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## Change management and restructuring: Principles and case law

# Workwatch

In recent weeks the National Office has received inquiries from ALIA members concerned by significant changes occurring in libraries, often at short notice. These situations have threatened to result in job losses or redeployment of library staff to other areas. In some cases it has been possible that library staff would be moved to situations where specialised library training might not receive due recognition, with serious implications for the careers of those affected.

The main purpose of this month's Workwatch article is to alert members, firstly, to their rights when facing organisational change and, secondly, to recent developments which may affect the outcomes of such change. In some cases, procedural rights for employees can now be offset by broader interpretation than might have been initially expected from the Australian Industrial Relations Commission of 'genuine operational reasons' for redundancy. Put simply, results of recent cases mean that it might now be easier for employment to be terminated than it was previously.

Most public employers, their semi-public counterparts (such as universities), and some large corporations include change management procedures in their collective agreements. The need for significant change in organisations is usually attributed to financial or technological factors, or a shift in emphasis of an organisation's operations – for example, when a corporation closes one aspect of its business activities. The level of organisational change normally seen as warranting consultation with staff occurs when reduction in job numbers may lead to staff transfers or redundancies, outsourcing of services, changes in organisational structure or introduction of different rosters or use of new technology.

Where change management procedures are referred to in industrial agreements or related guidelines, there will usually be a requirement that consultation take place with staff who are likely to be affected by proposed changes. A basic requirement is that staff should receive timely and relevant advice prior to final decisions being made. Staff should also be given the opportunity to be involved or represented, most commonly by a recognised union, in the change process.

Members of the library workforce should check whether formal procedures exist within their organisations that could assist when change might

affect aspects of their jobs. Where library staff are union members, it is wise to confer with union representatives in the early stages of a change process for advice and representation where necessary. The Community and Public Sector Union (CPSU) and the National Tertiary Education Union (NTEU) in particular have a record of vigilance in change management processes.

Employees of organisations with no written guidelines concerning change management may seek to have a requirement for consultation included in individual contracts or Australian Workplace Agreements. Further information on this point can be obtained from the Office of the Employment Advocate (<http://www.oea.gov.au> or call 1300 366 632).

Any ALIA member, individual or institutional, concerned about significant change occurring in the workplace may approach the National Office for advice about relevant issues. While ALIA is not a union, advice can be given as to rights of library staff and institutions, and as to means of protecting their best interests and those of the profession. In some circumstances, ALIA may make written representations to workplace decision-makers.

### When redundancies are proposed

My February Workwatch article referred to a case involving the Village Cinemas group, which had retrenched an employee for what the Industrial Relations Commission deemed 'genuine operational reasons'. The reasoning in the Village Cinemas case has been further applied in cases involving Priceline, the distribution company for cosmetics and similar items, and the printing company Altshul Printers P/L. In the Priceline case, the Commission also confirmed the role of managerial prerogative in determining whether a post would continue within an organisation's operations.

The wider application of 'operational reasons' is potentially of considerable relevance to libraries, which in all sectors are frequently subject to review, usually for financial reasons. It has also been suggested that as libraries are service providers, rather than production or revenue-raising centres, they are among the first branches of an organisation to be focussed on when cuts are felt to be necessary. Library staff should therefore be mindful of their rights to be consulted when change is proposed, rather than when it is set to

occur. During the consultation process, staff and their representatives should insist on the provision of genuine reasons for proposed changes, rather than statements of general policy that may not amount to a case for restructuring.

Visit ALIA's Employment pages at <http://alia.org.au/employment/> for the latest news on WorkChoices.

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