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National Secretary
Michael Kaine

3 September 2021

Adam Moulton
Head of Workplace Relations
Star Track Express Pty Ltd

Dear Adam

Bargaining - StarTrack Express Pty Ltd 2021 Enterprise Agreements

We refer to your letter dated 31 August 2021 and also your text message to me of today's date.

1 TWU Responses to StarTrack Offers and Prior Correspondence

- 1.1 Firstly, it is disappointing that StarTrack has not yet responded to Mr Richard Olsen's letter dated 2 September 2021 regarding the urgent issue of StarTrack Workers in NSW that have not yet been able to comply with the NSW Public Health orders as at 6 September 2021 and may be unable to work on that date.
- 1.2 We note that the TWU wrote to other major transport companies, including Toll, Linfox and Global Express, and that StarTrack remain the only company that has not yet responded, once again displaying StarTrack's lack of urgency on the issue of workers' Job Security.
- 1.3 In relation to your letter dated 31 August 2021 and your text message to Mr Gavin Webb today, the TWU rejects that it has not adequately responded to StarTrack's proposals or correspondence throughout bargaining for either the NSW or National EAs.
- 1.4 The TWU reminds StarTrack that the reason why bargaining did not commence until April 2021 was because StarTrack refused to commence bargaining in accordance with its obligations under both EAs. This even got to the point of the TWU having to commence the process of obtaining a petition of the majority of workers to force StarTrack to the bargaining table.
- 1.5 StarTrack's refusal to commence bargaining for almost 4 months directly resulted in a significant delay to bargaining commencing and given StarTrack's position on backdating wage increases, is a direct cause as to why our members are facing a delay in a pay increase.
- 1.6 In addition, it was only during bargaining meetings in June 2021 whereby the TWU bargaining committee expressed disappointment that the business had failed to make any offer to its workforce that the business was prompted to make its July 2021 offer. The TWU bargaining committee's disappointment at the delays were noted in a flyer first distributed to members on 1 July 2021. Ms. Davies subsequently wrote to the TWU on 15 July 2021 with an 'EBA 2021 Startrack Offer'.
- 1.7 Our members' position has been very clear that all wage increases should be backdated to the dates as set out in the relevant claims and to accept otherwise would be asking our members

NSW/QLD State Secretary
Richard Olsen
1800 729 909

Vic/Tas State Secretary
John Berger
1300 727 614

WA State Secretary
Tim Dawson
08 6313 3000

SA/NT State Secretary
Ian Smith
08 8346 4177

to accept a **wage freeze** during times when Australia Post and StarTrack have experienced “record revenue”¹ and profits off the back of hard working TWU members who worked tirelessly and thanklessly during the COVID-19 Pandemic.

TWU Response to StarTrack’s Offer Dated 15 July 2021

1.8 In terms of the TWU’s response to StarTrack’s proposal, we note the following:

- (1) The TWU provided our member endorsed Log of Claims to the StarTrack (including our wage claim of 4% per annum backdated) on or around 13 April 2021.
- (2) The TWU Log of Claims was the smallest and least complex log placed on any major transport company this year.
- (3) We did not receive a formal detailed response to our log of claims, including a wage offer from StarTrack, until 15 July 2021, **3 months** after we provided StarTrack with our log and **7 months** since the last pay increase for all StarTrack workers outside of NSW, creating a **7-month wage freeze** directly the fault of StarTrack and their lack of response.
- (4) The TWU reviewed StarTrack’s offer and considered that it failed to meet any single claim in full. In particular, StarTrack’s response to our members’ biggest concern (as has been communicated to StarTrack on numerous occasions) around **Job Security** was appalling.
- (5) Of the TWU’s some 14 claims around Job Security, StarTrack rejected, failed to meet or even seriously consider any of our member’s claims, these included StarTrack rejecting:
 - (a) A National Agreement – **REJECTED**.
 - (b) An expiry date of 30 June 2023 – **REJECTED**.
 - (c) A ratio to restrict StarTrack’s use of Outside Hire – **REJECTED**.
 - (d) A guarantee to provide Full-Time StarTrack workers with secure and reasonable access to overtime – **REJECTED**.
 - (e) Industry Leading and meaningful auditing and compliance requirements for the use of Outside Hire – **REJECTED**.
 - (f) Consultation with the TWU and workers when StarTrack are **considering** outsourcing work form permanent staff to Outside Hire - **REJECTED**.
 - (g) A fair and reasonable dispute procedure that allows workers to dispute the use of Outside Hire - **REJECTED**.
- (6) As a result of StarTrack’s response to these claims and the fact that StarTrack had at the commencement of bargaining sought to implement changes to Part-Timers that directly attacked the Job Security of Full-Time StarTrack workers, it became clear to the TWU and its members that StarTrack’s agenda was to retain the ability to directly attack the Job Security of its permanent workforce by being able to increase the use of Outside Hire at the expense of StarTrack workers.

