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Ref: SLD24/63

14 October 2024

**Telstra Wideband/Fibre CFW 4 grading issue**

**We won!**

In a 96-page decision last Friday (11 October), Magistrate K Fawcett of the Melbourne Magistrates Court decided that one of our members in the Fibre group has been underpaid for several years at the CFW4 level, and is doing work at the CFW5 level. The court decision followed hearings in early March 2024, and given the incredible legal resources Telstra put in to squash the claim (including a well-known and experienced Kings Council (Chris O’Grady) and high-priced advising barristers and lawyers from Seyfarth Shaw), it was seen as a matter of principle (from both sides).

The T&S Branch was solely represented by T&S Secretary Dan Dwyer (who is a qualified Industrial Lawyer), plus our 2 witnesses (including our member and the Branch Asst Secretary who has long term experience in the Telstra grading system). Telstra rolled out many management and higher-level witnesses. The T&S Branch wanted to protect the CFW Job Descriptions, and Telstra wanted to downgrade the levels, claiming they were outdated. This is a big win for the Branch, and its member, who “hung in there” during a long and testing dispute. We also must acknowledge that Telstra have the possibility of an appeal, so we wait and see what their strategy may be. Given the last line comments made by Beba Brunt in a recent communication (most of you should have seen it) following the decision to the field staff, we will see.

Despite representing the issue for many years to Telstra HR and Field services management (which should have resolved the grading at the time) there was considerable resistance because Telstra have been trying for years to downgrade the CFW levels. It has been the strategy adopted for years to reduce the levels, and require lower-level staff to do higher function work. Their recent strategy (that the T&S Branch has called out) by trying to “modernise” the benchmark job descriptions (BJD) should be seen in that light. They have been trying to lower your grading, and they continue to do so. Hopefully this decision will slow that strategy that we continue to strongly oppose.

The use of individual performance-based contracts (AWA’s) in field areas 20 years ago started the rot, then the implementation of the discredited “Job Family” grading system (particularly in Field areas) has also put us behind the eight ball. Our next task for the Union as a whole, is to campaign to remove the unfair “Job Family” blight from our Telstra employment arrangements. The actual court decision will be uploaded onto our website for your “light” reading (yes all 96 pages!!).

Special thanks go to Branch Secretary Dan Dwyer, who ran the case in court, and spent many hours and days preparing the legal arguments, and preparing the submissions and witness statements. Well done, Dan, it was a David and Goliath battle!

Yours faithfully,



JOHN ELLERY

Branch Secretary (Acting)

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