



By your side

MEMBER UPDATE

2 April 2020

FWC STATEMENT EXTENDS AUSCRIPT CONSULTATION

Following Auscript's decision to offer redundancies in the last week of March there have been two Fair Work Commission Conferences held either side of a meeting between USU/ASU reps and management on Monday 30 March and Tuesday 31 March.

The attached Statement issued by Commissioner Yilmaz late on Wednesday 1 April reflects the outcome of the last Conference before her.

Over several hours the USU/ASU pushed Auscript to make a real commitment to permanent jobs and extend the consultation period.

The USU/ASU has stood firm with our position that Auscript adopt the JobKeeper payment of \$1500 per fortnight per employee in order to retain as many permanent staff as possible in the first instance.

The USU/ASU advised Auscript and the Commissioner many members had accepted the idea of taking leave, whether annual, long service or leave without pay. We also advised that members had endorsed stand down without pay so that they were eligible for JobKeeper/JobSeeker payments until work at Auscript picked up again. This would mean jobs are not lost and instead there would be a temporary stop to the work.

Auscript insisted the proposed consultation meeting be brought forward and stated several times it wished to have a decision on the fate of its workers made by this Friday. There were initially no real tangible options for workers other than redundancy.

The USU/ASU rejected this and insisted more time for consultation in a genuine way with the aim as, recognised by Commissioner Yilmaz, for a 'package'

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of options to the mutual benefit of Auscript and staff.

There has been some confusion with regard to the Melbourne office as Auscript made it clear during the last conference that they wanted all staff to return to work on Thursday. In fairness to our members the USU/ASU made this intention known and demanded Auscript provide clarity on this. Auscript changed their minds at the last minute on Wednesday evening, which has caused confusion and issued letters to staff advising they are not required to return to work in the Melbourne until further notice.

The Statement by Commissioner Yilmaz provided a short history to the dispute and confirmed the following process:

- No compulsory redundancy until the parties finalise a strategy considering all options to preserve jobs. Item 5 at paragraph [8] of the Statement lists 10 options starting with Federal wage subsidies. The first meeting to be held on **Friday 3 April at 10 am and an FWC report back at 4.30 pm**. At the meeting the ASU to provide feedback from their members' meetings and Auscript to share information about financial modelling.

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- While parties have not agreed on a conclusion date for consultation they need to regroup and consider options in Australia's response to the COVID-19 changes.
- Finalisation of the Consultation and Communication protocol.

While Auscript had not provided a statement of its commitment to permanent jobs to the Commission as agreed at the last FWC Conference; this has now been provided as a letter to staff from Chief Operating Officer, Kate Gaske where she states:

“Firstly, I would like to reiterate that we are working to retain as many permanent roles as possible during the COVID-19 crisis”
(see attached letter).

The ASU needs to meet with members as soon as possible to inform them that consultation is not over and that many options DO exist and to seek feedback as to which options members wish to take.

Members are to consider the following options and report back to the ASU on their preferred choices.

- Federal Wage subsidies (JobKeeper program)
- Utilisation of leave balances
- Reducing working hours
- Job share
- Stand-down
- Leave without pay
- Taking leave at half pay
- Career breaks or leave of absence for professional development
- Voluntary redundancy and
- Any other option members suggest

Members also need to consider the attached draft 'Consultation and Communication' protocol now recommended for endorsement.

To facilitate the consultative meeting this Friday, the more feedback we receive the better placed we will be to protect as many jobs as possible.

Please contact your Organiser listed below or your delegate to notify them of your intentions as soon as you feel informed enough to make a decision.

MORE INFORMATION

For more information, please get in touch with:
Emily Callachor on:
0417 420 924 ecallachor@usu.org.au or

Troy Dunne on:
0419 403 076 or tdunne@usu.org.au.

If you're not a member of the USU, you can join online now at our secure form:
<https://usu.org.au/join>

ATTACHED:

- The Statement issued late yesterday by Commissioner Yilmaz confirming what were the agreed outcomes despite Auscript not subsequently following through on their obligations.**
- A belated letter to staff from Chief Operating Officer, Kate Gaske, committing to permanent jobs.**
- Draft 'Consultation and Communication' Protocol recommended for endorsement by members.**

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STATEMENT

s.739—Dispute resolution

Australian Municipal, Administrative, Clerical and Services Union

v

Auscript Australasia Pty Ltd

(C2020/312)

COMMISSIONER YILMAZ

MELBOURNE, 1 APRIL 2020

[1] On 20 January 2020, the Australian Municipal, Administrative, Clerical and Services Union (ASU) filed a dispute application pursuant to s.739 of the *Fair Work Act 2009* (Cth) (**the Act**) with the Commission, after Auscript Australasia Pty Ltd (**Auscript**) made a number of employees redundant following the closure of sites in January 2020. The ASU alleged that Auscript failed to observe the consultation provisions contained in its enterprise agreement.

