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A section of the Community and Public Sector Union

Dr Larry Marshall

Chief Executive

Commonwealth Scientific and Industrial Research Organisation

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Dear Dr Marshall,

OPEN LETTER to CSIRO Executive, Board and Minister on CSIRO bargaining

Nearly 27 months after the nominal expiry of the current CSIRO Enterprise Agreement, CSIRO staff were eventually provided the opportunity to have a say on a proposed replacement agreement. The decision of staff is clear: no cuts to current working conditions and rights in the Enterprise Agreement and an expectation of a better deal from CSIRO Executive.

This was the first time in recent memory that CSIRO staff have rejected an Enterprise Agreement proposal. Indeed, this was the first time that Staff Association representatives recommended voting NO to a proposal.

This bargaining round has been the most frustrating process that staff have ever experienced. Largely as a result of the application of an unworkable bargaining policy, unsuitable for a scientific organisation and for a dedicated and collaborative workforce.

Through this process the Staff Association didn't only campaign for staff to vote NO. We have worked diligently, including in negotiations with CSIRO bargaining representatives, to propose solutions for over two years. We will now continue to work with staff to seek to resolve the impasse.

Importantly staff have asked us to ask you the following questions, as key leaders and decision makers at CSIRO:

- How will you now help to resolve CSIRO bargaining?
- Will you protect CSIRO's scientific integrity and independence? and
- How can we constructively achieve the best possible outcomes for our science in years to come?

Genuine bargaining

A key reason for historically productive bargaining and low industrial disputation in CSIRO has been the mutual respect and professionalism between Staff Association and CSIRO representatives in forming the employment conditions and working environment for CSIRO staff. This has led to an Enterprise Agreement that has stood the test of time in the real world and has enabled CSIRO to succeed over decades.

In this particular process there has been no genuine bargaining. There has been no opportunity for staff to influence the majority of content in a proposal. The proposed replacement agreement sought to remove or strip conditions and rights from 76% of clauses and schedules of the current Enterprise Agreement. This is in large part a result of the doctrinaire application of the policy through the Australian Public Service Commission (APSC).

Let's not waste time passing the buck

One of the more frustrating aspects for staff throughout this process is the buck-passing of leaders and decision makers. When staff have asked CSIRO Executive to listen to their issues and address them, they've said they are

bound by the Government policy and the APSC. When the Government and APSC have been asked to listen and address the issues of staff, they've said it is CSIRO Executive's responsibility. Plainly, staff have had enough of this and expect better.

The buck-passing extends to legal interpretations of the *Science and Industry Research Act 1949*. Staff have been told that CSIRO is legally bound through section 13 and the direction of the Minister to apply the bargaining policy. Yet section 32 of the same Act states that *'The terms and conditions of service (other than in respect of matters provided for by this Act) of officers appointed under this section are such as are determined by the Chief Executive.'*

The Staff Association could choose to enter into a protracted legal argument on who is ultimately responsible for working conditions in CSIRO, being either the Chief Executive or the Government. We note that most definitely there are no references in the Act to the APSC. In the current circumstance, the Staff Association would prefer not to waste time and resources going down this track. Instead we seek to work with you on a simpler path towards a solution that would be acceptable to CSIRO staff.

The most important issue

From the outset, the most important bargaining issue for Staff Association members was the retention of working conditions and rights in the CSIRO Enterprise Agreement. Staff understand why having conditions and rights in an enforceable Enterprise Agreement is important, not just to them but to future generations of CSIRO staff and the organisation as a whole.

Notwithstanding this, Staff Association representatives have been willing to negotiate on a range of matters proposed by all parties in negotiations and to work towards in-principle agreement. Like in previous bargaining rounds, the Staff Association has been willing to negotiate on pay and other outstanding matters once the most important issue is agreed. Clearly this has not occurred to date because of the application and interpretation of the current bargaining policy.

Opportunities to end the impasse

The Staff Association has written to two Chief Executives, two Board Chairs and three Government Ministers responsible for CSIRO to propose solutions to the bargaining impasse. In total that is eight key decision makers who could have at various points, enabled us to achieve an outcome acceptable to CSIRO staff.

Given recent changes in CSIRO, where funding and jobs have been slashed and staff morale has reached rock bottom (i.e. CSIRO all staff survey), the Staff Association couldn't argue anymore strongly to CSIRO's leaders to fix this mess. A mess that even within this broader context remains the biggest issue for staff and the one most significantly impacting on morale, health and wellbeing.

The last general pay rise for staff was in July 2013. Not only have staff foregone pay rises since then, they have also seen CSIRO salaries fall behind many research intensive universities and industries, both in Australia and overseas. Do the CSIRO Executive, Board or Government value the importance of attracting and retaining staff? Is this not a concern for the achievement of CSIRO Strategy 2020 and for Australian science as a whole? We believe that it certainly is.

Solutions

The solutions to the bargaining impasse are recognisable and relatively easy to implement. They involve little financial or political cost. Instead, not implementing them continues to cost a lot more in lost scientific productivity and lack of trust and hope in CSIRO's leadership and future.

An unambiguous solution is for CSIRO Executive to not apply the bargaining policy. As the bargaining approach of the Government continues to be rejected across the Federal Public Sector, we believe that responsible leaders should fulfil their obligations and do what's right for CSIRO and staff. Put simply, the policy doesn't work. It's counter productive, for CSIRO and for scientific productivity. It should be scrapped.

If CSIRO's leaders are not prepared to scrap the policy, the very least that can be done, is to empower CSIRO bargaining representatives to negotiate in good faith without interference from the APSC. In this environment, the Staff Association is confident that an agreement could be reached between CSIRO and Staff Association representatives that would be acceptable to staff.

You only need to look at the recent staff support for a new Enterprise Agreement at the ABC, notably facilitated through the actions of the ABC Board to assert their independence to determine the employment conditions of ABC staff. The ongoing predicament for CSIRO staff demonstrates a very stark contrast.

Next steps

The *Fair Work Act 2009* limits the options available to workers who can't reach agreement with their employer. In this bargaining process, CSIRO staff have taken protected industrial action. The Staff Association will now consider whether further action should be considered given the clear decision of staff to vote NO and reject cuts to working conditions and rights.

In coming weeks, we request and hope that CSIRO bargaining representatives will reconvene negotiations and propose a significantly improved position. As a bare minimum, the Staff Association requests that CSIRO representatives include a number of conditions and rights that were in offers to staff in other public sector agencies, but not in this first offer to CSIRO staff.

Staff Association representatives will negotiate in good faith before considering our next steps. There are undoubtedly a number of key proposed cuts to conditions and rights that need to be addressed before resolution could be achieved. These include:

- Indefinite employment as the standard form of employment
- Criteria that permit specified term employment
- Protections for part-time work arrangements
- Consultation on matters other than just major change
- Consultation prior to decisions being implemented
- Support for principles of management accountability
- Right to written notification of potential redundancy
- Two month retention period for voluntary redundancy substitutions
- Rights to access miscellaneous leave
- Right to suitable accommodation at work
- Protection of work classification standards
- Right to have agreed objectives in the APA
- Right to a review of an APA assessment
- Right to access reclassification appeals
- Conditions for managing underperformance
- Conditions for resolution of grievances
- Rights to representation by union delegates
- Ability to retain moral rights to scientific work.

The Staff Association requests that you consider all of the matters raised in this letter and take action to help resolve bargaining in CSIRO. Our members, delegates and Councillors continue to be determined to do what's right for staff and for the future of the organisation. Please support CSIRO by supporting its workers.

Yours faithfully,



Sam Popovski
Secretary
CSIRO Staff Association