



16 May 2017

Forestry NSW – Fair Work case and EA negotiations

Last week CPSU representatives attended Fair Work and a conference took place between the CPSU, Forestry and the AWU.

As it stands, the proposed Enterprise Agreement says Forestry will not “actively pursue” removing Level 5 and below from the agreement in future negotiations. However, it is not clear how effective this paragraph will be in stopping the contractualisation of the workforce.

We think the best way to ensure that Forestry stops its erosion of the working conditions of its staff is to keep the Level 6s on the Enterprise Agreement.

We understand that there is concern amongst Forestry employees that if they assist the CPSU in their case, there may be reprisals. Where there are such reprisals against employees, whether explicit or not, the CPSU will not hesitate to take adverse-action proceedings against Forestry NSW.

We also understand that people are hearing that back pay is not possible. Our negotiations with other agencies make it very clear back pay is possible, and we have pointed this out to Forestry. If back pay is not provided to employees by Forestry, it is not because they cannot do it. We are working hard to have this case resolved to ensure that the negotiated Enterprise Agreement is put to a vote before June 30.

We have proposed, and the Commission has agreed, to have this case finalised by 31 May 2017, which gives Forestry sufficient time to have the proposed Agreement voted on and registered by the Commission before the first pay period of the New Year. If its approval is delayed Forestry, management can seek approval from the NSW government for back pay.

For those of you who are uncertain about where you stand now that many of you have signed Common Law Contracts, we are still fighting to keep you under the superior protections and conditions of the Enterprise Agreement. We need your help!

Your contracts only provide a two per cent increase for the first pay, and then after that, pay increases in line with the Agreement, but only if your performance is deemed “satisfactory”. Therefore, if the Agreement is not in place to protect you, you are going backward from the beginning. If you are not covered by the Agreement, you will not have the safety-net pay increases and conditions provided by the Agreement. You may end up earning significantly less money than people classified at lower levels than you. So we are fighting to keep your safety net!

The removal or inclusion of Level 6 employees has no impact on Forestry’s ability to give the 2.5 per cent pay increase to staff. We believe any claims that “everything will need to be renegotiated” is a complete bluff by management. Further, if this is what Forestry is saying, it is acknowledging that it intends for Level 6 employees to not receive the same pay and benefits to those covered by the proposed Agreement. Otherwise it wouldn’t need to “renegotiate” everything.

A link to our most recent correspondence can be found [HERE](#).

http://psa.asn.au/wp-content/uploads/2017/05/170515_DicksonR_Proposed-FCNSW-EA_A16-0086.pdf

Our delegates will be in touch shortly to keep you updated on developments and ask for your help.