[2] I held several conferences where the parties agreed to the development of a consultation and communication protocol. The parties were due to report back and finalise the protocol on 2 April 2020, when the COVID-19 crisis impacted the work of Auscript which consequently impacts existing employees.

[3] On 27 March 2020, the ASU requested an urgent conference as it alleges that Auscript had informed staff of impending redundancies due to the impact of COVID-19. Auscript say they had commenced a consultation period and that staff had already volunteered for redundancy. I subsequently listed this matter for Conference on 30 March 2020 and again on 31 March 2020.

[4] Due to the urgency, confusion and changing circumstances (for example, possible government financial assistance), which has resulted in a number of disputed facts between the parties, it was agreed that the Commission would issue an agreed statement between the parties following the conference of 31 March 2020.

[5] Prior to a statement being issued, Auscript agreed to provide a statement of its commitment to permanent jobs in its response to COVID-19 for incorporation in the statement. However, that statement was not filed within the agreed timeframe for its inclusion. I recommend that Auscript complete their statement as a matter of urgency for it to be included in any communication to its staff and the ASU, to alleviate confusion and anxiety in this time of uncertainty.

[6] Auscript also confirmed that employees in Melbourne were stood down with pay as part of their “consultation period” and expected that staff would inform them by Wednesday 1 April 2020, whether they opted for redundancy or had an alternative proposal to put to Auscript.

[7] Consequently, I recommended that Auscript urgently advise their Melbourne office employees that the consultation period has been extended to consider further options with redundancy as the final option, and therefore employees were to report to duty on Thursday 2 April 2020. To facilitate this, Auscript were to inform employees that they would be advised of any further

developments in due course (possible Friday or Monday) and were to advise employees of their plans to manage safe distancing work arrangements for their return to duty.

[8] Following the conference on 31 March 2020, the parties agreed to the following:

1. Abstain from any compulsory redundancy until at least the parties finalise a strategy after considering all available options to preserve as many jobs as possible and communicate the identified options clearly to staff so they can make informed decisions concerning the options presented. The first agreed meeting of the parties is scheduled for 10.00am AEDT on 3 April 2020.
2. The parties did not agree to a conclusion date of the consultation phase as yet, however, did agree that the parties will need to regroup and consider new options as new challenges and options present themselves as Australia's response to COVID-19 changes.
3. The parties also agreed to the final wording changes to the consultation and communication protocol. Auscript offered to finalise the wording and send the revised copy to the ASU and the Commission.
4. At the meeting of Friday 3 April 2020, the parties agreed to bring to the table any feedback from ASU members, and Auscript will share information concerning their financial modelling (without revealing financially sensitive material) to guide the parties on the urgency and viability of various options already suggested by both parties.
5. It was further agreed that the discussion on Friday 3 April 2020 between the parties was to include all of the following suggestions:
 - Federal wage subsidies
 - Utilisation of leave balances
 - Reducing working hours
 - Job share
 - Standdown
 - Leave without pay
 - Ceasing external contractor reliance
 - Taking leave at half pay
 - Career breaks or leave of absence for professional development
 - Voluntary redundancy, and
 - Any other options
 - A further report back with the Commission is scheduled at 4.30pm on Friday 3 April 2020.



COMMISSIONER

1 April 2020

C/- Auscript Australasia Pty Ltd
Melbourne Office
(Via Email)

Dear

Thank you for your time on Friday 27 March 2020 to discuss the impact of COVID 19 on our business.

Following the team briefings, we encouraged all staff to contact human resources, management or senior leadership to discuss the details shared in the briefings.

Thank you to those who reached out and provided feedback and we welcome any other staff members who would like to discuss, to do so.

In light of our recent meetings and briefings, we take the opportunity to provide further information regarding the Auscript business and the management of COVID 19.

Firstly, I would like to reiterate that we are working to retain as many permanent roles as possible, during this COVID 19 crisis. To do this we have:

- Ceased engaging our home based, audio transcriber based contractors
- Substantially reduced our use of casual court monitors (only utilising where there is no option for a permanent employee to complete the matter)
- Ceased all consultant arrangements.

However, as advised on Friday 27 March, these initiatives will not be enough to support our business through the COVID 19 crisis.

We were and continue to experience unprecedented declines in work volumes and subsequent revenue. At our briefing, we advised that demand for our transcription services had reduced by 60%, and this reduction, plus anticipated further reductions has had a significant impact on our business. This situation is critical.

