



RedTape



Public Service Association of NSW
www.psa.asn.au

Post Office approved PP 255003/01563 ISSN 1030-0740

May/August 2014

Government sneaks in new wage law

The State Government has quietly rammed through legislation as part of the budget process to reinforce the Baird Administration's wages policy. The new legislation cements the Government's Court of Appeal win, which ruled that the public sector pay cap of 2.5% can be reduced by an increase in superannuation.

The Bill went through Parliament on 19 June and negated a High Court challenge by the unions.

The measures were the very last item in the State Revenue and Other Legislation Amendment (Budget Measures) Bill 2014 and buried right at the back, on page 27.

This underhanded tactic by the Government has meant that it has been able to push through a change to its wages policy that had previously been blocked twice in the Legislative Council.

Just to recap:

In June 2011, the State Government passed laws which gave it complete power over the setting of wages and conditions for public sector workers. Pay increases were restricted to 2.5% per year, with any rise above that to be paid for with 'employee related' savings such as recreation and sick leave.

In April 2013, the PSA applied to the Industrial Relations Commission for a 2.5% salary increase, which was in line

with the Government's restrictive policy for those employed under the Public Sector Salaries and related awards.

The rise was to commence from 1 July 2013.

In May, the Government suddenly announced its intention to use the Federal Government's increase to the Superannuation Guarantee Contribution as an excuse to reduce the pay of public sector workers.

The PSA argued against this in the Industrial Relations Commission and won by unanimous decision of the Full Bench.

The Government refused to accept the ruling and attempted to exhaust every legal loophole to find a way around the decision.

This included an unsuccessful attempt to change its own law in Parliament.

Thanks to the PSA, an interim increase of 2.27% was, however, agreed upon and backdated to the first full pay period on or after 1 July 2013.

In December 2013, the Industrial Relations Commission ruled that the Government should pay the full 2.5% and not discount it by the superannuation rise.

But once again, the Government was unwilling to accept the decision of the independent umpire. Again, it unsuccessfully moved to change its own law.

The Government took the matter to the Court of Appeal, which accepted its arguments that the 2.5% increase be discounted by the rise in superannuation.

The decision means members employed under the Public Sector Salaries and related awards will, under the 2013 wage case, receive no more than the 2.27% that has been already paid.

This equates to the 2.5% available under the Government's wages policy discounted by the rise in the superannuation guarantee levy.

The PSA and other public sector unions considered the possibility of appealing to the High Court.

While the PSA was fighting for the full 2.5% increase from 2013, on 11 March, we lodged applications for a 2.5% rise for this year, payable by July 2014.

In response, on 11 June, the State Government offered a pay rise of 2.27% from the first pay period after 1 July 2014 but with a restrictive, year-long, 'no extra claims' clause.

Part of the offer was the implementation of legislation that provides the same

increase in super payments to those employees in the defined benefits schemes.

However, this offer was made on the condition that the unions not appeal to the High Court.

On 24 June, the Industrial Relations Commission decided, with the agreement of both the unions and the Government, to order an increase of 2.27% to the Public Sector Salaries and related awards effective from the first full pay period on or after 1 July 2014.

Meanwhile, the PSA continues to fight the Government's insistence on a 'no extra claims' clause being included in the Awards.

Such a clause would prevent the union making any further claim to improve members' conditions for 12 months.

An 8 July hearing was adjourned due to the Industrial Relations Commission expressing a view that the Government's application inadequately outlined the changes they are seeking to the award.

Your Pay, Your Say Survey Results

Members employed under the Public Sector Salaries and related awards voted in a PSA survey to accept an offer of a 2.27% pay increase and not mount a challenge in the High Court. 3,811 members voted, with 62.66% or 2,388 saying they preferred not to take the matter further.

Inside



Stop the sell-off of Ageing, Disability & Home Care

The PSA and NSW Nurses and Midwives' Association have launched a petition to oppose the privatisation of ADHC. Help us:

- protect choice and quality services for clients
- defend the pay and conditions of ADHC staff

Stop the largest ever sell-off and sell-out in this state

You can make a difference on page 12



Anne Gardiner

From the General Secretary

The long con – money the only measure of value

We have stopped questioning politicians and the media when they decide whether something is or is not working based on the amount of money it generates or costs.



