



EDS Employees Transferring to HP

ASU Members and Interested Employees

24 September 2009

Transfer of Employment and the Fair Work Act

ASU members working at EDS recently received their Employment Letter of Offer from HP.

Like many EDS employees transferring to their new employer, they had questions about what their wages and conditions would be working under HP. And given that many received their Letter of Offer in the middle of the week, they did not have much time to consider their options before responding and returning them via post to Sydney before the following Friday.

Some Answers

New Federal legislation means that EDS employees whose employment is currently covered by the EDS People Agreement 2002, will continue to have their wages and conditions underpinned by that agreement.

This will continue to be the case until another enterprise agreement is entered into which will supersede the EDS People Agreement 2002.

HP Conditions or EDS Conditions?

The HP conditions mentioned in your letter of offer only apply to those items not covered in the EDS People Agreement. The People Agreement sets out the minimum standards to which you are entitled. However, if HP policies provide for improved conditions there is nothing preventing HP extending them to transferring staff.

Where to now?

The Fair Work Act not only offers protection of transferring employees' wages and conditions. It means employees now have improved access to **collective bargaining**. The EDS People Agreement 2002 passed its nominal expiry date long ago. For many this has meant no pay rise for years.

Many EDS workers also find it difficult to understand how people performing the same job can be paid significantly different amounts of money.

A new collective agreement is the best way to ensure pay rises and transparency in the payment of wages and conditions in your workplace. And from January 1 2010 a safety net of modern awards and the National Employment Standards will also apply, covering items such as a minimum 10 days sick leave.

'Good Faith' bargaining laws also mean those employees who want a collective agreement can be part of fair and genuine negotiations with their employer and unions.

Time to upgrade?

If you're interested in talking in more detail about what the Fair Work Act can do for you, call ASU Organiser Matt Karger on **0408 838 372** or email him at: mkarger@asu-sant.asn.au



Still waiting for an upgrade?

The rights of employees transferring to a new employer are more protected thanks to the new Federal Fair Work Act. But the Fair Work Act also means improvements in:

- Rights of workers to take unfair dismissal actions against employers
- A national safety net made up of Modern Awards and National Employment Standards
- Collective bargaining rules which mean if 50% or more of employees want a collective agreement then their employer must agree to negotiate in 'good faith' – along with employees and unions

