder to prove that an

employer has failed to provide a safe workplace and harder for unions to inspect safety breaches. The new laws would also reduce the employers need to consult with workers over health and safety issues in the workplace.

The latest Workplace Relations Ministerial Council has endorsed recommendations to support the new proposed laws. The NSW Workplace Relations Minister Joe Tripodi reported that he argued for unions to retain the right to prosecute but was not supported by the other states. He said "We are committed to harmonise OH&S legislation, and we want to have the best possible outcomes for the Health and Safety of Australian workers".

The best possible outcome would be to retain the NSW laws and not water them down. The ACTU and Unions NSW have launched a campaign to make sure that any new laws are at the highest standards, and do not compromise the strong protections enjoyed by NSW workers.

To keep in touch with the 'Don't Risk Second Rate Safety' campaign go to www.dontriskoursafety.com.au and sign the petition. It is essential that we do not allow our workplace safety to be compromised for the sake of efficiency.

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KNOW YOUR RIGHTS AT WORK FACT SHEET 7: LETTERS OF APPOINTMENT

When you start your new job one of the first things you should receive is a Letter of Appointment. This letter is very important as it outlines the key terms of your employment. The letter of appointment is an extremely important document and many disputes have arisen as a result of their poor wording. Make sure you read the letter closely before you sign it – if in doubt, contact the ASU before you sign.

This letter should outline the following:

- Your name
- The name of your employer
- The full name of the Award or Agreement you are covered by
- Your salary per annum and your hourly wage
- The classification you are employed under in the Award or Agreement
- If you are a Permanent or Fixed Term employee:
 - A permanent employee is one whose employment is considered ongoing.
 - A fixed term employee is employed to work for a “fixed” period of time, which cannot be more than 12 months. NB. There are conditions and limitations around fixed term employment under different Award and Agreements, contact the ASU if you have concerns.

If you are a Full Time or Part Time employee:

- A Full Time employee is generally one who works 38 hours per week
- A Part Time employee is one who works less than 38 hours per week
- Whether shift work is involved, and if so, the terms of that shift work
- Your hours of work. These are your minimum hours – you can consent to working more hours but you must always be paid for the hours stated in your contract.
- Your employer must also provide you with a Job description/Position description. This outlines the specific duties to be performed by the person in your job and your place of employment.
- The Letter of Appointment must be both signed and dated by you and your employer

Your letter may also contain references to policies of the employer.

It's imperative that you carefully read your letter before you sign in. If you have concerns you can raise these either with the Union or with your employer.

YOUR UNION MEMBERSHIP FEES: NO INCREASE THIS YEAR

Some Facts and figures

Once again your ASU membership fees for the 2009/10 year will not be increased, however it is likely that this is the last year that fees will remain unchanged. In recent years the fees have remained steady apart from the 'Your Rights at Work' levy. During this time the ASU has imposed various efficiencies and kept cost increases to a minimum. After the YR@W campaign the ASU retained the levy but did not further increase fees.

The ASU fee of \$7.90 a week for the top category of payment, was set in July 03. In July 04 this fee was increased by 10 cents a week – a 1.2% increase - and the ACTU levy of \$1.00 a week was imposed to pay for the 'Your Rights at Work' campaign. In July 2007 the Executive determined that the fee for 2007/8 would be retained at \$9.00 a week. This rate was set on the following basis:

- to enable us to meet the 2007 levy commitments,
- acknowledging that the levy would end shortly,
- acceptance that our underlying cost increases could no longer be absorbed as they had been in 04/05, 05/06 and 06/07.

On that basis the underlying fees have increased from \$7.90 in July 03 to \$9.00 a week (July 2010) – 14% in over a 7 year period. Over the same period of time CPI has increased by 20.6% (including projections for CPI to July 10).

The one exception to this was the 50 cents increase for PRD payers in 08/09. In building the 2008/09 budget the Executive was conscious of the need to again keep increases to a minimum. In addition the Executive is required to engage in ongoing risk management assessment. Based on the above the Executive determined to leave the underlying fees at the level of \$9.00 but to increase the fees to PRD payers and to Cash payers. This decision was taken with a view to the following:

- future risk management (the likelihood of an employer unilaterally removing PRD payments)
- reducing costs as far as possible
- meeting our own increased costs

For the 2009/10 year the Executive has maintained fees at their existing levels. However the Executive does anticipate that this decision will need to be reviewed in the lead up to the 2010/11 year.

WORKING AUSTRALIANS WIN PAID PARENTAL LEAVE



WE FINALLY REACH OECD STANDARDS

The 2009/10 budget delivered a huge win for workers and families across Australia with the introduction of a Paid Parental Leave Scheme. The introduction of Paid Parental Leave comes after a significant campaign over the last 20 years waged by Unions across Australia.

Paid Parental Leave will allow a primary carer to be paid at the federal minimum wage of \$543.78 per week, for 18 weeks. This is fantastic news for all families across Australia, but particularly for women.

Paid Parental Leave helps women stay engaged in the workforce after the birth, or adoption, of their child. Traditionally many women have been forced to leave work to care for their newborn child full-time. Paid Parental leave ensures a continued connection between the new mother and her place of employment by giving women a reason to stay employed with their current employer.

Paid Parental Leave is a significant win for the union movement and stands up there with public holidays, annual leave and superannuation. It gives workers the opportunity to take time off to care for their children without the concern of lost income. The birth or adoption of a child is often a time of financial stress, and the Paid Parental Leave Scheme help ameliorate this.

The World Health Organisation has identified that Paid Parental Leave can deliver significant benefits to a baby's health and development during the first six months of their life. Babies benefit from the high level of care provided by a parent, along with the health benefits of breastfeeding in the early weeks of their life.

But the fight isn't over.

The Productivity Commission has recommended that employers pay superannuation during the 18 weeks a primary carer is on parental leave. This has not been implemented despite costing only \$900 per carer and would ensure that parents who choose to care for their newborns are not disadvantaged upon retirement. This would help remedy the huge disparity between men's and women's retirement savings in Australia.

In recognition of the benefits to child and maternal health, Unions will continue to campaign to build on the Government model to achieve the WHO recommended 26 weeks paid leave from work for the primary care giver. The wages that women earn are important in most family budgets. Many women will be taking a significant pay cut when they are placed on the federal minimum wage for 18 weeks. We need to keep the pressure up on employers to top-up the government contributions and ensure women receive their full wages when on parental leave.