Anne Gardiner among the post-budget media

It has reached a point where we even judge the value of public services on that same basis.

In doing so, we forget that public services are the foundation of a civil society and equal access to these services is essential for community harmony.

So how has this unrealistic way of measuring worth become so widely accepted? How has that view overridden all other reasonable indicators of value?

Personally, I believe we have been victims of a well-orchestrated con job and allowed a small number of people with a vested interest and carefully scripted lines to dictate what is worthwhile.

We live in a state with a triple-A credit rating and where unemployment is relatively low.

If we have adequate money for all our basic needs, shouldn't the measure of value be something other than money?

Yet somehow, in our privileged country, those of us who have plenty often strive for more – even though studies have shown that once people earn over a moderate income, increases in wealth do not correspond to any rise in happiness.

We have confused the needs of corporations with the needs of human beings.

Which brings me to what is occurring right now in NSW.

Former Greiner Cabinet Secretary Gary Sturgess authored a NSW Business Council discussion paper titled *Diversity and Contestability in the Public Service Economy*. This paper set out the State Government's goal of transferring public sector jobs and services to non-government organisations.

In the UK, many public services are being privatised under the Cameron Government's banner of 'Big Society'.

Lines such as 'Big Society', 'small government', 'more choice' and 'public service mutuals' are all part of the carefully scripted language being used to con the community and move public sector assets and services to the private sector while changing the focus of these services from social obligation to profit.

These are opposing notions and in the long term will contribute to a destabilised society in which only those who are able to pay can access the basic services

that the people of NSW, at least at the moment, take for granted.

The NSW Government has also been devolving its responsibility for some public services to not-for-profit organisations.

If this shift in public services from the government to the private and not-for-profit sector is a sound and reasonable one, then why isn't the NSW Government telling the people which public services are being cut?

Where is the plan and the evaluation of this approach from other parts of the world?

We know in the UK many not-for-profits have struggled once their funding has been decreased and we know that significant questions have been raised about fraud in the major private sector companies which have taken over government responsibilities.

The public has lost confidence.

In a UK survey, less than 10% of people said that they still believed "Big Society will achieve its aim".

In NSW, raising the alarm about the massive and secretive changes currently taking place to public services has been very difficult.

This is partly because public servants, rather than being treated as an asset to the state, have been demonised by their employer with the assistance of the tabloid media.

This may sound a bit extreme, but the fact is when workers in a car plant are dismissed, it is viewed as a disaster.

When thousands of public servants lose their jobs, it is almost celebrated.

Hopefully people are starting to see the real story.

The PSA, its members and the union movement in general are crucial to changing the discussion, starting a new conversation and overcoming the media's unquestioning support for big business.

As part of that fight, it is critical that PSA members articulate to the community the consequences of measuring the value of public services in monetary terms alone.

**Anne Gardiner
General Secretary**

(This is an edited version of a speech given by the General Secretary in 2013.)

State budget – pain continues

The 2014/15 NSW budget continues to undermine the services provided by PSA members along with their wages and conditions.

The labour expense cap, now in its third year, is predicted to cut another \$221 million from the public sector workforce – the equivalent of slashing over 2500 jobs.

However, the budget provides no transparency as to how this level of savings will be achieved, with the revealed changes in full-time equivalent staffing numbers falling considerably short of the full value of the cuts.

The efficiency dividend will continue to bite into the budget allocations of departments, with a further \$484 million to be sliced from the sector this year on top of the \$758 million cut last year.

PSA members know only too well that the effect on the ground of these

'savings' means greater pressure to take on additional work, working unpaid overtime or outside the boundaries of agreed conditions, and ultimately, a reduction in the quality of services delivered.

If all of this isn't enough, the budget also highlights the Government's strategy of suppressing the real wages of public sector workers.

The accounting assumptions of the budget are based on the current wages policy being in place until 2017/18.

The final kick is the budget measure to further reduce workers' compensation premiums for employers by 5%, while keeping in place the savage cuts to injured workers' payments that flowed from the reforms in 2012.

