

Authorised by Jason Hall SA/NT Local Executive Secretary



A Message from your Local Secretary, Jason Hall

Welcome to the first edition of our, now quarterly, revamped SA/NT newsletter.

Unfortunately, although the year is young, it's already obvious that workers, their conditions, their jobs and their organizations are under threat across the country.

Already, we have the potential for mass job losses in the vehicle and food processing industry. Like many of you I find it hard to believe that Australia can look towards a secure future with these industries not forming part of our economy. It's additionally galling to think at a time when thousands of Australian workers and their families are directly impacted by these job losses, conservative politicians and commentators are more intent on concentrating on worker entitlements as the problem.

In the finance industry where we have major employers continuing to make record profits (CBA has just recorded a half year profit of \$4.27 billion), the Finance Sector Union will continue our campaign for Our Jobs Our Future. FSU workplace leaders participated in a national video hook-up in February to hear an address by National Secretary Leon Carter setting out the goals of the Our Jobs Our Future campaign in 2014, before planning local activities during afternoon workshops.

Over the course of the day our LEC members shared their experiences of the impact of insecure pay, particularly the intensely stressful nature of performance assessment and management. Members talked about feeling pressured, being

unnecessarily micro-managed and in some extreme cases members experienced bullying and/or harassment. Workers who are consistent high performers providing great customer service are finding themselves facing performance management intervention, with the threat of being fired if they don't push more products or achieve the unreasonable targets that have been set.

Like our delegates, I believe that finance jobs can have secure pay that comes from across the board pay rises that keep up with the rising cost of living, and that we can have secure jobs that don't need to be offshored.

I look forward to joining with you over 2014 and beyond in keeping secure and well paid jobs in Australia.

We hope you enjoy this edition, feel free to share with colleagues and we look forward to engaging with our members and meeting potential members in 2014.

We invite you to keep up to date with activities in the industry by accessing information on the website: www.fsunion.org.au or on our facebook page <https://www.facebook.com/pages/Finance-Sector-Union-of-Australia/38283131468>.

Don't wait for an for an FSU Organiser to visit your workplace; join today online at www.fsunion.org.au/Join-the-FSU or call 1300 366 378.



SA/NT LEC Training, February 2014



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SA/NT Local Enterprise Committee (LEC) Section Presidents



Elli Doolan,
SA/NT Local Executive Council President,
NAB SA/NT Local Enterprise Council President,
National Executive Council Delegate
Photographer: Marie Muggivan



Anne O'Connell,
WBC SA/NT Local Enterprise Council President,
National Enterprise Council President
Photographer: Marie Muggivan



Gary Bridle,
SA/NT General Section President



Mark Muggleton,
CBA SA/NT Local Enterprise Council President



Susan Burnell,
SA/NT Insurance Section President



Tracy Piltz,
BSA SA/NT Local Enterprise Council President
Photographer: Marie Muggivan

Movie Tickets

It's the perfect time to stock up on cheap movie tickets and FSU members can access the cheapest offer on movie tickets available around Australia!

Hoyts, AMC, Village, Greater Union/Event, Palace Cinema and Birch Carroll Coyle tickets are valid for at least 6 months from date of purchase and can be used any time except after 5.00pm on Saturdays.

Call the FSU Member Services line on 1300 366 378 to place your order - tickets are usually mailed out the same day if purchased before 4.00pm EST.

\$11 Adults
\$9 Kids (15 yrs and under Hoyts / 14yrs and under Village)
\$8 Off Peak (Hoyts valid Mon - Thurs only, Village valid Mon to Wed only, Off Peak Village not valid during school holidays or public holidays)



Welcome our new WBC Organiser, Gemma Robertson

The achievement you are most proud of? (in anything, can be work, union, personal life)

I was very proud of winning the title of Miss Illustrated Pin Up SA 2011, mostly because it came with a sash and a crown. But I think my proudest achievement was much smaller and much more gradual- learning to take risks. Learning that you have to step outside your comfort zone to achieve anything. I discovered I could do things I never thought I would ever do- performing dance in front of thousands at events, living in Nepal for 6months, jumping out of airplanes, standing up to a boss in a meeting. I'm proud of each and every one of those moments, and all the smaller ones in-between.

Tell us why you are union?