We are looking at all options to be a sustainable business, and to do this, we must act quickly to retain as many permanent roles as possible.

To manage this sharp decline in demand and the further downturn forecasted by our Australian clients, we started considering cost management measures last week. We also reached out to team members to share this information and seek feedback on strategies that the business was considering to manage the COVID 19 crisis.

To support, we engaged with the Australian Services Union (ASU) on 25 March 2020 to provide an overview of the issues we were faced with and seek advice on strategies to manage the situation.

To manage this crisis, we commenced a consultation process. The commencement of the consultation period was notified to Auscript managers and the ASU on 26 March 2020 and then communicated to staff members on 27 March. We originally sought feedback by the 1 April 2020 on the proposed options that were being considered. These options include:

- Office closures, this would see Auscript cease performing production roles in the Melbourne office, therefore making certain production roles redundant. The redundancy would include a payment of all entitlements to impacted staff.
- Redundancies, this would see certain roles be made redundant in our Brisbane and Eight Mile Plains location, either voluntary or as directed by the business. This would see a full redundancy payment

including all entitlements. We would consider voluntary redundancies initially. This option has already been discussed with you. If, having considered all of the options outlined in this letter, you would like to proceed with this option please contact your manager.

- Reduction of hours, this includes reducing the days that you work each week, for example working a three-day week, instead of a five-day week. We currently have your rostered hours therefore you could request a reduction of hours - this would need to be a minimum of a day.
- Job share, this is effectively a reduction of hours, where we would have two people completing the work of one full time equivalent, therefore, an effective reduction of hours for two full time staff members.
- Utilizing current leave balances, this includes taking annual leave or long service leave that you currently have accrued. You can access these balances in Connx or request from human resources. Any consideration of extended leave without pay, including career break could be suggested.
- Any other options that you could suggest.

You may have also heard that the Australian Government announced the JobKeeper program, late on Monday 30 March 2020. This is not enacted in legislation as yet, therefore we are unable to confirm with any certainty that this will apply to our business and our staff. However, we are certainly considering this and registered with the appropriate government bodies.

In consideration of this additional information, between now and Friday, we will organise team briefings and individual meetings with each of you to discuss your individual circumstance. Should you wish to have the ASU as your representative you may do so.

We understand the need for certainty around important financial aspects of your career and are moving as promptly through this process as we possibly can, to provide that certainty.

You are not required to return to the office until further direction is provided.

Auscript offers all employees access to a fully funded confidential counselling service provided by Drake Workwise. The program offers counselling for work and personal issues which impact on employee well-being. Should you wish to access this service, please call **1300 135 600**.

Katrina Jenkins, Operations Director, or Angela Howard, HR Business Partner, will be in touch to schedule an appropriate time to meet this week.

Yours sincerely,



Kate Gaske
Chief Operating Officer

Communication and Consultation Protocol between Auscript Australasia Pty Limited and the Australian Services Union

This Communication and Consultation Protocol is designed to enhance the relationship between Auscript Australasia Pty Limited (**Auscript**) and the Australian Services Union (**ASU**). Its main tenet is to ensure Auscript consults with its Employees (as defined below) and the ASU when it is seriously considering a major change and then to continue that consultation once a final decision has been made, as described below.

This Protocol also establishes a Consultative Committee comprised of equal number of management and union nominees which will schedule quarterly meetings to discuss issues of concern to the parties.

This Protocol applies to employees (**Employees**) covered by the Auscript Australasia Enterprise Agreement 2010 (the **Enterprise Agreement**).

Employee Consultation

1. If Auscript is seriously considering a major change that is likely to have a significant effect on Employees, Auscript will consult with the Employees who will be affected by the decision and the ASU. Prior to any change being implemented, the following consultation process will be followed.
2. As set out in clause 3.3.1 of the Enterprise Agreement, a major change in production, organization, structure or technology is likely to have a significant effect on Employees if it results in:
 - a) the termination of the employment of Employees; or
 - b) major change to the composition, operation or size of the workforce or to the skills required of Employees; or
 - c) the elimination or diminution of job opportunities (including opportunities for promotion or tenure); or
 - d) the alteration of hours of work; or
 - e) the need to retrain Employees; or
 - f) the need to relocate Employees to another workplace; or
 - g) the restructuring of jobs.

Additionally, the Fair Work Act may contemplate other scenarios that may be considered a major change that would trigger the requirement to undertake employee consultation.

