

## Commission confirms CPI dispute resolution

Following the endorsement of ASU members Fair Work Commissioner Harper-Greenwell has issued a Statement (*see on reverse side of this Bulletin*) confirming the resolution of the CPI as well as the Annotators' classification dispute.

The Commissioner commended both the ASU and Auscript for their collaborative approach to all matters raised in the ASU's dispute application resulting in the following positive outcome:

### CPI

A payment of 2.2% for current employees to be paid from the first full pay period after 1 March 2021.

### Former Employees

That former EA employees impacted by forced redundancies in Victoria and Queensland between 1 April and 31 July 2020 will be paid a one-off ex-gratia payment of \$700.

### Annotators

For new Annotators employed on or after 4 March 2021, there will be a 4-month training period.

During the Training Period, Annotators will be aligned to and paid at no less than Level 1, Year 3 of the Clerks – Private Sector Award 2020 (Clerks Award).

Annotators who have successfully completed the Training Period and assessed as competent to complete their duties will be aligned to and paid at no less than Level 2, Year 1 of the Clerks Award.

Any current Annotators who have completed more than 4 months' service will be aligned to and paid no less than Level 2, Year 1 of the Clerks Award from the first full pay period after 1 March 2021.

Special thanks to the ASU Branch Organisers listed below and ASU delegates, ex Melbourne employee, Emma Lin, and Brisbane delegates Nikki Farrar and Anne-Maree Brady for their assistance on behalf of members.

### More information

For more information, please get in touch with the ASU Branch 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	Contact number	Email
QLD Together	Peter Cattach	0409 064 310	<a href="mailto:Peter.Cattach@together.org.au">Peter.Cattach@together.org.au</a>
	Megan Denny	0419 667 931	<a href="mailto:megan.denny@together.org.au">megan.denny@together.org.au</a>
NSW USU	Poni Ravula	0459 060 804	<a href="mailto:pravula@usu.org.au">pravula@usu.org.au</a>
VIC PS	John Weber	0409 778 890	<a href="mailto:jweber@asupsvic.org">jweber@asupsvic.org</a>
WA	Jill Hugo	0412 920 978	<a href="mailto:jill.hugo@asuwa.org">jill.hugo@asuwa.org</a>



# STATEMENT

*Fair Work Act 2009*  
s.739—Dispute resolution

## **Australian Municipal, Administrative, Clerical and Services Union**

v

## **Auscript Australasia Pty Ltd** (C2020/5392)

COMMISSIONER HARPER-GREENWELL

MELBOURNE, 15 MARCH 2021

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

[1] On 13 July 2020 a dispute was filed in the Fair Work Commission (**the Commission**) under section 739 of the *Fair Work Act 2009* (**the Act**) by the Australian Municipal, Administrative, Clerical and Services Union (**ASU, the Applicant**).

[2] The Respondent to the dispute is Auscript Australasia Pty Ltd (**the Respondent, Auscript**).

[3] The dispute relates to an alleged failure by Auscript to pay employees a 2020 CPI related pay increase the ASU contends is owed under the *Auscript Australasia Enterprise Agreement 2010* (**the Agreement**). Further, the ASU contends that Agreement rates are falling below minimum award rates of pay, contending that employees are on wage rates lower than the relevant *Clerks-Private Sector Award 2020* (**Clerks Award**) classification rates of pay.

[4] The ASU is an employee organisation covered by the Agreement.

[5] The parties attended a series of conferences before the Commission and elected to work cooperatively to resolve the issues in dispute. On 11 March 2021 the parties reached a mutually agreed resolution to this application.

[6] Further to the conference held on 9 March 2021, by consent of the parties I issue this Statement formalising the agreement reached between the parties:

### **CPI**

[7] The parties have agreed that CPI will be paid in accordance with the terms set out in paragraphs 7(a), (b) and (c):

- (a) The rate of 2.2% is to be applied as the CPI rate for the 2020 and 2021 years as contemplated by the *Auscript Australasia Enterprise Agreement 2010* at clause 7.4.2.
- (b) The pay increase will apply to all current employees and be paid from the first full pay period after March 2021.
- (c) For the avoidance of doubt, the pay increase is inclusive of CPI for 2020 and 2021 that may otherwise have been payable under the Agreement and will be applied in line with clauses 7.4.3 and 7.4.4 of the Agreement.

### **Former Employees**

[8] Former Agreement covered employees impacted by forced redundancies in Victoria and Queensland between 1 April 2020 and 31 July 2020 will be paid a one-off ex-gratia payment of \$700, less applicable taxation (to be taxed as an employment termination payment (ETP)). Auscript will write to each of those former employees covered by the Agreement to verify their bank details, and will then process these payments in the next pay period after each of those bank details have been verified.

### **Annotators**

[9] Although it was agreed that Annotators did not form part of the original dispute, the parties agreed to resolve the concerns raised by the ASU in the following terms:

- a) For new Annotators employed on or after 4 March 2021, there will be a 4-month training period (**Training Period**). During the Training Period, annotators will be aligned to and paid at no less than Level 1, Year 3 of the *Clerks - Private Sector Award 2020* (Clerks Award).
- b) Annotators that have successfully completed the Training Period and assessed as competent to complete their duties will be aligned to and paid at no less than Level 2, Year 1 of the Clerks Award.
- c) For any current Annotators that have completed more than 4 months service, they will be aligned to and paid no less than Level 2, Year 1 of the Clerks Award from the first full pay period after 1 March 2021.

[10] I commend the Parties for their collaborative approach to the resolution of matters raised by employees and their Representatives. The conduct of the parties in proceedings before the Commission and the joint consultation process engaged in has resulted in the before mentioned resolution being reached.

[11] The Commission's file is now closed with this matter being resolved between the parties.



COMMISSIONER

Printed by authority of the Commonwealth Government Printer