¹ “A Message from Rodney” sent to all Australia Post people on 31 August 2021 which states a record revenue of \$8.27bn – up 10% on last year and \$100.7m profit – up 87.7% on last year – Attachment 1.

- (7) It should have been no surprise to StarTrack that off the back of this, the member-led bargaining committees **REJECTED** StarTrack's offer and formally advised StarTrack of this at the meetings on 15 and 30 July. This position was reiterated to StarTrack in the meetings held on 27 August.
- (8) We subsequently commenced the process for a protected action ballot and note that that process is still ongoing, with the overwhelming majority of TWU members having already voted, despite the challenges of COVID and the misinformation campaign being run by StarTrack encouraging our members to compromise their own Job Security.

Response to StarTrack's Letter dated 24 August 2021 to Nick McIntosh

- 1.9 The TWU rejects that it did not respond to your letter to National Assistant Secretary Nick McIntosh dated 24 August 2021, regarding the email the TWU obtained which said that **"StarTrack notified APS (being an Outside Hire Company engaged by StarTrack) this year that they wanted us to revert back to award conditions for all sites, rather than their EBA."**²
- 1.10 The TWU responded to you via text message on 26 August 2021, where we advised StarTrack that we were still investigating the matter, including the fact that the labour-hire worker (who is currently receiving treatment for breast cancer and is the wife of a TWU delegate who works at StarTrack) that made the enquiry relating to the email above had subsequently been **removed from receiving any work for StarTrack** immediately following the TWU highlighting the email she received regarding StarTrack's direction to pay her under Award conditions.
- 1.11 The TWU have since commenced legal action against APS and StarTrack on behalf of that worker's as was reported in The Australian newspaper on 3 September 2021.³

2 TWU's Response to your letter dated 31 August 2021

Response to StarTrack's Offers and Job Security

- 2.1 In light of this, the TWU has considered StarTrack's offer, including the proposed clauses put to the TWU, and used the time provided during the bargaining meetings that occurred since being provided with StarTrack's offer to consult with our members and the TWU Delegate Committees to see if there were any further compromises that could be made by the TWU.
- 2.2 After consulting with our members and carefully considering StarTrack's offer as a whole (noting that StarTrack have advised on numerous occasions that it is a "package deal"), the TWU Delegate Committees advised StarTrack at the relevant bargaining meetings that they could not endorse or accept StarTrack's offer while StarTrack continue to refuse to provide the protections around Job Security that our members seek.
- 2.3 As our members have said on numerous occasions, a high rate of pay or a pay rise is worth nothing if your job or overtime can be taken away by Outside Hire workers, which is why Job Security is the most important aspect of our claim.
- 2.4 StarTrack are therefore correct that the TWU have been unwilling and unable to compromise or make concessions on the Job Security aspects of our claim and that is because we will never compromise the Job Security of our members and it is shameful that StarTrack would expect the TWU or our members to compromise their Job Security, particularly off the back of record revenue and profit for StarTrack.
- 2.5 We note that Job Security is an issue right across the Transport Industry and TWU members and Transport Workers are having similar concerns and negotiations around Job Security

² TWU Flyer dated 20 August 2021 – Attachment 2.

³ bit.ly/KimWhiteAPS – "Female StarTrack worker sacked after questioning pay cut", The Australian 3 September 2021, page 7 – Attachment 3.

protections across the country. However, when it comes to protections in enterprise agreements for permanent workers' Job Security, StarTrack is at the bottom of the pack compared to other industry leading companies such as Toll, Global Express, Linfox and FedEx and we have seen significant increases to the use of Outside Hire in some yards across Australia.⁴

Withdrawal of TWU's Industry Claims

- 2.6 Notwithstanding StarTrack's claim, the TWU confirms that if formally withdraws claims 8.1 and 8.2 from its Log of Claims, as was indicated at the Fair Work Commission during StarTrack's attempt to stop TWU members from having the right to take industrial action during bargaining.