But really, is anyone surprised?

Job Cuts 2014/15	2013/14	2014/15	JOB CUTS
1. The Legislature			
Chamber and Committee Support	101	100	1
Members' Support	377	376	1
TOTAL	478	476	2
2. Education & Communities			
Early Childhood Education Services	455	454	1
TAFE NSW	15,147	14,772	375
Sport and Recreation Services	440	438	2
Aboriginal Affairs	88	85	3
Citizenship and Communities	38	36	2
Examinations, Assessments and Credentials	622	586	36
Community Support Services	49	48	1
Language Services	114	112	2
TOTAL	16,953	16,531	422
3. Family & Community Services			
Community Support for People with Disability, their Family and Carers	617	602	15
Supported Accommodation for People with Disability	5,560	5,552	8
Social Housing Assistance and Tenancy Support	2,343	2,340	3
Homelessness Services	139	125	14
Office of the Children's Guardian	126	121	5
TOTAL	8,785	8,740	45
4. Planning & Environment			
Planning Strategies, Housing and Infrastructure	175	169	6
Planning Operations and Regional Delivery	181	168	13
Development Assessment, Systems and Approvals	249	241	8
National Parks and Wildlife Services	1,913	1,878	35
Regional Operations and Heritage	582	567	15
Policy and Science	283	275	8
Centennial Park and Moore Park Trust	66	58	8
Royal Botanic Gardens and Domain Trust	267	251	16
Responsible Pet Ownership Program	6	5	1
TOTAL	3,722	3,612	110
5. Police & Justice			
Registry of Births, Deaths and Marriages	169	152	17
Policy and Finance	37	36	1
Counter Terrorism and Disaster Resilience	40	39	1
TOTAL	246	227	19
6. Premier & Cabinet			
Corruption Investigation, Prevention, Research and Education	127	123	4
Complaint Resolution, Investigation, Oversight and Scrutiny	190	185	5
Investigations, Research and Complaint Management	98	96	2
TOTAL	415	404	11
7. Trade & Investment, Regional Infrastructure and Services			
NSW Food Authority	111	106	5
TOTAL	111	106	5
8. Transport			
Asset Maintenance	2,828	2,783	45
Services and Operations*	3,074	2,742	332
TOTAL	5,902	5,525	377
9. Treasury and Finance			
Finance, Policy and Strategy	112	92	20
Fair Trading	789	779	10
TOTAL	901	871	30
TOTAL JOB CUTS			1,021

Figures sourced from Budget Paper No 3 Budget Estimates (Budget Papers 2014–15).
Figures may exclude agencies that have alternate funding structures to principal departments.
*Transfer of staffing budget to Service NSW.

Baird's blackout

Official secrecy over \$14 billion service cut

The State Government seems to have learnt nothing from the battering it has been receiving in the Independent Commission Against Corruption over secret deals.

In May, an application by the PSA to uncover the truth behind the Government's plans to cut \$14 billion in spending on public services in NSW was again rejected.

The PSA applied to the Administrative Decisions Tribunal (ADT – now known as the NSW Civil and Administrative Tribunal) in July last year for details of NSW Government plans to cut public sector jobs and services around the state.

The application was in response to a rejected GIPA (Government Information Public Access) request for access to *Savings Roadmaps* – documents drawn up by department heads outlining how each agency will meet its savings targets.

The Civil and Administrative Tribunal, however, found in favour of the Government that

Savings Roadmaps are Cabinet documents and as a result, do not have to be disclosed.

So much for a Government that alleges it acts openly and in the public interest.

In reality, it clearly doesn't believe the community is a relevant stakeholder.

"The rejection of the PSA's appeal indicates that the Government intends to operate with secrecy when it comes to making decisions on behalf of the community," said PSA General Secretary Anne Gardiner.

"In essence, the NSW Government has denied the community access to information on how public money is being spent.

"The refusal to release the savings plans completely goes against the purpose of the GIPA Act, which is to make information

accessible and promote an open, accountable and fair Government in NSW.

"The Baird Government has also failed to produce any sort of plan for the future provision of public services in this state.

