



RECOMMENDATION

Fair Work Act 2009
s.739—Dispute resolution

Australian Municipal, Administrative, Clerical and Services Union

v

Auscript Australasia Pty Ltd
(C2020/312)

COMMISSIONER YILMAZ

MELBOURNE, 4 FEBRUARY 2020

Alleged dispute about any matters arising under the enterprise agreement and the NES;[s186(6)].

[1] The Australian Municipal, Administrative, Clerical and Services Union (ASU) filed a s.739 dispute application against Auscript Australasia Pty Ltd (**Auscript**) in relation to the closure of the Hobart and Adelaide office and downsizing of the Sydney office (**the restructure**).

[2] The ASU referred to clauses 3.2.8, 3.3 and 9.1 of the *Auscript Australasia Enterprise Agreement 2010* (the Agreement) and sought that Auscript comply with its consultation obligations under the Agreement.

[3] I scheduled the matter for conference on 28 January 2020.

[4] At the conference it became apparent that Auscript had concluded the restructure with 23 employees made redundant and the redeployment of two. Consequently, any order by the Commission requiring Auscript to comply with its consultation obligations would have no practical effect.

[5] It was agreed that the parties meet to confer on how Auscript would approach any further situations resulting in major change as provided for in clause 3.3 of the Agreement in the future.

[6] While Auscript reported that no further major change was proposed, the practices of Auscript in the most recent restructure raised concerns that:

1. The consultation with employees and their respective representatives was lacking; and
2. That employees were denied the opportunity for representation by their union by Auscript failing to engage with the union directly, both prior to the announced decision to restructure and throughout the process.

[7] In consideration of the above and as agreed between the parties, I recommended the following:

- A. The Parties meet, confer and develop an agreed arrangement for consultation should Auscript be in the position to have to comply with clause 3.3 of the Agreement in the future; and
- B. The Parties clarify the relevant contacts within the ASU for the purposes of item A above and future consultations.

[8] This matter will be rescheduled for report back on 13 February 2020. The Notice of Listing will be set separately.



COMMISSIONER

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Notice of Listing

Title of Matter: Australian Municipal, Administrative, Clerical and Services Union (052V) v Auscript Australasia Pty Ltd

Section: s.739 - Application to deal with a dispute

Subject: Alleged dispute about any matters arising under the enterprise agreement and the NES;[s186(6)]

Matter Number: C2020/312

Auscript Australasia Enterprise Agreement 2010

Listing Details:

The above matter is listed for Report Back Conference, by Attendance and Telephone, before Commissioner Yilmaz at:

02:00 pm AEDT
Thursday, 13 February 2020
Fair Work Commission
11 Exhibition Street
Melbourne

Parties who wish to appear via telephone are directed to provide their preferred telephone number by COB 11 February 2020

To:

Notified	Contact details
Mr Michael Rizzo Australian Municipal, Administrative, Clerical and Services Union - Victorian and Tasmanian Authorities and Services Branch	Mrizzo@asu.asn.au
Ms Angela Howard Auscript Australasia Pty Ltd	Ahoward@auscript.com.au

Inquiries:

All inquiries relating to this notice are to be directed to Nancy Abdalla
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Fair Work Commission, 4 February 2020 12:27 pm