To me it's a part of my core beliefs. In the words of Captain America "I don't like bullies". When I saw things I knew were not right going on in my workplace, I looked into what I could do to change them. I couldn't tackle them alone, so I joined my union and became a rep.

Why is it important to be involved in your union?

Even if you never personally encounter a situation where you need the unions help, it's important to stand up for those around you, and for the bigger changes- the working conditions, the pay, keeping jobs in Australia. Unions are about standing up for your friends, and for a better future. It's the old Edmund Burke quote "All that is necessary for the triumph of evil is that good men do nothing".

When you're not at work, what's your favourite thing to do?

I'm a belly dancer of 8yrs, I've recently taken up salsa and samba. I'm also a part of a medieval martial arts group.

What superpower would you like to have, and why?

The logical choice is mind control for superior negotiating powers, but I think I'd have to go for flight, just for the fun of it.

What is your job title, and how long have you been with the company?

I am an Organiser, and I've been here about a month. So far so good! Previously I was a Mortgage Relationship Specialist with Westpac for 6yrs.

When you were a child, what did you want to be when you grew up?

Xena. Or an astronaut. But mostly Xena.

What's been your favourite moment as a union member.

That moment when someone comes over and they're feeling like their issue is bigger than they can handle themselves and that they've got no place to go, and you get to tell them that they're not alone, that there's a whole union to stand with them. I think that's a great feeling from both sides.



Gemma Robertson, WBC Organiser

On the road again!

FSU Organisers have had a busy start to the year with regional trips to Port Lincoln and the Riverland. Please make time to say hello to the Organisers when they come to visit!



CBA Port Lincoln, January 2014



BSA Renmark, February 2014



Industrial Wins

Member Wins

The FSU is always fighting to get you the best outcome. Here is a wrap up of what our Industrial Advocates in South Australia have been up to in the last six months:

Wins in the Fair Work Commission

- * One Unlawful dismissal on the basis of racial identity – confidential settlement reached and an amount of compensation awarded to member;
- * One Unlawful dismissal on the basis of union activity – confidential settlement reached and an amount of compensation awarded to member;
- * Two enterprise agreement disputes (confidential settlement was reached and compensation awarded to the member/ another still ongoing watch this space);
- * Four unfair dismissals (confidential settlements reached in three and compensation awarded to the member/another still ongoing watch this space).

Wins in utilising the Dispute Resolution Procedures

- * Collective dispute raised on behalf of an entire workplace resulting in an independent investigation and improvements to the workplace;
- * For multiple members:-
 - Cessation of performance management;
 - Removal of Health and Safety Risks;
 - Health and Safety improvements to the workplace;
 - Removal of unwarranted disciplinary warnings;
 - Workplace mediation;
 - Exercising workplace right to Carers Leave without adverse action;
 - Nil disciplinary action in unwarranted compliance investigations;
 - Transfers to appropriate branch locations;
 - Redeployment to suitable roles and locations;
 - Changes to rosters and hours of work to suit work/life balance;
 - Access to extended sick leave for serious illness;
 - Paid special leave and leave with pay instead of leave without pay.

It pays to check your payslip or severance figures!

- * Nearly \$4,000.00 recovered in lost super contributions;
- * In excess of \$15,000.00 in correcting the amount of retrenchment packages;
- * Some \$500 in unpaid annual leave loading;
- * Extra training allowance in redeployment provisions;
- * Correct payment of allowances and entitlements;
- * Collectively gaining access to over two years in (approved and paid) long service leave in order to take the leave and have a well earned break.

14 referrals made to Andersons Solicitors to assist with Workers Compensation Claims.

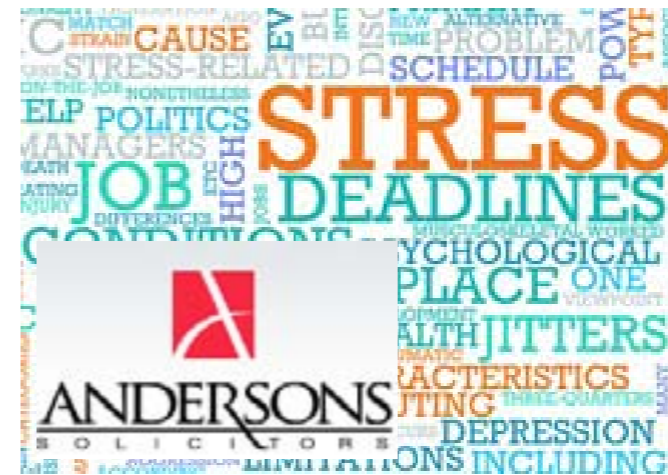
120 Members represented in face-to-face meetings or teleconferences.