"What a slap in the face to the people of NSW," said Anne Gardiner.

Outstanding fees amnesty for those who rejoin the PSA

The PSA Executive has decided to hold another fees amnesty for former PSA members.

We would rather have these members back than insist that outstanding fees be paid before ex-members can rejoin.

Conditions apply:

1. You need to have been resigned off the membership system.

It is not intended for current members who have fallen behind in fees to rejoin as a means to have their fees waived.

2. You will not be covered during the period you did not pay fees.

Often members, through no fault of their own, let their membership lapse when they move from department to department or in and out of the service.

We understand this.

If you know former members who may be reluctant to rejoin the PSA due to owing back fees, please pass on the news of the fees amnesty.

The amnesty ends at **5pm Friday 26 September 2014.**

New and lapsed members can join online at <https://membership.psa.asn.au/join> or download a hard copy from <http://www.psa.asn.au/membership-forms>.

Further information: call **1300 772 679** or email amnesty@psa.asn.au.

Did you know as a PSA member you're entitled to an exclusive deal on your Home Loan?

SCU More Generous Banking

PSA

Call **13 61 91**
scu.net.au

Sydney Credit Union Ltd ABN 93 087 650 726 Australian Credit Licence Number 236476 AFSL 236476. * Includes Mortgage Loan approval fee, one valuation fee and mortgage preparation costs for one residential property in the Sydney Metro area up to \$1 million dollars. It does not include Government fees and charges. Other fees and charges may apply depending on the nature of the property or Title. **Offer applies on standard rates only and does not apply to other special offers. All applications are subject to SCU normal lending criteria. Terms, conditions, fees and charges apply. Full details available on application. All information is correct as at 21/05/14 and subject to change.



Sue Walsh

From the President

Get to know your fellow members

The PSA has very broad coverage across the public sector, with members working in schools, prisons, national parks, State Emergency Service, power stations, the Office of the Sheriff, State Parliament, the Australian Museum, Rural Fire Service, Police, TAFE, universities, Environment and Heritage, Royal Botanic Gardens, the Art Gallery of NSW, Legal Aid and many other areas.

I mention this for one simple reason: unity.

In difficult times – and there have been plenty of tough days since the State Government came to office with constant attacks on the public sector – the PSA’s best defence is its membership.

The bigger our numbers, the greater our strength and more powerful our bargaining position.

But there is another dimension to that and it involves making a connection with your fellow members and colleagues – getting to know and understand what it is they contribute to the public sector and the roles they play in providing that service.

Each group in each agency plays a vital part in what is a much bigger public service picture that serves the NSW community.

All too often these are portrayed as separate, totally unrelated entities when nothing could be further from the truth.

In times of natural disaster members in Police, Fire and Rescue, the Rural Fire Service, State Emergency Service, Community Services, Housing and other agencies all work as a co-ordinated unit to provide assistance to those in need during desperate, often tragic, times.

The slogan ‘this state cannot run without us’ could not ring more true.

You encounter your fellow PSA members in numerous ways each day.

In fact, their presence is so great you’ll be amazed at just how many of them there really are in so many areas of daily life.

So next time you take your kids to the zoo, Jenolan Caves or go to Service NSW or Fair Trading, say hello to the staff.

After all, they are getting the same hard time from the Government in their workplaces as you are in yours, so you share a common challenge.

With the state election due in March, we need to reach out to each other, close ranks and move forward as a united force.

Together public sector workers are a formidable force for any government to take on, irrespective of its political persuasion.

Please encourage non-members in your workplace to join the PSA.

**Sue Walsh
President**

PSA forces Government to consult

The PSA had a significant victory in May in relation to consultation across the public sector.

In 2012, the State Government introduced a new consultation policy that scrapped the long-standing agreed measures from 1997. The 1997 policy set out defined consultation provisions and guaranteed the central role of unions in the process.

The 2012 policy effectively made consultation mere lip service, introducing in its place a broad set of principles.

Worse, the new policy was not an agreed document, and was issued without the agreement of the public sector unions.

