



COMMUNITY & PUBLIC SECTOR UNION ♦ SPSF GROUP NSW BRANCH

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15 May 2017

Ross Dickson
Company Secretary
Forestry Corporation of NSW
121-131 Oratava Avenue
WEST PENNANT HILLS NSW 2125

By E-mail: ann.denlow@fcnsw.com.au

Dear Mr Dickson,

Re: Scope order application in relation to proposed Forestry Corporation of NSW enterprise agreement.

Thank you for your letter of 15 May 2017.

We reject your characterisation of the CPSU as a spanner in the works and also your characterisation of the picture in relation to scope as "*wholesale opposition*."

Your notice of representational rights proposed an agreement to cover all employees classified from levels 1 to 6. You also have several employee bargaining representatives who are level 6 employees.

As you are aware, the CPSU has played a constructive role in Enterprise Bargaining negotiations by taking costly matters off the table so as to assist Forestry NSW to get to 2.5% wage increase and agreeing to other measures that might have upheld the process further.

Whilst many Level 6s have signed their CLCs this should not be mistaken for endorsement, particularly where the enterprise agreement can co-exist with, but create a safety-net for, the CLCs.

The reality is that the Level 6s weren't asked by Forestry management whether they wished to be on Common Law Contracts exclusively or still be protected by the Enterprise Agreement and many signed because they felt they had no viable alternative. Forestry management offered them a guaranteed signing bonus in circumstances where any alternative was uncertain. The CPSU asked Forestry whether a sign-on bonus was possible if Level 6s signed at a later date, but Forestry Corporation did not respond to our correspondence.

The Common Law Contracts represent a significant diminution of entitlements. Firstly, they provide for only 2% pay increases for the first year, while the Agreement provides for 2.5%. This is alarming in circumstances where some level 6 employees are already paid less than some level 5 employees, and those level 5 employees will have the benefit and protection of the Agreement. For extensive reasons as to why we consider level 6 employees ought to be included in the scope, we refer you to:

1. Our correspondence of 9 March 2017;
2. Our correspondence of 14 March 2017;
3. Our correspondence of 22 March 2017;
4. The scope order application filed on 4 May 2017.

We wholeheartedly refute any suggestion of delay on our part in bringing proceedings by Forestry management. Proceedings were brought when they were to give the bargaining process every opportunity to resolve this issue and Forestry repeatedly requested to meet with us in an attempt to resolve this issue. In fact, six weeks ago, Forestry called a potential application "*premature*" and confirmed it was not certain that level 6 employees would be excluded. Once a negotiated resolution was no longer possible, the Fair Work Commission remained the only viable option to offer superior protection for Level 6s.

With respect to your assertion that "all bets are off" if we win and we have to start from scratch, it is up to Forestry Corporation to choose to keep what has already been negotiated with the Level 6s remaining on the agreement or to delay by starting from scratch. It is also up to Forestry to approach the Wages Policy Task Force and seek approval for backpay. We would encourage Forestry to respect the umpire's decision and not throw the baby out with the bathwater. We do not consider those threats to be consistent with good-faith bargaining, and we consider the message you are giving to staff in that respect to be scaremongering.

We note that your CEO's email has had a demoralising and intimidating effect on your staff and has made them fearful of reprisals for assisting the CPSU's case. We ask that a written assurance be provided to all employees that co-operation with our case will not have any adverse impact on their career prospects.

If you have any enquiries regarding this matter please contact CPSU Industrial Officer Cassandra Giudice on cgiudice@psa.asn.au or 0438 454 104.

Yours sincerely,



Blake Stephens
For Karen Batt
Federal Secretary