TWU Written Response to StarTrack's Offer

- 2.7 Despite the TWU on various occasions advising StarTrack in (now three) bargaining meetings that it rejects StarTrack's offer, the TWU can confirm that it rejects StarTrack's offer as a "package deal" and we continue to press the claims contained in our log of claims, other than those noted at 2.6 above, in particular the Job Security claims.
- 2.8 We also remind StarTrack that there is no requirement for the TWU to make concessions or compromises as part of the TWU's good faith bargaining requirements and we totally reject that we have in any way breached our obligations under those requirements.
- 2.9 If StarTrack are prepared to make further advancements towards our claims regarding Job Security, then the TWU will be in a position to consider a future "package" deal, but unless there is genuine consideration of these claims by StarTrack, then our members cannot accept StarTrack's offer.
- 2.10 StarTrack can take this letter, as well as our verbal response in three separate bargaining meetings as our formal response to StarTrack's offer, if there were any doubt.
- 2.11 In terms of proposed drafting for our claims, the TWU notes the following:
- (1) We do not accept StarTrack's drafting for the majority of their proposals.
 - (2) We have provided StarTrack with proposed drafting for claims, in particular Job Security claims, by referencing similar protections contained in enterprise agreements that apply to Toll Transport and Linfox workers. StarTrack have rejected that drafting.
 - (3) In the absence of StarTrack showing any willingness to move or provide guarantees around the Job Security of its permanent workers, then given StarTrack have categorised their offer as a "package deal", the TWU does not intend to provide a further detailed response with counter proposals and drafting, as StarTrack's offer does not meet our claim and StarTrack are well aware of the TWU's claims and proposed drafting around Job Security claims.
- 2.12 However, in order to avoid any doubt in StarTrack's mind of the TWU's position, we will endeavour to provide StarTrack with a consolidated response in writing by no later than 4:00pm Monday 13 September, noting that this will predominantly be the TWU reiterating its Log of Claims.

Good Faith Bargaining Obligations

- 2.13 The TWU totally rejects StarTrack's assertion that the TWU is not meeting its Good Faith Bargaining requirements under the Fair Work Act.
- 2.14 Specifically, the TWU notes:

⁴ TWU Flyer dated 3 September 2021 – Attachment 4.

- (1) We have provided StarTrack with any information it has sought from us in relation to bargaining. There is no requirement for our responses to claims to be in writing. If StarTrack requests further information, please provide this request to Mr. Webb or Mr. Suleyman in writing and we will ensure that this is provided to you in a timely manner.
 - (2) We have responded to the proposals put forward by StarTrack at each of the nine bargaining meetings held over the past five months and have also done so in this letter.
 - (3) We have giving genuine consideration to StarTrack's proposals, including consulting on the proposals with our members and TWU Delegate Committees, however we have concluded that the proposals cannot be accepted by our members for the reasons noted above.
- 2.15 StarTrack is well aware that bargaining does not require parties to accept sub-par and insecure agreements and the TWU will not be threatened or bullied by StarTrack into making compromises on our members' Job Security.
- 2.16 The TWU will, as it always has, continue to comply with its obligations under the Fair Work Act by:
- (1) continuing to meet with StarTrack at any time to continue discussions in an attempt to have our members' concerns satisfied in a new enterprise agreement;
 - (2) giving genuine consideration and responding to future proposals provided by StarTrack (providing they are different to what has already been proposed); and
 - (3) providing relevant information and reasons for any response to such proposals.
- 2.17 Please do not hesitate to contact Mr Gavin Webb or Mr Mem Suleyman should you wish to discuss further.

Yours faithfully

Transport Workers Union of Australia

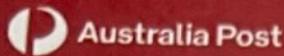


Gavin Webb
Chief Legal Officer
NSW/QLD Branch



Mem Suleyman
Chief of Staff
VIC/TAS Branch

A message from Rodney



August 31, 2021

This message was sent to all Australia Post people

Hi 

Today, I am pleased to share with you our Australia Post financial results for the 2021 Financial Year (FY21).