The PSA challenged this policy in the Industrial Relations Commission, seeking a declaration that the 1997 Consultation Policy was incorporated in the Public Service Conditions of Employment Award and as such remained alive.

The matter was heard before Justice Walton on 22 November 2013.

On 14 May, the decision was handed down and we won.

Justice Walton found that, “The necessary implication must be that, if management and the

PSA are to effectively consult on ‘matters of mutual interest and concern, both formal and informal’, they are required to do so in accordance with the 1997 Consultative Arrangements.”

Justice Walton further stated, “In my opinion, the language of cl.65.1, when read in context, confirms an intention that there be an effective means of consultation between management and the PSA in the form of the 1997 Consultative Arrangements which carried with it a legal obligation to comply with those Arrangements... The parties will be required to act in accordance with those provisions by undertaking consultation within the framework of those Arrangements and, in the case of terms expressed as being obligatory, to act accordingly.”

The impact of the decision forces the Government to rethink what is meant by genuine consultation.



On 6 July, thousands of people gathered in demonstrations around Australia to oppose the Federal Government’s 2014 budget.

The union-led protest voiced anger at cuts to health, education and the public sector; increased higher education fees; the reduction of pension and unemployment benefits and slashed state funding.

The rallies were organised by Unions NSW following a meeting of combined union delegates held at the Masonic Centre in Sydney on 12 June.

The PSA would like to thank all its members who marched to show solidarity against this unfair budget.



...Legal Aid consultation win

On 5 June 2014, Commissioner Newall in the NSW Industrial Relations Commission heard a dispute lodged by the PSA regarding lack of consultation by Legal Aid NSW over a restructure which resulted in staff cuts from seven to three in the Grants Records Section.

In his recommendation that the parties meet to properly discuss workloads, Commissioner Newall also placed a significant focus on the welfare of the remaining staff and his preparedness to hear further from the parties if requested.

He made particular reference to the 1997 Consultative Arrangements Policy and Guidelines and stated that this policy made it “abundantly clear” that consultation with the PSA must occur before decisions are made and implemented.

Sly government overturns redundancy victory

A major win by the PSA which reinstated redundancy provisions has been thwarted by the State Government's relentless drive to change the law to negate any legitimate gains by the union.

An amended regulation, passed as part of state budget legislation, annuls our win in the Court of Appeal regarding redundancy – a case that arose from the PSA seeking these provisions for School Administrative and Support Staff.

In 2011, the State Government, at the stroke of a pen, changed rights around redeployment and redundancy pay for public servants. It did this without any consultation with public sector unions or staff.

The PSA has repeatedly fought against this radical change, and in April had a groundbreaking win in

the Court of Appeal which would have benefitted all PSA members.

The victory was a result of an application made by the PSA in 2012 to have a redundancy clause inserted in the School Administrative and Support Staff (SASS) Award.

The PSA feared that education reforms such as Local Schools Local Decisions, Learning Management and Business Reform and Every Student Every School could lead to redundancies for school staff.

The PSA immediately moved to secure redundancy protections for SAS staff by entering into negotiations with the Department.

The PSA requested that the Crown Employees School Administrative Support Staff Award be changed to include a redundancy clause for SAS staff to afford them the same protections as other public servants.

The Managing Excess Employee Policy for School Administrative and Support Staff was put in

place by the Department in October 2012 as a result of the PSA's fight for redundancy provisions.

The PSA didn't feel this offered staff sufficient protection. A piece of policy rather than law, it could be too easily altered at the Government's whim.

The PSA took the issue to the Court of Appeal and won.

The court declared that the Government's regulation, which stopped public servants from having negotiated or arbitrated enforceable rights around redundancy, was invalid.

The decision meant that the Government could no longer restrict the Industrial Relations Commission from including redundancy provisions in an award for public sector employees.

But once again, when faced with an unpalatable outcome, the Government simply changed the law.



**A rewarding career
deserves a rewarding
retirement**

At First State Super we believe all Australians deserve a comfortable retirement. To join the super fund that puts members first call us or visit our website today.

