



# STATEMENT

*Fair Work Act 2009*

s.739 - Application to deal with a dispute

## **Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia**

v

**Ventia Pty Ltd**

(C2022/7279)

COMMISSIONER BISSETT

MELBOURNE, 11 NOVEMBER 2022

*Application to deal with a dispute*

[1] On 3 November 2022 the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union – Communications Division (CEPU) made an application for Commission to deal with a dispute in accordance with the dispute settling procedure of the *Ventia Telecommunications Enterprise Agreement 2021* and pursuant to s.739 of the *Fair Work Act 2009*.

[2] A conference in relation to the dispute was conducted before me on 10 November 2022. Arising from that conference the parties have agreed to the following steps to resolve the dispute:

1. All 5 accepted volunteers to be provided with payout estimates and a cooling off period of 7 days from the date of receipt of the estimate within which they can withdraw their expression of interest. Following which, if they do not withdraw, they can be issued with the appropriate notification that their position has been selected for voluntary redundancy, the prescribed date for termination and how the notice period will be treated (paid in lieu or otherwise).
2. All remaining employees in the group (totaling 46) will be given the option to receive an estimate of their payout should they be made redundant. Such employees will be given the opportunity to ask questions either via the union or direct to the company to enable them to make an informed decision as to whether they wish to volunteer for redundancy. This will occur over a period of at least 4 days following receipt of the estimate after which the company will review any additional volunteers for redundancy. Should any volunteer be accepted for redundancy the company will provide formal notification including the prescribed date for termination and when any formal notice period will commence. Depending on when the estimates are given it is anticipated this step will be completed by Friday 18 November 2022. Volunteers will be considered by the company and may be rejected for operational reasons.

3. If there are remaining positions that are surplus following steps 1 and 2 above (so that the total number of redundancies remains at 11) for which there are no suitable volunteers and which may result in compulsory redundancies, the company will advise the affected employees and the union of the number and location of the involuntary redundancies and the total number of employees within the group at each location. Each potential involuntary redundancy will be managed sensitively with opportunities for redeployment, possible jobs swaps etc. being given serious consideration. This should be done on a one-on-one basis with union representation of affected employees if requested.
4. All individuals whose roles have been selected for redundancy will retain their phone, laptop, and access to the company intranet until their termination date.
5. The union acknowledges that involuntary retrenchments may occur through this process.
6. The file will remain open until the conclusion of the above steps or otherwise advised by the CEPU.

[3] The parties are at liberty to apply to have the matter relisted if required.

  
COMMISSIONER 

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