

# FORCED LEAVE – TELSTRA SUMMER SHUTDOWN

Dear Members,

Many members would be aware of the shutdown that occurred across various sections of Telstra during the 2019 Christmas period.

Members in affected workplaces were advised/expected/forced/encouraged and/or directed (depending on the audience) to take leave during this period. Telstra claims that no formal direction was made to employees, however, many of the reports received by the Union paint a very different picture. Call it what they like, the message to staff was clear that they were to be forced onto leave, during the shutdown.

While this is the first time Telstra has effected such a shutdown, recent correspondence with your Union suggests that it is to become a regular occurrence. Your National Office has warned Telstra about walking that very fine but critical line between encouraging and directing employees onto annual leave.

## ***So, what do you need to know?***

Firstly, you need to know that the Fair Work Act permits enterprise agreements to contain terms allowing an employer to direct an employee to take paid annual leave in particular circumstances – BUT only if the requirement is reasonable. The current Telstra agreement, and those before it, contain one such clause. It says –

*30.2 (b) Telstra may direct you to take leave if it is reasonable to do so. Examples of when Telstra might do this include:*

- i) *If Telstra is shutting down all or part of the business for a period, such as over Christmas or New Year.*

## ***What is reasonable?***

It is important that members understand that if it is not reasonable for Telstra to require you to take leave at a particular time, then you can't be forced onto leave.

Whether or not it is reasonable depends on a number of matters including, how much notice is given to you as well as your personal circumstances. Any blanket approach taken by Telstra completely disregards this.

Members who have leave booked in advance for a holiday or special event coming up that will be impacted by a forced leave situation, should contact their state branch office as soon as possible. In circumstances where the direction to take leave is not reasonable but their workplace is shutdown, alternatives can be sought. Further, employees without sufficient leave credits will not be forced to take unpaid leave.

We want you to take your holidays when YOU want and encourage you all to plan and book your leave before Telstra tries to do it for you.

Yours faithfully,

**Graham Lorrain**  
**BRANCH PRESIDENT**

25 February 2020



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our community

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