Call 1300 650 873 or visit firststatesuper.com.au

Consider our product disclosure statement before making a decision about First State Super. Call us or visit our website for a copy. FSS Trustee Corporation ABN 11 118 202 672 ASFL 293340 is the trustee of the First State Superannuation Scheme ABN 53 226 460 365.

first & foremost for you
first
state super

RTP_RewardingCareerF_260x200_1113

TAFE member wins back job in blow to forced redundancy

A member who was unfairly dismissed has won her job and entitlements back thanks to the tenacity of the PSA, while TAFE NSW earnt a severe rebuke from the Federal Court for ignoring a clear reinstatement direction.

The decision relates to the federal jurisdiction, however, it also calls into question aspects of the NSW Government's Managing Excess Employees policy, which is particularly significant in light of the ongoing public sector job cuts in this state.

It makes it more difficult for TAFE and other agencies in the federal arena to implement forced redundancies.

In essence, the ruling expanded an employee's right to challenge the loss of a job.

The saga began when the member was declared an excess officer in May 2012.

She declined voluntary redundancy but was not placed during the retention period.

Her employment was then terminated, despite the union's arguments that redeployment options had not been exhausted.

Under the Fair Work Act, a dismissal is unfair if it is not a genuine redundancy.

A genuine redundancy is deemed to have occurred where the work in question is no longer required.

A dismissal is not deemed to be genuine redundancy if it is reasonable for the person to be redeployed within the enterprise or an associated entity.

The PSA's argument on behalf of the member relied on that second scenario.

An unfair dismissal application was lodged in the Fair Work Commission and Commissioner McKenna found the member had been unfairly dismissed, as she was not genuinely redundant.

TAFE attempted to argue against reinstatement on the basis that such an order amounted to an impediment to managerial prerogative.

This was rejected by Commissioner McKenna, who ordered that the member be reinstated to a position no less favourable than the one that had been previously occupied.

Rather than this being the end of the matter, it was just the beginning.

TAFE then advised that it would appeal the decision to the Full Bench.

The Full Bench accepted the PSA's arguments but upheld TAFE's appeal finding that Commissioner McKenna had focused incorrectly on the inadequacy of TAFE's redeployment policy and failed to make a finding that there was a job, a position or other work to which the member could have been redeployed.

In rejecting TAFE's arguments about the nature and scope of the reinstatement order, the Full Bench found that it is not necessary to specify a position to which an employee could have been redeployed, and that it is sufficient to identify 'other work' to which redeployment would be reasonable.

In his concluding remarks, Justice Ross rejected TAFE's argument that there was no job available:

"In remitting the matter to Commissioner McKenna we have considered the appellant's submission that it is implicit in the Commissioner's decision that there was no position to which [the member] could have been redeployed, but we do not find that submission persuasive...

"Further...there is an onus on the employer to adduce evidence of the employee's job no longer being required to be done by anyone in the employer's enterprise, and as to whether there was a job in that enterprise or associated entity, to which it would have been reasonable to redeploy the dismissed employee. Evidence in relation to the latter would usually include canvassing the steps taken by the employer to identify other work that could have been undertaken."

When the matter went back to Commissioner McKenna in March to determine if our member was unfairly dismissed, consistent with the decision of the Full Bench, TAFE attempted to have the case reheard with new material quite different to that previously raised. This was contrary to the appeal decision.

TAFE argued that the legislative powers of the Commonwealth cannot be exercised to destroy the capacity of the states to function as a government – that is, to manage its employees by application, for example, of the Managing Excess Employees policy.

If these arguments were successful they would have had enormous consequences for every state employee throughout Australia that falls within the federal employment jurisdiction.

Commissioner McKenna made no finding on this point, referring to legal authority that such a matter should have been raised earlier, but determined that the member had been unfairly dismissed and should be reinstated in no less favourable a position and receive all her entitlements.

TAFE, however, ignored the order and after the compliance date lodged applications in the Federal Court for a stay (put the decision on hold) pending a judicial review.

In refusing TAFE's application, Justice Perram stated there were no 'exceptional circumstances' and though TAFE had "an arguable case... the balance of convenience plainly does not favour TAFE".

