

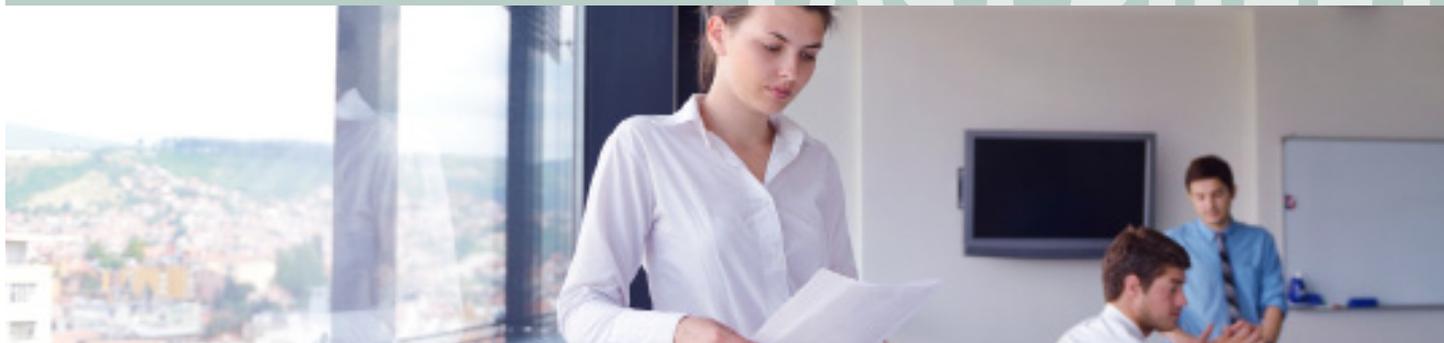
KNOW YOUR AGREEMENT

Consultation and Change

When will you be consulted about changes?

Source: Clause 44 Westpac Group Enterprise Agreement 2016.

FACT SHEET



Westpac regularly makes changes to its business and in some cases these changes can impact employees. The Westpac Group Enterprise Agreement 2016 (the Agreement), outlines your rights relating to organisational change.

What is consultation?

A commonly recognised definition is that consultation involves “more than a mere exchange of information. For consultation to be effective the participants must be contributing to the decision-making process not only in appearance, but in fact.” (Commissioner Smith, Australian Industrial Relations Commission. 12 March, 1991)

When does the Bank have to consult with me?

The Bank must consult with you and the FSU when there is a **major workplace change** that is likely to have a **significant effect** on you. The Bank must also consult with you about a change to your regular roster or ordinary hours of work.

A major workplace change may entail changes in production, programme, organisation, structure or technology. A significant effect could include:

- termination of employment;
- major changes in the composition, operation or size of the Bank’s workforce or in the skills required;
- the elimination or diminution of job or promotion opportunities or job tenure;
- the alteration of hours of work;
- the need for retraining or for you to transfer to other work or other locations; and
- the restructuring of jobs.

How will the Bank consult about major workplace change?

If a major workplace change will have a significant effect on you, as soon as practicable after making a definite decision to make the change, the Bank will discuss with you:

- the introduction of the change;
- the effect the change is likely to have on you; and
- measures the Bank is taking to avert or mitigate the adverse affect of the change.

All relevant information about the proposed change must be provided by the Bank in writing to you and the FSU. Relevant information includes:

- the nature of the change;
- the name and location of impacted business units;
- the anticipated reduction in full time equivalent positions currently occupied by permanent employees;
- the expected effects of the change on you; and
- any other matters likely to affect you.

While the Bank must provide relevant information about the change, it may choose not to disclose genuinely confidential or commercially sensitive information to you or the FSU. The Bank will consider matters raised by you or the FSU about the change and aim to provide any information and responses to questions as soon as possible.



What are the timeframes for consultation?

The Agreement provides timing commitments the Bank must follow in relation to workplace change. The consultation period will be 14 calendar days which will include a minimum of 2 dedicated business days for considering matters raised in the discussion by you or the FSU if the major workplace change:

- directly impacts 15 or more full time equivalent positions, and
- involves a reduction in full time equivalent positions currently occupied by permanent employees.

How should the Bank consult about changes to your regular roster or ordinary hours of work?

As outlined above the Bank is required to consult with you about a change to your regular roster or ordinary hours of work, and must:

- provide you with information about the proposed change (this could include a proposed new roster);
- invite you to give your views about the impact of the proposed change (*see examples below*); and
- reasonably consider your views.

What type of information should you provide about the impact of a proposed change to your roster or ordinary hours of work?

When providing your views about the impact the proposed change will have on you, you should put forward any impacts on your family, personal and financial circumstances. Some commonly raised concerns include:

- lack of child care availability, including before or after school care, vacation care etc.
- increased child care costs that will have to be incurred as a result of the proposed change;
- responsibility for caring for a child, elder or other loved one in need of care on a particular day;

- recurring medical appointments for yourself or a loved one.
- after school activities that you're involved in with your children e.g. swimming, football, dance etc.
- study commitments on particular days or the need to keep a particular number of hours free for study related tasks;
- volunteer work including for charities and local sports teams;
- reduced ability to earn penalty rates reduces ability to meet financial commitments.

What if you have concerns about the proposed change?

If there have been major changes in your workplace which have significant effects on you, and you believe you have not been properly consulted, you may pursue a dispute under Clause 43, *'What is the process for dealing with disputes?'*, of the Agreement, (*see FSU fact sheet Dealing with disputes?*).

As a first step we recommend that you speak to your FSU Workplace Representative, Organiser or contact the Member Rights Centre on 1300 366 378.

Need more information?

For more information on your rights under the new Westpac Group Enterprise Agreement 2016 contact your FSU Organiser or the FSU Member Rights Centre on 1300 366 378.

Not already an FSU Member?

Join now to access fully qualified member-only assistance. You can join online today at www.fsunion.org.au or call **1300 366 378**.