



STATEMENT

Fair Work Act 2009

s.739 - Application to deal with a dispute

CPSU, the Community and Public Sector Union

v

Commonwealth Scientific and Industrial Research Organisation (CSIRO)
(C2016/2635)

COMMISSIONER WILSON

MELBOURNE, 18 APRIL 2016

Alleged dispute concerning consultation under an enterprise agreement.

[1] On 17 February 2016, the CPSU, the Community and Public Sector Union (CPSU) notified an alleged industrial dispute to the Fair Work Commission (Commission) concerning the adequacy of consultation by the Commonwealth Scientific and Industrial Research Organisation t/as CSIRO (CSIRO) with employees regarding substantial organisational changes occurring throughout the CSIRO.

[2] The dispute has now been the subject of two conciliation conferences before the Commission in which the concerns of employees have been the subject of substantial discussion and debate. Those concerns go to the willingness of the CSIRO senior management to receive and genuinely consider any and all feedback that staff may wish to make about the proposed organisational changes, both in respect to the strategy that sits behind the proposals and the impact which the proposals may have on individual employment.

[3] The first of the conciliation conferences was held on 10 March 2016 and in that conference the parties agreed to a process in which the CSIRO would communicate with all staff about the change program in accord with the following protocol agreed in the conference;

1. The CSIRO Chief Executive was to communicate with all staff about the change programme and provide them all with better and further information about what is proposed;
2. The CEO was to give an opportunity for feedback from staff either directly to him or to other senior leaders over a defined period, after which there was to be an undertaking to fully consider the feedback received;
3. The then current processes to identify individual redundancies was not to be proceeded with until (1) and (2) above had been completed;

4. Once decisions had been made after the above steps had been completed, those decisions were to be communicated to staff;
5. After the above, notifications of redeployment and redundancy may be given (pursuant to the *CSIRO Enterprise Agreement 2011-2014*¹, Schedule 3).

[4] In the second of the conciliation conferences, held on 14 April 2016, the Commission was advised that the foregoing process had been advised to staff throughout the organisation.

[5] While such was the case, the CPSU, represented by Mr M Macdonald and Dr M Borgas (and on the previous occasion by Dr S Popovski), remained concerned that not all relevant matters had been communicated to staff; that staff were concerned whether measures to avert or mitigate the effects of the proposed changes were sufficiently being discussed; and whether the CSIRO would sufficiently give genuine consideration to any matters raised by staff in the course of consultation.

[6] The staff representatives expressed particular concern to the Commission about whether and how scientific matters raised by staff would be considered by the CSIRO leadership in making their final decisions and how that consideration would in turn be fed back to staff.

[7] The staff representatives were concerned to ensure appropriate and full feedback would be given from management to staff about decisions taken that showed the feedback received; the consideration given to it and how it affected the ultimate decision-making.

[8] In response, the CSIRO, represented by Ms A Allars, Mr T Heldt and Ms F Johnstone affirmed the commitment of the CSIRO at the highest levels of the organisation to genuinely fulfil the consultative process required by the enterprise agreement and the protocol referred to above. They advised that significant feedback had already been received by management across the business units, with more being received in some than others. They further advised that the following processes would be employed to complete consultation and decision-making on the change;

1. Having received the feedback, the different business units are collating and summarising it for inclusion in a business case on the changes within each business unit, for consideration by the Executive Team.
2. The Executive Team is to consider the respective business cases on their merits, including the collated and summarised staff feedback.
3. The consideration by the Executive Team will include whether to endorse or amend the proposed decisions, including for reason of the consultation feedback.
4. Once considered and decided by the Executive Team, the decisions will be fully articulated to staff across the CSIRO. While initially in summary form, the decisions will be elaborated upon by senior managers in face-to-face meetings with staff and will also be the subject of more extensive written communication on CSIRO's intranet site. That written communication will provide greater detail about the decisions taken;

¹ AE886531.

the themes of feedback received and taken into account in making decisions; and management's response to the feedback themes.

5. After the steps in paragraphs [8].1 – [8].4 immediately above have been taken, and where necessary to do so, notifications to individual staff under Schedule 3 of the Enterprise Agreement will be given in accordance with the procedures required by that schedule and elsewhere.

[9] Should it be necessary to do so, the Commission is prepared to list this matter for further conference.



COMMISSIONER

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