FSU Rep of the Year 2013

The FSU Rep of the Year for 2013 was awarded to all of the BankSA Reps who worked so hard on the BankSA Pay Campaign (and won!). Andersons Solicitors have donated chocolates and movie tickets for all of the reps who actively worked on the campaign. Congratulations Bank SA reps - a very well deserved win!



BSA LEC President Tracy Piltz accepting the gift from David Fabbro of Andersons Solicitors



What is reasonable administrative action in the workplace?

Michael Irvine, Andersons Solicitor in Civil Litigation and Employment Law.

This article is from Andersons Solicitors blog - for more information please go to:
<http://www.andersons.com.au/lawtalk.aspx>.

All too often clients seek legal advice after developing significant psychological problems as a result of workplace stressors. Sometimes workers feel that they have been bullied, harassed and/or victimised at work. Other times they feel they have been unreasonably denied the chance of a promotion or other entitlements, and other times they feel that the work pressures are so high that they just can't cope.

Unfortunately, no one is immune to the consequences that can flow from these workplace issues, and workers regularly develop diagnosable psychological problems including anxiety, mood disorders, depression, adjustment disorders and even Post Traumatic Stress Disorder.

Sometimes the mental condition resolves on its own without the need to consult with a medical professional or take medication. In some situations, simply being moved away from the bully is enough for a worker to make a full recovery from their illness. But other times, the condition becomes so severe that it renders a worker partially or even totally incapacitated to perform their duties.

If a worker has to take time off work or seek medical treatment as a result of the workplace stress, they should lodge a claim for workers compensation. A successful workers compensation claim would entitle the injured worker to reimbursement for reasonable medical expenses, and payment of income maintenance (often referred to as weekly payments) during their period of incapacitation.

But in order to have a successful claim, the worker firstly needs to prove that they have a recognised psychological/psychiatric condition (that is, simply being 'stressed' is insufficient to lodge a claim for compensation). Secondly, if the worker shows that he/she does indeed suffer from such a condition, he/she needs to prove that work was a 'substantial cause' of the development of the condition.

The employer and/or WorkCover often argue that other stressors in the worker's life caused the condition, and work was not a substantial cause.

For example, if the worker recently suffered the loss of a loved one, or went through a tough divorce, an argument could be made that work was not a substantial cause of the illness.

But assuming that these first two elements are met (that is, the worker is suffering from a psychological/psychiatric condition and work was a substantial cause of the illness), the employer and/or WorkCover may then rely on the defence that the illness resulted from 'reasonable administrative action taken in a reasonable manner'.

If it can be shown that the illness did result from reasonable administrative action taken in a reasonable manner, the workers compensation claim will fail.

Workers compensation claims involving psychological injury are arguably the most difficult due to this legal defence.

Compensation is generally not payable to an injured worker if an employer reasonably transfers, demotes, disciplines, redeploys, retrenches or dismisses a worker. For example, if a worker becomes depressed because they were reasonably disciplined by their boss for constantly arriving at work late, they would not have a claim.

Furthermore, compensation is generally not payable to an injured worker if the employer makes a decision (based on reasonable grounds) not to award or provide a promotion, reclassification or transfer or benefit in connection with employment to the worker. Again, if a worker strongly believes they are entitled to a promotion, but do not receive one, and the employer acted reasonably, their claim could fail. The workers compensation system could not cope with the sheer number of claims that may result from workers upset from not being awarded a promotion.

Although the 'reasonable administrative action' defence is relied upon heavily by WorkCover and employers to reject compensation claims, the scope of this exclusion is actually quite narrow. Importantly, the exception applies to 'reasonable action taken in a reasonable manner'.

This means that a worker's claim should succeed if reasonable action is taken in an unreasonable manner. And also a claim should succeed if unreasonable action is taken in a reasonable manner.

