*Sent to the ABC by MEAA and CPSU*

As advised in our bargaining meeting today, here is a summary of the CPSU and MEAA’s position as of today. As stated we are keen to avoid any misunderstanding and as such, we again confirm that the CPSU and MEAA are not in a position where we feel that we can recommend the proposed offer to our members.

 As you already aware, the CPSU and MEAA advised the ABC in our bargaining meeting on Thursday 18 August that we were not in a position to be able to recommend the agreement, on the basis that many our of members claims remained unresolved. In that meeting we also advised that if the ABC could provide drafting that satisfactorily resolved those concerns, we may be able to run neutral on planned workplace meetings the following week.

 **Joint CPSU-MEAA position as of today**

We note that no further drafting was provided by the ABC before our joint members meetings began on  Monday 22nd August. For clarity the position of CPSU and MEAA members is as follows. They do not support the current offer on the following basis:

 1.       Overarching concerns about stripping content from their Enterprise Agreement (EA) and into policy or side-letters

2.       Shutdown - members do not support a formal shutdown clause

3.       Travel – members do not support the removal of Travel Allowances from the EA

4.       Rostering changes – members do not support the removal of current clauses which require roster cycles to be determined with the relevant workgroup by agreement

5.       Casual Minimum Call – the proposed EA drafting does not restrict the application of this clause. EA drafting reflects the ABC’s original claim, not where we have reached in discussions

6.       Recruitment – members do not support the removal of the rights of internal candidates and the proposed drafting does not provide a strong enough legally binding assurance

7.       Performance Management drafting – a range of drafting concerns which were previously raised in relation to ratings and managing underperformance clauses

8.       Redundancy/Redeployment – members are seeking an agreement commitment.

 The CPSU and MEAA have extensively consulted with members throughout bargaining and over the last few weeks including at last week’s joint union meetings. During this time, the ABC provided additional assurances which were communicated to members at meetings as well as to CPSU and MEAA delegates in various meetings.

As advised this morning, CPSU and MEAA members have rejected the offer and resolved to exercise their right to take collective action including their right to take protected action once their PABO’s are approved.

 **What union members are telling us is necessary in order for them to support a new agreement**

 As we have continued to communicate to the ABC Bargaining Team, the CPSU and MEAA are committed to trying to reach agreement. We will continue to give your positions genuine consideration, take your positions back to members, and provide you with timely feedback. The changes that the CPSU and MEAA Bargaining teams believe are necessary in order for members to support the proposed offer are:

1.       No shutdown clause, or limiting the shutdown clause to the days between Christmas and New Year only

 2.       Terms of reference to vary the new agreement once a Travel proposal is ready to be presented to ABC staff, as opposed to the “no proposal” proposal which is the current position of the ABC

 3.       Keep the current EA provisions regarding 2 and 4 week roster cycles

 4.       Include limitations and a greater protection for reduced casual minimum call period in the agreement. Whilst we understand the ABC’s concerns about including references to the previous Artists Payroll in the EA, if the industrial instrument does not capture the limitation that we’ve agreed to, and instead contains words that allow this proposed change to be applied unilaterally, then sideletter commitments have little work to do in in preventing the future misuse of this clause.

5.       Bolster the proposed Recruitment clause so that the rights of internal applicants remains the same. The unions have indicated we will recommend forfeiting union representatives rights on Selection Panels if the ABC maintain the existing rights of internal candidates in the EA.

 6.       Performance Management drafting that resolve issues of deep concern to members:

a.       Maintain the current application of the U rating (reference to the rating only being applicable if a formal underperformance process has already started, have been completely removed in your drafting)

b.      MM/UP rating which does not have an agreed descriptor yet – ensure that clause 23.5.6 is referenced in the ratings table

c.       Current draft clause 23.5.6 needs to be tightened to ensure 9 months of increment is paid to employee and assessment needs to be done within 3 months of the review date

d.      Current draft clause 23.7.1 (b) needs to be improved

In relation to this drafting, we note that I (Sinddy) attempted to identify these proposed changes in today’s meeting but Rebekah Donaldson said she did not want to get into drafting in this meeting. The CPSU and MEAA have told the ABC previously that having these issues clarified in agreed drafting is critical in being able to resolve outstanding issues, especially in the context of this bargain where the ABC is seeking to remove many agreement clauses into policy.

 7.       Agree to include an Expression of Interest process in the EA which attempts to mitigate forced redundancy and retain skilled ABC staff.

 8.       Backpay.

 **Next steps**

At the end of today’s meeting the ABC Bargaining Team appeared to struggle to understand the CPSU and MEAA’s response to what our proposed next steps are. We note that in spite of detailing these steps multiple times in the meeting, that the ABC continued to ask what our proposed next steps were.  For the avoidance of doubt, we ended the meeting assuring the ABC that for the sake of clarity we would detail these next steps in this email. Further Katelin sent you an email immediately after today’s meeting to let you know we would be sending this email.

 As stated in our Thursday 18 August bargaining meeting and again today, the CPSU and MEAA are committed to continue meeting with the ABC. It is our view that we need to keep meeting and talking with one another, if we genuinely want to reach agreement. We note objections about the value of continuing negotiations were raised by the ABC’s Bargaining Team today, and that we do not share those views.

Additional points made by the CPSU and MEAA in today’s meeting include:

·         We have asked the ABC to let us know if they would like to meet with us next week to communicate the position of the ABC Executive including any potential movement. We remain keen to do so but we have flagged that we cannot meet on Monday. Please note that a proposed agenda for next week’s meeting has been added at the bottom of this email if you are able to confirm a suitable meeting time.

·         In response to the ABC Bargaining Team’s suggestion that we may be at an impasse, and your consistent feedback that your offer has been well received by ABC staff, we stated that one option to resolve what you have indicated may be an impasse, would be for the ABC to put your proposed offer to an all-staff staff vote. In response to your question about whether we would recommend the agreement to members in this situation, for all of the reasons listed above, we advised you that we could not recommend the proposal.

 ·         In response to the ABC’s suggestion that we pause negotiations, we expressed today that CPSU and MEAA members are unlikely to support a pause because they want a resolution. However we will consult with members and confirm this with you later this week or at our meeting next week.

**Proposed agenda for next week’s bargaining meeting:**

 1.       ABC Executive’s revised position including any potential movement

2.       Drafting in accordance with the drafting table sent by Maria Soffici last week

3.       CPSU-MEAA member feedback regarding today’s meeting

 Regards

Sinddy (& Katelin)