

TELSTRA'S BOGUS LEGAL TRY-ON TO STOP YOUR ACTION: FAIL



Dear member,

Your action is having an impact

Field workforce members today engaged in protected action between 7:30am and 8:00am – a periodic work stoppage that will be repeated again this coming Monday, 8 April.

The stoppages mean that members are not undertaking any duties ordinarily performed during these periods.

Despite running to any journalist who will listen to them and asserting that your action is having no consequence to their operations, over the past two days, Telstra has desperately pulled out all stops trying to prevent you from engaging in this action.

Telstra's legal action "try-on"

Late Wednesday afternoon, Telstra wrote to us through its lawyers asserting that the action was not protected and demanded for your Union to withdraw the notice, threatening legal proceedings and the docking of members' wages if we didn't comply.

Off the back of unequivocally clear legal advice, we advised our notice would not be withdrawn and we would vigorously defend any attempts by them to pursue their bogus claims.

Yesterday afternoon, Telstra commenced urgent legal proceedings against your Union where they asked the FWC to make an Order to remove your right to engage in these stoppages and the ability to dock you a minimum of four hours' pay if you proceeded. Your Union strongly refuted the claims and won. Telstra's application was dismissed, as we anticipated.

After the hearing, members would have received an update from Telstra claiming they had asked the Fair Work Commission for assistance in clarifying the circumstances around the stoppages. The truth is, they tried to use the legal system to strip away your rights to engage in protected action and fight for a fairer EBA – and failed, miserably.

Fair Work Commission rules CWU member action is protected

The Fair Work Commission has ruled that the half-hour stoppages this morning and Monday are indeed protected actions by CWU members.

Under the provisions of the Fair Work Act, in instances where members engage in work stoppages that are protected, Telstra can only withhold wages for the period of the action.

Given that this protected action is occurring during a period of unpaid work, any threat or attempt by Telstra to withhold your wages is unlawful and should be reported immediately to your State Branch Office for action.

It's time to get back to bargaining

There are better ways for Telstra to spend its time, money and resources in bargaining – not in expensive legal fights trying to take away your rights to advance your EBA claims.

Despite the insistence of your Union, along with the other Telstra Unions, to return to the bargaining table – Telstra refuses to meet. They say they don't have time to meet as they are too busy mitigating against the effects of your industrial action – again despite publicly asserting your action is of no consequence.

The message to Telstra cannot be clearer – **come back to the bargaining table.**

If Telstra want to prevent further industrial action, they don't need to run off to the courts and use highly paid executive lawyers to fight us on bogus legal technicalities – they just need to come back to the table and deliver a fair EBA outcome, including a pay rise that allows members and their families to keep up with the cost of living, not a pay cut.

Our members deserve nothing less.

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Nick Townsend, Secretary

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