

CSIRO Staff Association

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A section of the Community and Public Sector Union



4/12/24

Clint Smith

Executive Manager, Workplace Relations CSIRO

Via email: clint.smith@csiro.au brett.barton@csiro.au louise.jarman@cpsu.org.au

Dear Clint,

Dispute under the CSIRO Enterprise Agreement 2023-2026 – Consultation

1. We write to notify recommencement of the dispute resolution procedures in accordance with clause 84 of the *CSIRO Enterprise Agreement 2023-2026 (CSIRO Agreement)* in relation to the CSIRO's failure to comply with the consultation requirements at clause 54 of the CSIRO Agreement.
2. The CSIRO has failed to comply with clause 54 in relation to consultation on major change including restructuring of jobs.

Background

3. On 8 May 2024 the CSIRO Staff Association (**Staff Association**) notified a dispute in relation to the CSIRO's failure to comply with clause 54 of the CSIRO Agreement in relation to consultation on major change.
4. On 20 May 2024 the Staff Association and the CSIRO met to discuss the matter in dispute. The CSIRO wrote to the Staff Association on 23 May 2024 outlining the Agency's position on the proposed resolution to the dispute and the parties agreed the matter was resolved on 28 May 2024.
5. Settlement of the dispute was contingent on an agreed major change consultation process between the CSIRO and the Staff Association. In summary this process involves
 - a. Step 1: Early engagement between the CSIRO, employees and the relevant unions
 - b. Step 2: Proposal development informed by early engagement feedback
 - c. Step 3: Consultation commences, including providing employees and unions with all relevant information about the proposed change
 - d. Step 4: CSIRO considers employee and union feedback and prepares a consultation feedback report
 - e. Step 5: CSIRO makes a decision, taking the feedback from Step 4 into account
 - f. Step 6: CSIRO consults with employees and unions throughout the implementation and review of the change

Failure to comply with the CSIRO Enterprise Agreement 2023-2026

6. The consultation process agreed between the CSIRO and the Staff Association sought to ensure the requirements of the CSIRO Agreement were met throughout major change proposals.
7. The CSIRO Agreement provides at clause 54.3 that genuine and effective consultation involves
 - a. providing officers and the relevant union(s) with a genuine opportunity to influence the decision prior to a decision being made;
 - b. providing all relevant information to officers and the relevant union(s) in a timely manner to support consideration of the issues;
 - c. considering feedback from officers and the relevant union(s) in the decision-making process; and
 - d. advising officers and the relevant union(s) of the outcome of the process, including how their feedback was considered in the decision-making process.
8. Staff Association members have reported to the union that information provided about the proposed changes is inconsistent and unclear, and information is not being provided to employees and the union to support proper consideration of the proposed change. The CSIRO has not provided the Staff Association with all the relevant details of each proposed restructure.
9. The CSIRO has failed to comply with clause 54.3(b) in that all relevant information about the proposed changes has not been provided to the Staff Association, and it is unclear what information has been provided to employees.
10. Additionally, the CSIRO has failed to comply with clause 54.3(d) in the case of completed restructurings in that employees and the Staff Association were not advised how the feedback provided was considered in the decision-making process. It is entirely unclear to the Staff Association how the CSIRO has met their obligation under clause 54.3(c) to consider feedback in the decision-making process, given the CSIRO has not advised the union how our members' feedback was considered.
11. As a consequence of the CSIRO's failure to provide all relevant information and advise the Staff Association how feedback has been considered, the CSIRO is failing to comply with clause 54.3(a) in so far as employees and unions have not had a genuine opportunity to influence the decision before it is made.
12. The Staff Association considered the dispute of 16 May 2024 to be resolved on the basis of the agreed major change consultation process. The CSIRO is failing to adhere to this agreed process and failing to meet the requirements of the CSIRO Agreement at clause 54 in the case of both concluded and proposed major changes.

Next Steps

13. In order to resolve this dispute, the Staff Association seeks
 - a. An urgent meeting to discuss the major change consultation process. The Staff Association considers this process may need further safeguards implemented to ensure the CSIRO complies with the requirements of the CSIRO Agreement. We seek to meet no later than Tuesday 10th December 2024.

- b. Extension of the consultation period for all proposed restructures currently underway **(including those due to close consultation on 5th December)**.
 - c. All relevant information relating to changes proposed across the CSIRO including :
 - Detailed information for each change proposal about how CSIRO considered and applied staff feedback collated in Early Engagement to develop Enterprise Unit change proposals
 - d. An agreed schedule/timeframe for meetings between the Staff Association and the CSIRO at each step of the major change consultation process.
 - e. Appropriate provisions made to account for foreseeable issues arising from impacted Enterprise Unit staff who may be on leave over the December-January holiday period, to ensure procedural fairness.
14. The Staff Association considers a discussion between the parties should occur urgently. Please contact Industrial Officer D’Arcy Horam on 0458 459 043 or darcy.horam@cpsu.org.au to discuss a suitable time to meet no later than Friday 6th December.

Yours sincerely,



Susan Tonks

CSIRO Staff Association Section Secretary