Often a decision to discipline or dismiss a worker is the last stage in a long and complex history of workplace events. It is important to look at the entire chronology of workplace events to see if any of the actions were unreasonable, or whether the manner in which the actions were taken was unreasonable.

For example, in isolation a decision to dismiss a worker for poor performance might seem completely reasonable; but if the worker's poor performance was due to years of mismanagement, unreasonable work demands, etc, the worker could have a legitimate claim for their psychological injury.

Similarly, a worker may be legitimately disciplined for incorrect/dangerous use of machinery, and this discipline might cause a mental illness. If, however, the worker had never been properly trained in the use of the machinery even after repeated requests for training, they would likely have a legitimate claim.

If you feel you are suffering psychologically as a result of workplace stresses, you should consult with your doctor immediately, and consider lodging a workers compensation claim.

If you are suffering psychological stress in the workplace, we recommend the services of 'Beyond Blue'.

NAB staff take action over poor pay system

NAB staff have been signing pledges in their hundreds for an escalation in campaign activity around the bank's poor pay system and following a poor pay offer during negotiations for a new Enterprise Agreement with FSU.

NAB's pay system is problematic as it is performance based and has left thousands of workers without increases for a number of years and has the lowest minimum offer among the big four banks. The recent announcement of a massive profit of \$5.5 billion is 33% more than last year despite 1172 fewer workers.

NAB staff have delivered more with less. Despite this, the bank's reliance on a performance pay system which does not deliver equitable, secure, across the board increase to all staff is nothing short of mean and disappointing. Minimum increases offered for group 1 and 2 employees of either 2% or 3.5% are lower than the other big banks and despite an increase in profits is still subject to performance assessment. For groups 3 and 4 there is no guaranteed pay increase on offer at all, which leaves some of these workers without pay increases for many years under NAB's pay regime.

NAB has huge profits, and can well afford to reward its hard working

staff with an equitable across the board increase that consistently raises living standards for NAB workers who have made the success of the bank possible.

FSU organisers have copies of the pay pledge with them and you can sign it at a local workplace meeting or when your FSU organiser visits.

Stay up to date with the campaign.

FSU NAB National Enterprise Council Member Paul Ferrari sits at the negotiating table on behalf of NAB FSU Members and is running a regular blog. The blog will keep you up to date with the latest on the campaign for fair pay at NAB and any activities that are taking place.

NAB staff can view the latest edition of Paul's blog and subscribe here: <http://www.fsunion.org.au/News-Views/NAB-EB-2013-Paul-Ferraris.aspx>

Things are heating up so if you work for NAB and are not yet a member of FSU join online today at www.fsunion.org.au and support secure jobs with secure pay – we need you on board!

Can you believe my damned union?

The following Letter to the Editor of the Seattle Post-Intelligencer by Chemical Workers Local 747 member Ken Spring was in response to Nordstrom Dept. store employees who voted to decertify the United Food and Commercial Workers in an intense anti-union campaign that many employees believe was initiated and financed by the company. Said a leader of the Nordstrom employees opposed to the union: "Unions want to take our money and we have said, 'No.'"

"I must agree with the leader mentioned above," he wrote, "as I belong to a union and I must also give my union \$39 per month. And all that I get for my monthly dues are:

- I must accept only \$18.33

per hour.

- If I am called in early on my shift or on weekends, I must accept three hours pay for call-time, plus time-and-a-half pay for all hours worked on a weekend.
- I must accept good medical and dental coverage plans that my employer pays for.
- I must take seven weeks vacation after 20 years with the company, fully paid.
- I must be protected by seniority rights that move me up the progression ladder in a fair and just manner.
- I am forced to have a good grievance procedure so that I am treated fairly by management.
- I am forced by my damned union to work in a safe and

healthy environment.

- I also cannot believe how that pushy union is going to force on me a good, company-paid pension when I retire.
- My union also is very democratic and regularly asks for my input. What is wrong with our union leaders, anyway, running a union like this? My union leaders tell me that I am the union. Some nerve, huh?

Unions are really terrible, that's for sure. I think that I will contact the National Labor Relations Board and see if I can get my union decertified.

I am sick and tired of the union doing all of these things for me. Just think, when all of my benefits are gone and I am working for \$4.25 per hour, at least I will not have to pay any more lousy union dues!