

7 September 2020

Tim Clift
General Manager HR Services
Group People Services
Commonwealth Bank of Australia
Darling Park, Level 13
201 Sussex Street
SYDNEY NSW 2000

By email: tim.clift@cba.com.au

Dear Tim,

Re: Christmas shutdown and leave arrangements

I write in relation to CBA's recent communications to staff about the Bank's intention to shutdown non-essential areas and activities within the Group over a three-week period between 21 December 2020 to 8 January 2021.

The FSU understands that employees are being encouraged to talk to their leaders about making arrangements to take leave during the shutdown, whether or not they have, or will have enough, leave to take during the three-week shutdown period.

While it is at CBA's discretion to decide to shutdown all or parts of its business over a period such as the Christmas/New Year period, CBA does not have the discretion to require employees, or give them the impression that they need to take their annual leave during any period of shutdown in the absence of a specified ability to do so under the *Commonwealth Bank Group Enterprise Agreement 2016*, for example.

However, it appears that the Bank is giving employees the impression that everyone that does not work in an essential area 'needs' to take leave during the shutdown, the equivalent of 12 days' annual leave, despite what their leave balance might be, which is misleading, and significantly, contrary to the enterprise agreement at Division A, clause 14.3.

The Union has been contacted by members who are concerned about feeling that they are being forced or coerced into taking leave during the shutdown when they either do not have enough leave, or will not have enough leave by the time; or the members disagree that they should have to use their own leave during a shutdown where the Bank does not have the ability or discretion to require them to take their leave.

In circumstances where CBA does not have any express authority to shutdown and require staff to take annual leave during the period of shutdown, it is requested that the Bank provides an outline of the arrangements that will be put in place for employees who work in non-essential areas who do not agree to take their annual leave during the shutdown but who cannot be required to do so under clause 14.3.

The FSU expects that any employee who works in a non-essential area and who does not meet the criteria in clause 14.3 which allows CBA to direct that employee to take annual leave during the Christmas shutdown, will be either be provided alternative duties, or will be paid as normal, during the shutdown.

Please provide a response by close of business 11 September 2020.

Yours sincerely,

Emily Holm

National Industrial Officer

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