Outline of Employee Consultation process

3. As soon as practicable after Auscript has determined that it has reached the position where it is seriously considering a major change as described above, it will discuss with the affected Employees and the ASU, the proposed change and the effect the proposed change is likely to have on the Employees.
4. As soon as possible, Auscript will provide the affected Employees and the ASU in writing:

- a) All relevant information about the proposed change, including the nature of the change proposed;
 - b) Information about the expected effects of the change on the Employees;
 - c) Measures to avert or mitigate the adverse effects of such changes on Employees; and
 - d) Any other matters likely to affect the Employees, provided that Auscript is not required to disclose any confidential information the disclosure of which would be contrary to Auscript's interests.
5. The ASU recognises the importance of managing communications with affected employees during a major workplace change and the ASU agrees to maintain confidentiality with respect to all information provided to it by Auscript as part of any consultation process until after such time that Auscript has communicated with all of the affected employees regarding the major change being considered. Additionally, where Auscript provides the ASU with commercially sensitive information, the ASU agrees to keep that information confidential at all times.
 6. Auscript will give prompt and genuine consideration to matters raised about the proposed change by the affected Employees and the ASU before making any final decision.
 7. As soon as possible after a final decision has been made, Auscript will notify the affected Employees and the ASU in writing of the decision and its anticipated effects.
 8. Auscript and the ASU will act in good faith in relation to the consultation process outlined in this document. 'Good faith' for the purposes of this document includes obligations to meet, to disclose relevant information in a timely manner, to genuinely consider matters raised about the change by the relevant Employees and the ASU and to recognise Auscript's overarching business imperatives and the competitive business landscape in which Auscript operates.
 9. Nothing in this document will require Auscript to advise Employees or the ASU of a change which is of a minor or trivial nature.

Consultative Committee

10. Auscript and the ASU agree to establish a consultative committee to facilitate discussions between management, Employees and the ASU relating to the effective operation of the EA and to provide opportunities for employees to present their viewpoints for consideration and feedback by Auscript.
11. Membership of the committee shall comprise equal numbers of management and union nominees and will be limited to no more than) four representatives from each (quorum of 6 with equal representation). To ensure an ability to participate in these meetings, video conferencing facilities will be made available.
12. The function of the committee is to facilitate communication between Auscript and its Employees. Issues that may be discussed include, but are not limited to:
 - (i) proposed changes to the existing workplace arrangements;

- (ii) issues affecting working arrangements and conditions of Employees;
 - (iii) implementation and application of the terms of the Enterprise Agreement;
and
 - (iv) raising WHS concerns.
13. Members of the committee should have an opportunity to add to the agenda any item for discussion that relates to the workplace.
 14. All matters on the agenda will be considered in good faith by each member of the committee.
 15. Employee representatives on the committee will have adequate time and access to the union members they represent:
 - (i) Prior to the committee meetings to prepare for agenda items and to attend the meetings; and
 - (ii) Following committee meetings to report back, when necessary, on issues discussed.
 16. Committee members should be provided with information relevant to the subject matter that is discussed by the committee in order to assist the consultative process, except where Auscript is reasonably unable to do so for privacy or confidentiality reasons or if the information is commercially sensitive.
 17. The committee will schedule quarterly meetings, or more often if required in particular in relation to the COVID- 19 crisis. The parties reserve the right to call a meeting at other times. Such requests must be reasonable bearing in mind Auscript's business imperatives.
 18. Auscript will maintain records of committee meetings and distribute notes promptly following that meeting, and no later than 3 business days after that meeting.
 19. The Auscript General Manager of Operations shall be Chair of the committee.
 20. The Communication and Consultation Protocol will be reviewed on an annual basis.

ASU contacts at both the National and State level are as follows:

ASU National Office

Ground Floor, 116 Queensberry St

Carlton South, VIC 3053

T: (03) 9342 1400

Email: info@asu.asn.au

Queensland Together Branch

Level 6 20 Cordelia Street South Brisbane, QLD 4101

T: 1800 177 244

Email: members@together.org.au privatesector@together.org.au **[pls confirm correct email address]**

NSW United Services Branch

Level 7, 321 Pitt St

Sydney, NSW 2000

T: (02) 9265 8211

Email: united@usu.org.au

SA and NT Branch

41 King William Rd

Unley, SA 5060

T: (08) 8363 1322

Email: union@asu-sant.asu.au

Victorian Private Sector Branch

Level 2, 116 Queensberry St

Carlton South, VIC 3053

T: (03) 9342 3300

Email: info@asupsvic.org

Victorian and Tasmanian Branch (covers Tasmania)

Level 1, 116 Queensberry St

Carlton South, VIC 3053

T: (03) 9342 3400

Email: info@asuvictas.com.au

WA Branch

102 East Parade

East Perth, WA 6004

T: (08) 9427 7777

Email: branch.secretary@asuwa.org

Auscript contact details:

Auscript National Operations

Level 4 180 Ann St

Brisbane Qld 4000

T: 1800 287 274

Email: hr@auscript.com.au



Application For USU Membership

NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES UNION

FORM 1-230113. OFFICE USE ONLY

SECTION A YOUR DETAILS:

Membership No.

