



COMMUNITY & PUBLIC SECTOR UNION ♦ SPSF GROUP NSW BRANCH

160 Clarence Street, Sydney NSW
Email: membersupport@psa.asn.au
State Branch Secretary: John Cahill

GPO Box 3365, Sydney NSW 2001
Internet: <http://www.psa.asn.au>

Phone: 1300 772 679 Fax: (02) 9262 1623
ABN: 11 681 811 732
State Branch President: Sue Walsh

IN REPLY PLEASE QUOTE
FILE NUMBER:

BS:rr: A15/0615

16 May 2016

Mr Jon Black
Managing Director
TAFE Commission of New South Wales
ULTIMO NSW 2007

By email: jon.black@det.nsw.edu.au

Dear Jon Black,

RE: Deductions for Partial Work Bans

The CPSU, the Community and Public Sector Union (CPSU) were granted Orders by the Fair Work Commission (FWC) on the 14 March 2016 to hold a Protected Action Ballot (see B2016/357 & B2016/397). This led to the Ballot being declared in favour of taking protected industrial action with an average of 91.8% of voters supporting the eight forms of industrial action proposed.

On the 12 April 2016, the CPSU notified the *Technical and Further Education Commission of New South Wales* (TAFE NSW) that the CPSU was commencing a partial work ban in the form of not *“attending meetings with TAFE NSW management, commencing with the Institute Consultative Committees”*.

This was followed by another notification from the CPSU on the 19 April 2016 that further industrial action would commence in the form of *“a three hour stop work meeting on the 28 April 2016 commencing at 1pm”*.

A number of CPSU delegates have reported that they were notified their weekly wage would be reduced as a result of the *“unlimited number of bans on meeting with TAFE Management”*. The deduction of wages for these CPSU delegates amounted to two hours of lost income, in addition to the three hours for the stop work meeting.

The CPSU believes that this is an oppressive and unreasonable response by TAFE NSW and calls on TAFE NSW to withdraw this reduction in our Delegates' wages.

The role of the Union Delegate is a voluntary role and our Delegate's participation in the Institute Consultative Committees (ICC's) is also voluntary. The work performed by our Delegates continues as normal when not attending an ICC. Some of the Delegates' whose wages will be reduced are alternates for the ICC's and do not normally attend.

The CPSU also has strong concerns that the notices are not compliant with the Fair Work Act 2009. The Union also asserts that the deductions do not meet the test of “*fairness between the parties*” considering “*all the circumstances of the case*”.

The CPSU notes the fact that the attendance AT ICC’s is voluntary, that the impact of non-attendance is marginal and that the CPSU members affected will continue to perform their normal duties. As such the CPSU expects TAFE NSW to withdraw the notice of reduction of wages for the members affected.

Please ensure that the members affected and the CPSU are informed by C.O.B. Wednesday 18 May 2016 that the wage reduction will not proceed. If TAFE NSW does not withdraw the notice to reduce wages for the partial work ban (that has limited, if any, impact on TAFE NSW) the CPSU will apply to the Fair Work Commission to seek Orders to reduce the deduction.

Where TAFE NSW refuses this request, the CPSU would appreciate a response indicating this by C.O.B. Wednesday 18 May 2016.

You can contact the CPSU through Blake Stephens, A/Senior Industrial Advocate, on bstephens@psa.asn.au or 1300 772 679.

Yours sincerely,



Blake Stephens
A/Senior Industrial Advocate

cc. Kerry Penton, TAFE NSW Bargaining Representative, kerry.e.penton@tafensw.edu.au
cc. Donna Wilcox, TAFE NSW Bargaining Representative, donna.wilcox@tafensw.edu.au