He went on: "Even if I had otherwise been satisfied that TAFE was entitled to a stay, I would refuse the application due to its delay in applying... Waiting for two weeks, until such time as it had already committed an offence under the Fair Work Act, was a delay which is simply inexcusable in an application such as the present."

The member has now returned to work with the judicial review continuing before the Federal Court.

Contract out for senior officers

In February 2013, the NSW Government introduced a new senior executive classification which transfers senior officers from the award-based system to ongoing contracts.

The move is part of the Senior Executive Reform plan, which will see all agencies adopt a common, sector-wide classification system for senior officers and senior officer 'equivalents'.

This will replace the previous classifications, which differed from agency to agency.

The Government Sector Employment Act came into force on 24 February 2014 and enshrined the senior executive reforms.

Since the Act came into effect, the finer details and full impact of the senior executive reforms have been revealed.

From the date of commencement of the Act:

- There will be a three-year transition period for the senior officers affected to migrate to the new senior executive structure
- There will be a six-month window for Clusters to provide implementation plans to the Public Service Commission (PSC) for approval.

Transitional arrangements improved thanks to feedback from members

The transitional provisions contain some important wins. These were achieved thanks to feedback from members and advocacy by the PSA.

They include restricting the initial recruitment for contract positions to applicants within the agency, so senior executives and senior officers will not be forced to compete with external candidates.

Further, once transitioned, senior officers may be paid an allowance to bridge the difference between their previous salary and their new one. This is to prevent people being paid less as a result of the new contracts.

This was not possible prior to the PSA's intervention.

If this new provision has not translated into actual practice please contact the PSA.

Agencies are required to develop and submit a transition plan to the Public Service Commission for approval by 24 August 2014.

Where members become aware of the transition plan for their agency, they are encouraged to advise the PSA at research@psa.asn.au.

The PSA will separately seek direct consultation with the Public Service Commission on individual agency transition plans.

Senior executives band determination

The Public Service Commission provided the PSA with formal confirmation of which senior officer equivalent classifications will be affected by the reforms.

This detail is included in the Commission's determination made on 25 March 2014.

The PSA has written to the Commission and raised a number of issues in relation to the determination. One of the main concerns is the extension of the contracts to include staff earning a salary lower than that of a Senior Officer Grade 1, Year 1.

This contradicts what the Government told the PSA and

public sector staff when it outlined the intent of the reforms.

The bottom line

The model contract of employment for senior executives may now commence at salaries as low as \$128,024.

The PSA will be meeting with the Public Service Commission to discuss this issue and request regular, ongoing consultation as the contracts are rolled out over the next three years.

The PSA will continue to have a central role in determining conditions of employment for senior officers who transfer to the new executive structure.

Senior executive conditions

The model contract of employment provides a direct link to the leave provisions that apply to non-executive employees.

This is an opportunity for senior executives, through the PSA, to negotiate changes to conditions on a collective basis.

FACS makes its senior move

On Friday 13 June, the PSA was advised by members that the Secretary of FACS, Michael Coutts-Trotter, had announced significant changes to the employment arrangements of hundreds of senior staff.

The PSA wrote to Michael Coutts-Trotter on 16 June seeking an urgent meeting and clarification of the proposals.

If the Department feels confident it can treat senior staff members with such contempt, then it will have no trouble in extending this disregard to other FACS officers.

Those members who wish to raise specific issues related to these proposed changes can email research@psa.asn.au

Official: WorkCover, you have a bullying problem

A Parliamentary Inquiry conducted by a committee of Liberal, National, Labor, Greens and Christian Democrat members has unanimously slammed the culture of bullying in WorkCover and damaged the credibility of the organisation as the NSW workplace safety regulator.

Recommendations of the Inquiry include that the WorkCover Executive Team make a public statement admitting to the bullying problem and apologising to staff.

The committee's report stated that it was "deeply concerned by evidence that alleged widespread use of punitive processes, poor management practices, authoritarianism among senior managers, and denial by senior management that a significant problem of bullying exists within the organisation".

Alarming, the report also noted that WorkCover's failure to cooperate fully with the committee was "a significant procedural issue" during the Inquiry.

The committee's report was welcomed by the PSA, which has fought strongly against bullying within WorkCover for many years.

