

Notification of dispute

RE: Annual Performance Agreement (APA) 2016-2017

Under the dispute avoidance/resolution procedures contained at clause 87 of the CSIRO Enterprise Agreement 2011-2014, the CSIRO Staff Association (a section of the Community and Public Sector Union) hereby notifies CSIRO management of a dispute.

Alleged breaches:

CSIRO Enterprise Agreement 2011-2014 clauses:

36. Performance Culture; and
37. Annual Performance Agreement; and
40. Merit Promotion; and
47. Management Accountability; and
57. Staff Participation and Consultation.

It is the position of the CSIRO Staff Association that CSIRO has not met the provisions of the above clauses of the CSIRO Enterprise Agreement in relation to the timeframes of the APA cycle and the related consideration of performance rewards.

Nature of dispute:

Clause 37 states that: *It is a requirement of employment in CSIRO that all officers (excluding casuals and those employed for less than three months) participate in the APA process. Officers must complete the APA process within the required timeframes, namely:*

- *Review (Stage 3) by 31 August; and*
- *Objective Setting (Stage 1) for the following year by 30 September.*

Officers who fail to complete the APA process within these timelines will not be eligible for performance rewards.

The Staff Association has been made aware that multiple CSIRO Business Units (Agriculture, Energy, Health and Biosecurity and Land and Water) have each informed staff that APAs are expected to be completed on prescribed dates before 31 August this year. In our view, this is a breach of APA provisions of the EA under Clause 37(c), which require that Stage 3 of APAs be completed by 31 August. Furthermore the Staff Association alleges that CSIRO has breached Clause 37 by instructing staff that they will not be eligible for performance rewards if they don't

complete Stage 3 of the APA by those prescribed dates, earlier than 31 August, in each Business Unit.

Clause 36 states that:

CSIRO will foster an environment in which exemplary standards of performance and behavior of individuals and teams are recognised and rewarded through consistently applied and transparent processes.

The Staff Association alleges that CSIRO has not consistently applied the 2016-2017 APA process given that multiple Business Units are implementing different APA timeframes, all inconsistent with the requirements of clause 37.

The Staff Association alleges that CSIRO's decision to conduct Reward Review Committees within Business Units, earlier than 31 August has the clear potential to disadvantage and discriminate against staff. Staff who have not completed their APA at the prescribed dates (even though they have the right under the Enterprise Agreement to do so until 31 August), have been informed they will not be eligible for performance rewards.

Clause 40 states that:

(b) Since officers will develop their roles and competencies at different rates, depending on their personal potential and the opportunities that arise in the workplace, the period over which sustained performance can be demonstrated will vary but would normally be at least two and will not be less than one full (12 month) performance cycle.

In some Business Units, including Land and Water, staff have not been provided one full (12 month) performance cycle through the 2016-17 APA. This is because Stage 3 of the APA was required to be completed in June 2017. Logically, a full year of performance can't been demonstrated when Stage 3 is done before 11 months into the 12 month period.

Clause 47 states:

The parties to this Agreement recognise that the quality of management decisions impacts upon the achievement of CSIRO's strategic goals and has a significant bearing on the quality of the working life of staff. CSIRO is committed to creating an environment where innovation thrives and everyone is valued and treated fairly and with respect. CSIRO managers will support the principles of:

- *Openness- a free flow of information relevant to the well-being of staff;*
- *Transparency- encouraging staff input, provide clear, reasoned justification for decision to affected officers, and providing feedback on how view are taken into account;*
- *Fairness- treating staff equitably and with respect; and*
- *Consistency- showing no favoritism in decision making.*

The Staff Association alleges that CSIRO has not been fair or consistent in its application of the 2016-2017 APA as Business Units are implementing different timelines, processes and directives on staff, both within and between Business Units.

Clause 57 states that:

(k) Consistent with subclause 57(a), where CSIRO has made a definite decision to introduce major change, consultation shall occur before the major change is introduced. In all other circumstances, where initiatives or proposals have implications of the employment of staff or affect the way work is to be performed, CSIRO shall consult with affected officers and their representatives.

The Staff Association alleges that CSIRO has not consulted with representatives on initiatives for the 2016-2017 APA across multiple Business Units.

Action sought:

The CSIRO Staff Association hereby requests CSIRO take all of the following actions to resolve the dispute:

1. all CSIRO officers be informed immediately that they can complete their Stage 3 APA up until 31 August 2017, including if they are applying for promotion or any other rewards.
2. no CSIRO officer currently seeking to apply or be eligible for promotion or other rewards be requested or placed under any duress by CSIRO to complete Stage 3 of their APA earlier than 31 August.
3. a statement from each Business Unit to all their staff, notifying that the timelines for Stage 3 of the APA cycle have not been followed in accordance with the Enterprise Agreement, in all instances where this has already occurred.
4. consultation with the Staff Association on all APA, promotion and other reward processes to occur to stop further alleged breaches of the EA from occurring. Consultation to commence between Staff Association and CSIRO representatives through a meeting to seek to resolve this dispute by COB Tuesday 1 August.

CSIRO Staff Association Contact Person: Michael Macdonald, Lead Organiser, 0419 816 196.

Yours sincerely,



Sam Popovski