



# DEFENDING PUBLIC SERVICES

by protecting jobs and workplace rights

## GOVERNMENT SECTOR EMPLOYMENT ACT

DESPITE A 16,000 STRONG PETITION OPPOSING THE INTRODUCTION OF THE GOVERNMENT SECTOR EMPLOYMENT (GSE) BILL, THE NSW GOVERNMENT PASSED IT INTO LAW.

But the fight isn't over yet. The PSA is demanding that the Government consult the PSA on the formulation of the GSE Regulation and Rules needed for the Act to come into effect. We are also demanding that protections for merit selection and long service leave be re-introduced. This is just one of the reasons we are now organising cross agency and workplace meetings of members, which we urge all members to attend.

The PSA has major concerns with the way that the GSE Act alters the manner of employment for Public Servants previously employed under the Public Sector Employment Management Act (PSEMA). These concerns are summarised below.

**Summary:** The Act is a threat to job security, the principle of merit, the award system and an independent public sector.

**Job security:** The Act abolishes the notion of positions and instead introduces the concept of roles. Public Servants may be required to take on different roles in new locations, possibly without consultation. The termination provisions of the Act also reduce protections and make it easier to dismiss staff under awards or on contracts. Departments under the Act will no longer be required to take all practicable steps to transfer excess employees to ongoing positions before making them redundant.

**Merit:** The Act undermines merit selection and EEO. These provisions guarantee jobs are advertised and candidates are selected on the basis of merit. The Act removes promotional appeals, the last mechanism to assure an independent check on merit appointments.

**Award system:** The Government is currently shifting senior officers (and their equivalents) out of the protections of the Crown Employees Award and onto individual contracts. This will result in a loss of conditions and also access to unfair dismissal remedies in the IRC. The Act amplifies this threat to job security as it empowers the Minister to determine (and lower) the pay grade at which a public servant is categorised as a senior officer.

**Independence:** The Act retains a section of the previous *PSEMA* that enables senior executives to be dismissed without a reason. As this group has now been expanded, this may create an environment where public servants feel vulnerable and less able to express their professional opinion. These provisions should be removed. It is vital that public servants are able to undertake their duties and provide 'frank and fearless advice' in the best interests of the community.

If members have specific questions regarding the Act, please contact your workplace delegate or PSA organiser.