

12 May 2017



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Ms Sinddy Ealy
CPSU Section Secretary
CPSU
By Email: sinddy.ealy@cpsu.org.au

Copy: Ms Rebecca Fawcett
Director, Political, Industrial, Research and
Legal
CPSU
By Email: Rebecca.fawcett@cpsu.org.au

Dear Sinddy,

I refer to the email from Rebecca Fawcett to the Commission on 9 May 2017 attaching a question for determination by the Commission in the CPSU's dispute notification (**Proceedings**).

In essence, that question asserts that the ABC breached clause 54.4.1 of the *ABC Enterprise Agreement 2016-2019 (The Agreement)*, by selecting individual employees in News and TV for redundancy in March 2017, without first consulting employees and their representatives in relation to (amongst other things) the redundancy selection process to be followed to select individuals for redundancy from a class of employees.

For ease of reference, we will refer to the process to select individuals for redundancy from a class of employees as 'selection pools'.

The ABC considers it has fully complied with its consultation obligations and will vigorously defend the Proceedings, assuming they proceed to a full arbitration. Amongst other things:

- the only selection which was performed at the time of announcement was a preliminary selection – which was subject to change as a consequence of consultation over the proposal and the proposed selection process;
- this has been the approach adopted by the ABC following the restructure in 2014-2015. As you know, that during that restructure, a different approach was taken – the approach now apparently being sought by the CPSU. In that restructure, the proposal and proposed selection pools were announced, but no preliminary selection undertaken. The unions labelled that process the '*Hunger Games*'. Employees, many of whom were unlikely to be selected for redundancy given their skills, expertise and performance, were left in 'limbo' for weeks while discussions were occurring. Employees were very unsettled and unhappy with that situation.

- following this, the approach of announcing the proposed selection pools and the preliminary selection at the same time was adopted by the ABC so as to minimise stress, disruption and dislocation to employees – rather than there being a significant time delay between announcement of the pools and a preliminary selection process being conducted. This approach was consistent with the ABC's obligations '*mitigate the adverse affect of the change on employees*' and also enabled the consultation process to be properly informed. This approach has been applied in a series of restructures from 2015 to 2017. Until the conciliation in the Proceedings on 26 April 2017, the ABC had understood that the CPSU accepted this approach;
- at no time following the announcements on 7 March 2017 until that conciliation had the CPSU raised any issues about this approach. Nor had the CPSU raised any issues about the proposed selection pools themselves or the preliminary selection, including during nine consultation meetings with the ABC held regarding the News, Television and International Proposals between 7 March 2017 and 13 March 2017. The CPSU had raised other matters and these had been considered and responded to – including, for example, the process for employees who wished to be considered for redundancy. By the time the CPSU raised the issue on 26 April 2017, the selections had been finalised and 'choice letters' issued to employees;
- the selection process is also well understood from previous restructures – including the selection process, the selection matrices and the scoring.

Putting this to one side, the ABC is about to announce further proposals.

While the ABC believes it has fully complied with its consultation obligations in relation to the TV and News Proposals, for pragmatic reasons, the ABC wishes to avoid to any unnecessary disputes.

Accordingly, while it is not the ABC's preference (and, indeed, the ABC had understood it was not the CPSU's either), the ABC has decided to adopt a different approach to these proposals, without making any concessions. That approach is as follows:

1. the ABC will not announce a preliminary selection of employees in any proposed selection pools at the same time as announcing the proposed change;
2. rather, the ABC will announce its proposed selection pools and proposed selection matrices at the same time as announcing the proposed change;
3. there will be a 7 day period for consultation in relation to the proposed selection pools and other aspects of the selection process. The ABC considers 7 days is appropriate, as the process is well understood and it wishes to avoid any unnecessary stress to employees who are not ultimately selected for redundancy on a preliminary or final basis;
4. following this, and subject to any changes which may come out of the consultation process, a preliminary selection of employees for redundancy within the selection pools will be made.

The selection process for selection pools which the ABC proposes to adopt in relation to each of the future proposals flowing from the 'Investing in Audiences Strategy' is as follows. It is the same selection process as has been adopted previously – so it will be familiar to the CPSU. It is:

1. the proposed selection process will involve a scoring of employees in a selection pool against a selection matrix – with the preliminary selection for redundancy comprising employees with the lowest scores;
2. the proposed selection pools and selection matrix will be announced at the same time as the proposed change;

3. as per the above, following the 7 day consultation period over the proposed selection process (including pools and matrices), managers will score individual employees within the final selection pools against the final selection matrices and make a preliminary selection of employees for redundancy;
4. employees selected on a preliminary basis will have the opportunity during consultation to request their scores and, if they wish, to seek to persuade their manager that the scores are incorrect;
5. the selection of redundant employees will then be finalised and 'choice letters' issued. If redundant employees elect to be redeployed, the usual processes under the Agreement will be followed.

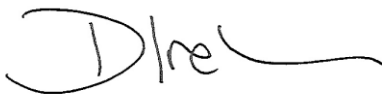
Steps 1 to 4 of this process do not apply to direct redundancies, of course, where there is no issue of selection.

As previously advised, other employees have the opportunity to express interest in being made redundant to their managers and these expressions of interest will be considered.

The ABC would like to discuss this process with you as a matter of urgency, particularly as the ABC intends to release the next proposal on Monday, 15 May 2017. Subject to consultation, it is proposed that there would be a selection pool of two employees, with one potential redundancy from that pool. For this proposal, the ABC is proposing to adopt the alternative process as outlined above.

Please advise me of a suitable time to meet on Monday 15 May and we will provide you all the information provided to the employees as soon as we have spoken with the potentially affected employees.

Regards,

A handwritten signature in black ink, appearing to read 'D/ire', with a long horizontal flourish extending to the right.

Deanna Ireland