

September 9, 2021

Alex Cousner
Bargaining Specialist
Finance Sector Union

Dear Alex,

Thanks for your letter. At the outset, our preference is to speak directly with the FSU members you are representing and therefore ask you to please share with us their names, so we can do so quickly. In reference to your letter dated September 7, 2021 our high-level responses are:

1. Misrepresentation - We dispute your assertion that we have contravened section 345 of the Act and we believe the level of explanation provided was appropriate and reasonable in the circumstances and all affected employees have been provided opportunities to ask questions, provide feedback and seek clarification.
2. Consultation – We have reasonable grounds to argue that it was not required for us to consult with affected employees in relation to the new employment contracts as outlined in the BFI Award (Clause 28). We also provided affected employees with a generic employment contract template for their consideration, several weeks to review and provided different mechanisms for employees to provide feedback and seek clarification. The Executive team has since considered that feedback, on September 7, 2021 and some changes will be made to the contract, based on that feedback and communicated next week.
3. Coercion – We dispute your assertion that we have contravened section 343 of the Act. We have imposed lawful and reasonable consequences if an affected employee does not sign the employment contract. Secondly, an affected employee who doesn't sign their employment contract remains employed under their current terms and conditions, which does not include a guaranteed annual remuneration increase.

I am disappointed that the tone of your letter was unnecessarily aggressive, and I would hope that moving forward, we could work together in a more conciliatory and collaborative manner. Finally, in the induction with new starters at UniSuper this week, Sara Petratos used language such as “what UniSuper is doing is illegal”. It is inappropriate for Sara to assert this and we will now ensure that a member from the People Business Unit attends the FSU inductions.

I look forward to receiving the names of the employees you are representing so we can speak with them directly. As mentioned above, we will be communicating next week to affected employees what feedback the Executive team has made decisions on and plan to continue the updates to our common law contracts at UniSuper. Please call me directly if there is anything else you'd like to discuss.

Regards,



Louise Clarke
People Business Partner

Fund: UniSuper
ABN 91 385 943 850
Trustee: UniSuper Limited
ABN 54 006 027 121
AFSL 492806
Administrator
UniSuper Management Pty Ltd
ABN 91 006 961 799
AFSL 235907
Helpline
1800 331 685
Head Office
Level 1, 385 Bourke Street
Melbourne VIC 3000
unisuper.com.au

Cc: Ben Linehan, HR Operations Manager, UniSuper, Lafcadio Zuccarello, FSU, Nicole McPherson, FSU