

Reclassification

Many queries to the ASU involve the issue of position reclassification. This information sheet is intended to provide you with a structure to work your way through this minefield.

What are my chances of having my position reclassified?

When determining how successful a reclassification may be the ASU looks at what are the tasks and skills a worker needs to perform in order to adequately perform their duties and if these tasks and skills are reflected in their current classification. It is important to remember that it is your employer's prerogative to determine the duties that are required of a position. For example if you perform a function or functions that your employer does not require you to perform, this may not be recognised for the purposes of reclassification.

How long will it take?

Reclassification is rarely an easy or speedy process and it is almost impossible for the union to give a time frame.

An agreed Position Description (PD)

In order to ascertain whether you are correctly classified, you need to establish:

- exactly what tasks you perform; and
- the extent to which you perform those tasks.

Please refer to the info sheet "What is a Position Description" for the requirements of a PD.

If you believe that your current PD is, as a result of organisational changes or an increase in responsibilities, incorrect and no longer represents the functions you perform, you should develop a new PD.

When you are developing your PD you need to base it on the tasks performed, but ensure that it holds some relevance to any award or agreement descriptors you may be subject to.

This amended "draft" position description can then be discussed with management, with a view to gaining agreement that it is an accurate representation of your tasks.

What do I do if I cannot get agreement?

If you are finding it difficult to get agreement, or your manager or supervisor will not discuss the matter with you, refer to your award or enterprise agreement (dispute settlements procedure) and follow the process in order to get a resolution. You can call on your union delegate for assistance in these instances, and if necessary, contact the ASU.

I don't have a position description – what do I do?

If you do not have a PD at all, you need to approach your manager or supervisor requesting that they provide one. If they will not supply one, or participate in discussions with you about developing one follow the disputes resolution procedure in your award or agreement.

We have agreement – where do we go from here?

The agreed PD will be viewed in relation to the descriptors for classifications in the relevant award and or relevant agreement.

Ideally your workplace will have a culture of consultation and negotiation and the reclassification will proceed, but in many cases, a prolonged argument ensues. If this is the case, contact the ASU.

Assistance to members

Members can request that the ASU assess their case and advise them if their PD is incorrectly classified. The ASU will also have an understanding of how similar positions have been classified in other organisations.

If the member is incorrectly classified, they have an agreed PD and negotiations with management have failed to resolve the matter, then the ASU may either initiate discussions with management or it may be referred to Fair Work Australia (FWA), in accordance with the disputes settlement procedure in your award or agreement.

What happens if the reclassification dispute is referred to FWA

The ASU, on the member's behalf, and their employer may have the opportunity to present their case to FWA or state industrial body. All the facts and submissions of both parties will be considered and then a recommendation about the classification level will be made.

In order for the claim to have a chance of success the member will need to assist in the preparation of the case and will probably be required to appear as a witness to support the claim.

How the ASU can help

The ASU provides advice and information to members regarding workplace rights and obligations. ASU members can contact their State ASU office for more information. If required the ASU provides members with individual representation.

To obtain the contact details of your local ASU Branch visit the ASU national website www.asu.asn.au or contact the JSA National Project Coordinator on (03) 9342 1400 or help@employmentservicesunion.org.au