

23 May 2016

Dispute Notification to CSIRO from Staff Association

Dear Trevor and Alex,

Dispute regarding Schedule 3

In accordance with the dispute resolution procedures of Clause 87 of the CSIRO Enterprise Agreement 2011-2014 (“the Agreement”), the CSIRO Staff Association hereby notifies a dispute to CSIRO.

Consultation and the Individual Notification of Potential Redundancy

Between 28 April and 9 May 2016, CSIRO provided information to the Staff Association as required under Schedule 3, Clause 3(a) on organisational change and restructuring relating to officers that are likely to become potentially redundant within six CSIRO Business Units: Land and Water, Mineral Resources, Agriculture, Food and Nutrition, Oceans and Atmosphere and Manufacturing.

Clause 3(b) of Schedule 3 of the Agreement requires that following the provision to the CSIRO Staff Association of the information required to be provided under clause 3(a), consultation in accordance with clause 57 of the Agreement must take place.

This requires consultation between CSIRO and relevant officers, being officers who “may be affected” (my emphasis).

The purpose of such consultation, differently to consultation that has taken place between CSIRO and the Staff Association to date regarding the decision to restructure itself, must “fully explore”, “options and measures to reduce the need for, and mitigate the impacts of, redundancies”.

Such consultation must involve officers being notified that they can request the involvement and assistance of a representative under Clause 3(c).

Further, clause 57(k) requires that consultation under the clause take place in a manner that “facilitates informed decision making, particularly on matters that affect the employment of staff and provides officers and their representatives with a genuine opportunity to influence the decision maker.”

In the context of the requirements of clause 4 and 5 of Schedule 3 regarding Voluntary Substitutions this requires that CSIRO meet and consult:

1. with all officers whose skills and capabilities have been determined not to be required by CSIRO; and
2. that it consult with such officers regarding measures to reduce or mitigate redundancies across the operations of the whole business, rather than on a Business Unit by Business Unit basis.

Further, clauses 3, 4, 5 and 6, when read together, require that CSIRO complete consultation with relevant officers or their representatives, and complete voluntary redundancy substitution prior to any individual employee being notified that they are potentially redundant.

However, the process that CSIRO has adopted to date to progress the redundancy of staff of the organisation has been:

1. Each individual Business Unit has separately provided the information required by clause 3(a) of Schedule 3 to the Staff Association, in respect of the anticipated redundancies within their Business Unit;
2. Each individual Business Unit has given notice to individual officers that they are potentially redundant;
3. Each individual Business Unit has held individual meetings with each such notified officer, and their representative when requested, regarding the proposed redundancy of their position;
4. Some Business Units have already notified some staff that they are potentially redundant under clause 6(a); and
5. Only limited information has been provided to the Staff Association on next steps and timeframes of all activities in the process.

As a result of this process, individual officers have been identified rather than the skills and capabilities that are no longer required by CSIRO. Consultation has taken place with individuals already prematurely identified, when consultation should have occurred with all employees across CSIRO whose skills and capabilities had been identified as not being required so as to first ensure genuine discussion about methods of reducing or mitigating the need for forced redundancies.

For example, voluntary redundancy substitution is not occurring with staff and the Staff Association. Communication to staff on the option of voluntary redundancy substitution has been inadequate across CSIRO and specifically in Business Units that do not have officers that have been identified as likely to become potentially redundant at this stage. Such Business Units, however, may employ persons with the same or similar skills as a person identified for redundancy in a different Business Unit. The Staff Association is aware of some cases where one Business Unit has identified an employee as potentially redundant, when they share their skills with another Business Unit that continues to require their skills.

Further, consultation has been attempted on a Business Unit by Business Unit basis, when it is the case that the same or similar science and research skills and capabilities are to be found in a number of Business Units, and with individuals sometimes sharing work across different Business Units.

Due to the way in which CSIRO has approached the potential redundancies flowing from organisational change and restructuring, there has been limited consultation about options and measures across all Business Units to reduce the need for, or mitigate the impacts of, redundancies. Such consultation must be adequate prior to individuals being identified.

We request that CSIRO suspend all current processes that are, or have, identified individual officers for potential redundancy until consultation occurs:

1. with all officers whose skills and capabilities have been determined not to be required by CSIRO, and their representatives; and
2. regarding measures to reduce or mitigate redundancies across the operations of the whole business, rather than on a Business Unit by Business Unit basis.

Please respond to this specific request in writing by COB Tuesday 24 May.

Voluntary Redundancy Substitution

Further and in addition, we dispute the manner in which clause 4 of Schedule 3 of the Agreement has been applied by CSIRO.

Clause 4 requires CSIRO to determine whether the skills of individual officers are a close match across the whole of the organisation. Based on the information available to the Staff Association, this has not occurred.

Clause 4 also requires CSIRO to hold discussions with each individual officer, that being those on the voluntary redundancy substitution register and those who are likely to become potentially redundant. Individual staff and the Staff Association have not been provided information by CSIRO to demonstrate that this has occurred.

Further, the Staff Association is aware of members in some Business Units with skills similar to those of members in other Business Units who have been identified as potentially redundant, but who have not been advised of, or considered for voluntary redundancy substitution.

Clause 5 of Schedule 3 of the Agreement requires that the identification of individual officers from an impacted group of officers must not occur until Clauses 3 and 4 have been implemented properly. Clause 6 of the Agreement, in turn, only operates upon an officer being advised, pursuant to Clauses 4 and 5, that they are potentially redundant, and not before.

We request that CSIRO suspend all current voluntary substitution processes and not proceed to Clause 5 and 6 of Schedule 3 of the Agreement until:

1. All staff in CSIRO are notified of all of the skills and capabilities that are no longer required by CSIRO and being considered for potential redundancy;
2. All staff in CSIRO are then advised of the option of Voluntary Redundancy Substitution and provided a timeframe for notifying CSIRO if they choose to be placed on the register;
3. A complete skills and capabilities audit of all relevant officers is provided to the Staff Association; and

4. A complete report of all discussions with individual officers, that being those on the voluntary redundancy substitution register and those who are likely to become potentially redundant, by date and Business Unit, is provided to the Staff Association.

Please respond to this request in writing by COB Tuesday 24 May.

Given the urgent nature of these matters impacting on our members, the Staff Association requires a written response to this dispute notice by COB Tuesday 24 May. We also require CSIRO to be available for discussions at a meeting with the Staff Association to seek to resolve this dispute in accordance with Clause 87(c) of the Agreement by COB Friday 27 May (assuming the dispute has not resolved through your actions and written response to this email).

Yours sincerely,



Sam Popovski
Secretary
CSIRO Staff Association