



ASU takes Auscript to Fair Work Commission over office closures and redundancies

In our last newsletter on the 20 January we informed you the ASU made application to the FWC regarding a lack of consultation by Auscript regarding the office closures and redundancies. The matter was heard on the 28 January by Commissioner Yilmaz. Following the Conference on the 28 January, the Commissioner has now released a Recommendation to the parties (see attached).

January 28 FWC Conference

At this Conference the ASU submitted that Auscript had not properly consulted the Union or its employees at all, and that in most cases employees only had 48 hours to decide on critical issues such as redundancy, re-deployment, relocation and re-training, while trying to seek financial advice and talk to the Union. An impossible task the ASU argued in this very narrow time frame.

Fair Work Commission Recommendation

The Commission seems to agree with the ASU in paragraph 6 of the attached Recommendation where the Commissioner says consultation “was lacking”. The Commission also notes at paragraph 4 of the Recommendation that by the time the matter came to the Commission the restructure was already completed and thus she was unable to make any order requiring Auscript to comply with its consultation obligations because it would have no practical effect.

The Commissioner has thus recommended to the parties that they should meet and develop an agreed arrangement for consultation in the future and then Report Back to the Commission on the 13 February (see attached Notice of Listing). To that

effect, Michael Rizzo, ASU National Industrial Officer, has organised to meet Auscript in Brisbane on Thursday 6 February. The ASU will seek to have an agreed consultative Memorandum of Understanding (M.O.U) with Auscript. The ASU never again wants to see employees at Auscript treated so poorly.

Report back to the FWC on 13 February

The ASU will inform the Commission on the outcome of the meeting with Auscript on the 13 February. Following this Conference the ASU will then report back to members any major developments.

More information

For more information, please get in touch with the relevant contact below. If you're not a member of the ASU, you can join online now at our secure form: <https://asujoin.asn.au/>

Branch	Contact	Mobile / Email
QLD Together	Peter Cattach	0409 064 310
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RECOMMENDATION

Fair Work Act 2009
s.739—Dispute resolution

Australian Municipal, Administrative, Clerical and Services Union

v

Auscript Australasia Pty Ltd
(C2020/312)

COMMISSIONER YILMAZ

MELBOURNE, 4 FEBRUARY 2020

Alleged dispute about any matters arising under the enterprise agreement and the NES;[s186(6)].

[1] The Australian Municipal, Administrative, Clerical and Services Union (ASU) filed a s.739 dispute application against Auscript Australasia Pty Ltd (**Auscript**) in relation to the closure of the Hobart and Adelaide office and downsizing of the Sydney office (**the restructure**).

[2] The ASU referred to clauses 3.2.8, 3.3 and 9.1 of the *Auscript Australasia Enterprise Agreement 2010* (the Agreement) and sought that Auscript comply with its consultation obligations under the Agreement.

[3] I scheduled the matter for conference on 28 January 2020.

[4] At the conference it became apparent that Auscript had concluded the restructure with 23 employees made redundant and the redeployment of two. Consequently, any order by the Commission requiring Auscript to comply with its consultation obligations would have no practical effect.

[5] It was agreed that the parties meet to confer on how Auscript would approach any further situations resulting in major change as provided for in clause 3.3 of the Agreement in the future.

[6] While Auscript reported that no further major change was proposed, the practices of Auscript in the most recent restructure raised concerns that:

1. The consultation with employees and their respective representatives was lacking; and
2. That employees were denied the opportunity for representation by their union by Auscript failing to engage with the union directly, both prior to the announced decision to restructure and throughout the process.

[7] In consideration of the above and as agreed between the parties, I recommended the following:

- A. The Parties meet, confer and develop an agreed arrangement for consultation should Auscript be in the position to have to comply with clause 3.3 of the Agreement in the future; and
- B. The Parties clarify the relevant contacts within the ASU for the purposes of item A above and future consultations.

[8] This matter will be rescheduled for report back on 13 February 2020. The Notice of Listing will be set separately.



COMMISSIONER

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Notice of Listing

Title of Matter: Australian Municipal, Administrative, Clerical and Services Union (052V) v Auscript Australasia Pty Ltd

Section: s.739 - Application to deal with a dispute

Subject: Alleged dispute about any matters arising under the enterprise agreement and the NES;[s186(6)]

Matter Number: C2020/312

Auscript Australasia Enterprise Agreement 2010

Listing Details:

The above matter is listed for Report Back Conference, by Attendance and Telephone, before Commissioner Yilmaz at:

02:00 pm AEDT
Thursday, 13 February 2020
Fair Work Commission
11 Exhibition Street
Melbourne

Parties who wish to appear via telephone are directed to provide their preferred telephone number by COB 11 February 2020

To:

Notified	Contact details
Mr Michael Rizzo Australian Municipal, Administrative, Clerical and Services Union - Victorian and Tasmanian Authorities and Services Branch	Mrizzo@asu.asn.au
Ms Angela Howard Auscript Australasia Pty Ltd	Ahoward@auscript.com.au

Inquiries:

All inquiries relating to this notice are to be directed to Nancy Abdalla
Phone: (03) 8656 4533, email: chambers.Yilmaz.C@fwc.gov.au.

Fair Work Commission, 4 February 2020 12:27 pm