

5 December 2017

Housing Contact Centre PSA/HCC November consultation meeting

On 22 November 2017, PSA delegates and the PSA Housing industrial Officer met with Housing Contact Centre Management for our fourth quarterly Joint Consultative meeting for 2017.

At this meeting we began by confirming four of the eight remaining previously grade 5/6 'Operations Leaders', whose roles have been deleted due to the Cluster Operating Model (COM) restructure, were offered 'Voluntary Redundancy or Redeployment'. These four long-term dedicated employees and PSA members were pleased the PSA fought for the extension of their employment from the original 30 June deletion date to 30 September 2017. Once their substantive roles were deleted they were deemed eligible to be covered by the *Managing Excess Employees Policy 2013 NSW (MEE Policy)*.

What is not clear is why the remaining four former Operations Leaders, whose 5/6 grade substantive roles were also deleted at the same time, have not been offered the same 'Voluntary Redundancy or Redeployment' under the same policy. This was raised in the meeting.

A brief and unsatisfactory response from management was they have been treated differently because they've been acting in 'temporary development roles'. It is the view of the PSA that this is not an adequate reason. When an employee's substantive role has been deleted under a restructure, the MEE policy applies unless other legislation has overridden it.

Two members in this cohort have asked the PSA to take this up with FACS HR, so that the same options are afforded them, as have been offered to their colleagues.

Issues raised with HCC management on behalf of PSA members

The two other burning member issues we raised at the meeting were conversion of long-term temps to ongoing roles and maternity leave policy/processes.

Conversion of long-term temps to ongoing roles

The PSA conveyed its belief that public services are best delivered by permanent public servants in secure ongoing employment. We asserted the HCC should take all reasonable steps to provide its employees with secure employment by maximising the number of permanent positions in the workforce. We communicated that the HCC has a number of long-term temporary staff who have been in roles for more than 12 months, but are employed on insecure contracts. We asserted these should be converted to ongoing roles.

We were encouraged to see the HCC does have a process for conversion of long-term temporary staff to ongoing roles; and were able to demonstrate that the last conversion was processed this year (between February and May 2017). Thirty-three long-term temporary employees, mostly Client Service Officers, were converted to ongoing roles during this time. We have been assured the opportunity for further conversions will be revisited at the time of budget review at the end of the 2017-2018 financial year.



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Conversion of long-term temporary staff will be an ongoing conversation the PSA has with FACS Housing on behalf of our members to ensure that these conversions happen regularly.

Parental leave policy/processes

The PSA addressed the issue of parental leave for both permanent and temporary staff. We let management know our members have major concerns about how parental leave is being handled at the HCC, both in terms of

- entitlement to take unpaid parental leave and
- entitlement to return to a role after taking parental leave.

PSA delegates cited examples where our members as long-term temporary staff have been advised if they take parental leave they will need to re-apply for their roles on their return.

HCC management was confident in its belief they are acting in compliance with the legislative requirement, despite our examples. Management asserted it believes casual employees are not entitled to return to work at the HCC after a period of parental leave. The PSA disagreed on this point and verbally explained our position, which we indicated will also be put in writing as follows:

a) Right to unpaid parental leave

The PSA cited the *Industrial Relations Act 1996* (NSW) ("IR Act") (s54) and Cl 80 of the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* ("the Award") entitlement of an "employee" to 52 weeks of full-time unpaid parental leave (or two years part-time) with the birth or adoption of a child.

The act defines an "employee" (s5) to include part-time or casual contractors working on a regular, systematic basis. A "regular casual employee" is a casual employee who works for an employer on a regular and systematic basis and who has a reasonable expectation of on-going employment on that basis (IR Act, s 53(2)).

b) Return to work after parental leave

The PSA cited s66 of the *IR Act* and Cl 75 of the *Award*, where a regular long term employee is entitled after parental leave to return to a role they were doing prior to leave – or if the role ceases to exist while on leave, then to return to another role at grade.

The PSA made it clear that there is an obligation on the Department to grant the leave and to re-engage employees after parental leave. The award specifies (at 12.5.4) that *regular casual employees* are entitled to unpaid parental leave under, s54, 'Entitlement to Unpaid Parental Leave', in accordance with the *IR Act*. And it further specifies that:

(a) The Department Head *must not fail to re-engage a regular casual employee* because:

- the employee or employee's spouse is pregnant; or
- the employee is or has been immediately absent on parental leave.

As agreed, the PSA Housing Industrial Officer will assert these parental leave award entitlements on behalf of Housing Members, in writing to the HCC Director and HR manager for a formal response.





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If you do have concerns and/or examples in relation to parental leave, please talk to your PSA HCC delegate who will gather the information for our case.

PSA Staff

Kris Cruden - Industrial Manager

Vivette Horrex - Organiser

Katy Ambler - Industrial Officer

If you have any questions about this bulletin please email FACSOrganising@psa.asn.au.

Update and Connect with the PSA: If you have moved home or work location, or you have changed your contacts, please update your membership details [HERE](#).

You can support the work of the PSA and your local delegates by asking your colleagues to [JOIN](#) their union.