NAME: Title: Surname: Given Names: DOB: / /

EMAIL: Home: Work:

PHONE: Home: Work: Mobile:

HOME ADDRESS: Postcode:

EMPLOYER:

WORKSITE ADDRESS: Postcode:

OCCUPATION:

EMPLOYMENT BASIS: Full Time Part Time Contractor Casual Apprentice Temp Seasonal
* Please circle income threshold: A B C D E F G H I J K L M
* Please note subscription rates are determined by income thresholds - see attached rates card (also available at www.usu.org.au)

SECTION B APPLICATION FOR MEMBERSHIP:

Financial Obligations: Members shall pay subscriptions in accordance with the Rules of the Union.

Resignation: 1. A member may resign membership of the Union by written notice delivered or sent to the registered address of the Union.

2. A notice of resignation takes effect:

- a. where the member ceases to be eligible for membership of the Union:
 - i. on the day on which the notice is received; or
 - ii. on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member; whichever is the later; or
- b. in any other case:
 - i. at the end of two weeks after the notice is received, or
 - ii. on the day specified in the notice; whichever is the later.

3. Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Union under the Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Union, subject to the Fair Work Act 2009 (C'th) and the Industrial Relations Act 1996 (NSW) or any Act amending the same. Please note that the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union trades as the **United Services Union**.

I, the undersigned, hereby apply for membership of the NSW Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union (trading as the United Services Union - USU) and the NSW Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the Australian Municipal, Administrative, Clerical and Services Union (ASU).

I agree to abide by the Rules of the Union as amended from time to time in accordance with the Fair Work Act 2009 (C'th) and the Industrial Relations Act 1996 (NSW). I hereby authorise the USU/ASU to act as bargaining agent on my behalf with my employer, in all matters affecting my employment with my employer.

I understand my authorisation remains in force until I revoke it in writing in accordance with the Fair Work Act 2009 (C'th) and the Industrial Relations Act 1996 (NSW). I have read the information supplied relating to financial obligations of membership and the circumstances and manner in which I may resign my membership.

Please indicate the name of person who provided this membership form to you.
Name of person: M'ship No. (if known):

Privacy Statement

Note: The United Services Union is bound by the Privacy Act 1988 (C'th). The Union's Privacy Statement is available by contacting the USU on 1300 136 604 or on the website at www.usu.org.au

Applicant's Signature: Date: / /

SECTION C PAYMENT METHOD:

I, Surname: Given Name/s:

wish to pay my USU subscription: Weekly Fortnightly Monthly Quarterly
on a: Monday Tuesday Wednesday Thursday Friday effective From: / /

DETAILS OF ACCOUNT TO BE DEBITED

I/We authorise, until further notice, the UNITED SERVICES UNION (User ID: 062819), to debit my/our account described in the schedule below, any amount which the USU may debit or charge me/us through the Direct Debit system.

Name of Financial Institution/Branch:

Account Name: (If joint account two signatures are required below) BSB No: Account No:

I authorise my employer to release my financial institution details, including any changes from time to time, to the USU so that direct debit of Union subscriptions can be commenced from my account. I recognise that my employer has no financial accountability in this transaction and that if I have provided details of more than one account to my employer, the USU will contact me to determine which account I wish to use for paying USU subscriptions. This authority will not lapse in its binding effect by the passage of time and will only be revoked by a further written authority.

OR CREDIT CARD DETAILS

Card Number: Expiry date: / Mastercard Visa

OR BPAY/STATEMENT/PAYROLL DEDUCTION OPTION

I will pay my subscription via BPAY/Statement. I will pay my subscription via Payroll Deduction. I understand that I will be invoiced quarterly.
Payroll deduction authority can be downloaded at www.usu.org.au

I/We authorise the following: 1. The USU to verify the details of the above named account with my/our Financial institution 2. The Financial institution to release information allowing the USU to verify the above account details.

I agree at all times to have sufficient funds or credit to ensure the electronic transfers occur irrespective of the method of payment. Failure to pay could affect whether I am a financial member in accordance with the rules of the union.

Signature/s: Date / /

Return this form by fax to (02) 9261 3378, email to membership@usu.org.au or mail to: USU, PO Box A1154 Sydney South 1235