FY21 results in brief

With COVID-19 driving continued growth in eCommerce we achieved the following:

- New record revenue of \$8.27 billion – up 10.3 per cent on last year
- \$100.7 million profit before tax - up 87.7 per cent from \$53.6 million last year
- Parcels & Services revenue growth of 17.7 per cent to \$6.48 billion
- StarTrack volumes up 12.1 per cent
- 90.6 per cent revenue growth for AP Global, which delivered over 40 million global eCommerce parcels

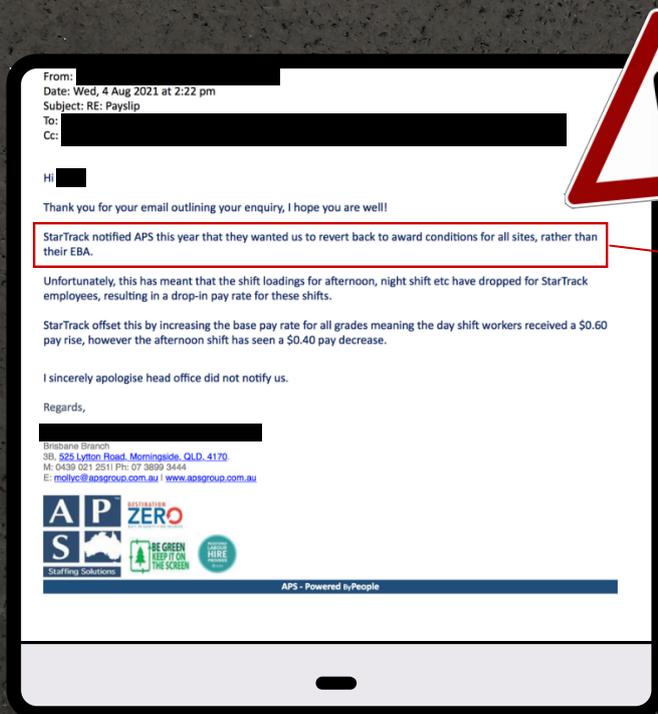
Our Post Office Network also performed strongly, and we proudly kept 99 per cent of our Post Offices open despite pandemic challenges. This enabled our customers to access important services, including Bank@Post, for which we signed landmark extensions with CBA and NAB for a further 10 years.

While our performance for FY21 is strong, our overall result was tempered by the ongoing decline in addressed letter volumes – down 11.6 per cent – leading to a fall in letters revenue of \$202 million.

BUSTED - LEAKED EMAILS PROVE YOUR JOBS AND OVERTIME ARE AT RISK

A leaked email proves StarTrack is directing its Outside Hire agencies to pay its workers under cheap Award conditions, rather than ensure they are paid the same conditions and wages as StarTrack workers. Doing this means it would be cheaper and easier for StarTrack to use Outside Hire, a direct threat to StarTrack workers' jobs and overtime.

The TWU is now investigating the leaked email below between an Outside Hire company and one of our members and it speaks for itself.



LEAKED EMAIL FROM LABOUR HIRE AGENCY

StarTrack notified APS this year that they wanted us to revert back to award conditions for all sites, rather than their EBA.

**IF STARTRACK IS WILLING TO UNDERMINE
YOUR CONDITIONS NOW, HOW WILL WE
STOP THEM WITHOUT PROTECTIONS IN
THE NEW AGREEMENT?**

TWU VIC/TAS John Berger **P:** 1300 727 614 **E:** info@twu.asn.au **W:** www.twu.asn.au

Authorised by Michael Kaine, National Secretary, Transport Workers' Union, Level 2, 388-390 Sussex Street, Sydney 2000 p (02) 8114 6500 e twu@twu.com.au





Female StarTrack worker sacked after questioning pay cut

EXCLUSIVE

By **EWIN HANNAN**
WORKPLACE EDITOR
Follow [@EwinHannan](https://twitter.com/EwinHannan)

9:09PM SEPTEMBER 2, 2021



StarTrack delivery trucks.

The Transport Workers Union has launched legal action against Australia Post subsidiary StarTrack and labour hire company APS Transport after a female worker lost her job when she questioned a drop in her pay.

Kim White, who is undergoing breast cancer treatment, said APS justified the pay cut in an August email, saying that StarTrack “wanted us to revert back to award conditions for all sites, rather than their EBA (enterprise agreement)”.

