ASUnewsletter

18 February 2020

ASU reports back to FWC regarding consultation process with Auscript

Another Conference was held in the Fair Work Commission (FWC) on the 13 February regarding Auscript's lack of consultation with employees and the ASU regarding the office closures and redundancies. The ASU Reported Back to Commissioner Yilmaz about what happened at the meeting in Brisbane between the ASU and Auscript on the 6 February.

6 February meeting in Brisbane

ASU National Industrial Officer, Michael Rizzo, flew to Brisbane from Melbourne to meet with Ms. Sharron Myers and Mr. Angus Cameron of Auscript. At this meeting the ASU tabled 2 documents. The first document was designed to enhance the consultation process between Auscript, the ASU and Auscript employees.

The second document proposed a Consultative Committee comprised of equal numbers of Management and Union representatives to discuss present and future matters and thus try and mitigate the sort of debacle that happened in January.

Auscript did not table any documents at this meeting and said it could not agree to the ASU proposals. However it said it would think about the matters discussed and respond in writing. The ASU encouraged the company to respond with positive language which would enhance consultation with such phrases as "meaningful and genuine consultation"; allow for "sufficient period of consultation" and give the union and employees "adequate notice" of intended major changes.

A few days later the company did respond to the ASU proposals, but the response was disappointing as it really did not say much more than what the current provision says.

13 February FWC Conference

At this Conference the ASU informed the Commission that it was underwhelmed by Auscript's response and they needed to do much better if we were to avoid a repetition of the disastrous January office closures and redundancies process in the future. The Commissioner then spent the next few hours trying to bring the parties closer together regarding a satisfactory consultation regime.

At the end of the Conference the Commissioner made the following recommendation to the parties:

That the managers' report back to their superiors what happened at the Conference today; that the company look at the ASU documents again and establish principles to try and avoid what happened in January again; that the parties Report Back to the Commission in Melbourne on the 4 March (see attached Notice of Listing); that the Recommendation issued by the Commission on the 4 February remains in place (attached).

The ASU will continue to work on behalf of members to improve the consultation mechanisms and will report back to members any major developments after the 4 March Conference.

Stay informed

www.asu.asn.au

http://twitter.com/ASUnion

www.facebook.com/australianservicesunion

Authorised and published/printed by Robert Potter, Acting National Secretary, Australian Services Union, Ground floor, 116 Queensberry Street, Carlton South, Victoria, 3053, Australia

A•S•U

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
	Megan Denny	0419 667 931
ASU NSW USU	Emily Callachor	0417 420 924 ecallachor@usu.org.au
	Troy Dunne	0419 403 076 tdunne@usu.org.au
VIC PS	Sarah Haar	0409 778 890
WA	Jill Hugo	0412 920 978

Stay informed

www.asu.asn.au

http://twitter.com/ASUnion

www.facebook.com/australianservicesunion

Authorised and published/printed by Robert Potter, Acting National Secretary, Australian Services Union, Ground floor, 116 Queensberry Street, Carlton South, Victoria, 3053, Australia

A•S•U

Notice of Listing

FairWork Commission

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 **Conference**, before Commissioner Yilmaz at:

01:00 pm
Wednesday, 4 March 2020
Fair Work Commission
11 Exhibition Street
Melbourne

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
Mr Angus Cameron Auscript Australasia Pty Ltd	Acameron@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, 14 February 2020 05:33 pm

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

Printed by authority of the Commonwealth Government Printer