Ms White, 54, was employed by APS and placed with StarTrack, working as a casual freight handler for the past year. Her partner is a direct employee of StarTrack and a TWU delegate.

She said she had worked three to five shifts a week, working 20 to 40 hours a week, earning \$38.10 an hour. She said her pay was cut by 40c an hour to \$37.70 and other employees told her their pay was also cut.

Ms White sent the APS email exchange to a StarTrack supervisor who said he would investigate the matter. The TWU also raised the issue with the firm.

In the following week, she did not receive a work roster. Her husband texted a supervisor who told him that Ms White “will no longer be required”.

Ms White told The Australian that she believed she was being “punished” for asking why her pay had been cut.

“I am not sleeping, I am stressed out to the max because I cannot pay my bills,” she said.

“I am a breast cancer patient. I am undergoing breast cancer treatment, I cannot pay for that. Life as I knew it has completely changed.”

The union is pursuing an adverse action claim on her behalf against APS and StarTrack. Ms White said that given the way she had been treated, she did not feel comfortable seeking reinstatement and would pursue compensation.

“Who’s going to employ me now? I am 54 and I have got breast cancer,” she said.

“Who’s going to give me a job? I am a liability.”

In a follow-up email, APS said the manager’s initial explanation was incorrect and the reason for the pay change was that Ms White had been previously overpaid. The TWU said StarTrack also claimed this week that Ms White was sacked because she clocked off from her shift early but claimed for the full shift, an allegation denied by Ms White.

TWU national secretary Michael Kaine said the “sacking” followed a jump in the use of outside hire at StarTrack, a key dispute in current enterprise bargaining negotiations.

“Kim White has been targeted by the management team and made an example of to frighten workers into quiet obedience,” he said. “First, she had wages stolen through a unilateral drop in her penalty rates, then after querying it she was sacked without explanation or right of reply.”

StarTrack said under its enterprise agreements with the TWU, labour hire personnel are paid the same hourly rates that apply to StarTrack’s direct employees. “StarTrack denies it has taken adverse action against the applicant and will vigorously defend any proceedings,” it said.

Following a review of pay rates applied by APS, StarTrack said “it was discovered that shift loading had been calculated incorrectly, which led to some labour hire personnel being overpaid – this was later corrected”.

OUTSIDE HIRE IS INCREASING - OUR JOBS UNDER THREAT

If you haven't voted in the Protected Action Ballot yet, it is crucial you do so **as soon as possible** - **follow the instructions here**. There is an imminent threat of outside hire as it increases around the country.

APS WORKER SACKED FOR QUERYING A DROP IN PAY

APS labour hire worker Kim White was told "StarTrack notified APS this year that they wanted us to revert back to Award conditions for all sites rather than their EBA." Read her story in *The Australian*: bit.ly/KimWhiteAPS

StarTrack will continue to undermine your job security unless we stand together.

HERE'S WHAT OUTSIDE HIRE LOOKS LIKE AROUND THE COUNTRY

WA

Air Freight 7 in 8 outside hire



Express 40% outside hire



ACT 50% outside hire



QLD

Bulk 20% outside hire



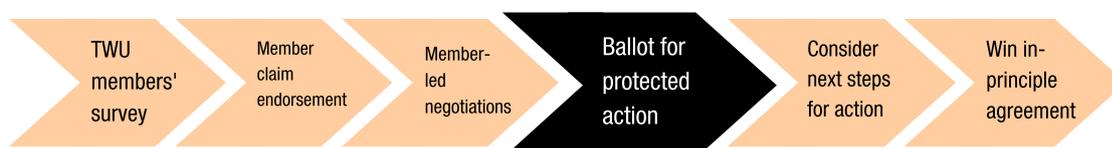
SA 40% outside hire



SOME OF THESE YARDS HAVE NEVER SEEN OUTSIDE HIRE BEFORE. IT'S A TREND WE CANNOT ALLOW TO CONTINUE.

*These are examples from particular yards in each state, and the figures may fluctuate

WE MUST STAND TOGETHER TO FIGHT THE GROWING ATTACK ON PERMANENT JOBS. IT TAKES LESS THAN 2 MINUTES. VOTE NOW.



TWU VIC/TAS John Berger **P:** 1300 727 614 **E:** info@twu.asn.au **W:** www.twu.asn.au

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