The Parliamentary Inquiry was a response to the publicity from a successful case by the PSA in the Industrial Relations Commission on behalf of WorkCover member, Wayne Butler, who had been bullied and sacked.

Industrial Relations Commission Deputy President Harrison was scathing in his assessment of WorkCover and found that "the termination of Mr Butler's

employment [was] harsh, unreasonable and unjust".

He commented that in 26 years on the bench he struggled to find an example of someone being dealt with more unfairly or unjustly.

He also stated that Mr Butler had been used as "a scapegoat for systemic management failure".

The Commission found no evidence to support the claims of misconduct used to dismiss Mr Butler and returned him to his job.

The Parliamentary Inquiry made 13 recommendations, including "that WorkCover NSW formally review, in liaison with the Public Service Association of NSW, the findings of the 2013 *People at Work Survey* and other measures of workplace bullying, with a view to collecting, monitoring and publicly reporting reliable data on workplace bullying within the organisation on an annual basis".

Other key recommendations were "that the WorkCover NSW Executive Team and the Safety, Return to Work and Support Board make a public statement that genuinely:

- accepts that WorkCover, as an organisation, has a significant problem with workplace bullying
- apologises to employees for past wrongs, including in respect of Mr Wayne Butler
- accepts the findings of the NSW Industrial Relations Commission in respect of Mr Butler
- commits to addressing at an organisational level the problem of bullying".

They also addressed Mr Butler specifically, recommending "that the WorkCover NSW Executive Team sincerely apologise to Mr Wayne Butler for how he was treated during his investigation, for his dismissal, and for their failure to accept the findings of the NSW Industrial Relations Commission".

The Inquiry proposes the introduction of new legislation in NSW to more effectively prevent and deal with bullying.

The culture of bullying in WorkCover worsened significantly in recent years due to staffing cuts, across-the-board restructuring and the State Government's policy of reduced consultation with the PSA.

This created a 'perfect storm' of risk factors for bullying and intimidation in WorkCover.

The PSA has a history of highlighting just how widespread and destructive bullying is in the workplace and developed the *Dignity and Respect in the Workplace Charter* with Unions NSW in 2003.



WorkCover slammed for culture of bullying

Anna Patty
Workplace editor

Bullying is rife in the ranks of the workplace safety regulator; WorkCover NSW, a parliamentary committee has found.

The cross-party committee recommended new laws for all workers to support the Charter.

The Charter was ultimately recognised by the State Government and adopted by agencies across the public sector on behalf of their employees.

This has led to the issue being included in the Public Service Commission's *People Matter* survey.

Members seeking more information on the Inquiry can find it by searching the terms 'bullying inquiry GPSC1' online or heading to www.parliament.nsw.gov.au and navigating to 'Committees' followed by 'Inquiries'. The PSA's extensive submission is filed under 'Submissions'.

Prison Officers lock the gates in workers comp fight

The Prison Officers Vocational Branch (POVB) has voted unanimously to refuse any additional inmates that will further increase the state's gaol population, as part of a fight to secure the same workers compensation entitlements as police.

The POVB Management Committee also demanded the POVB State Executive be involved in any future discussions about a rise in prisoner numbers.

The decision to ban new inmates took effect from 27 June 2014.

Prison Officers lost many of their workers compensation entitlements in the 2012 reform of the system by the State Government.

This means they now have limited protection if they are injured in what is the most violent working environment in the country.

While police were given an exemption from the reforms by the State Government, Prison Officers were not. They face going to work each day with less of a safety net should they be injured.

Police are still covered for all reasonable medical expenses, have access to lump sum payments for pain and suffering and impairment (provided that impairment is at least 1% of full body) and their families can claim for 'nervous shock' if an officer is killed or injured at work.

In contrast, payment of medical costs for Prison Officers ceases one year after a claim (unless there is 30% full body impairment); there can be no claims for

pain and suffering, with any lump sum requiring at least 10% full body impairment; and their families cannot claim 'nervous shock'.

The growing prison population is placing the corrections system under enormous stress, not only slashing Prison Officer to inmate ratios to dangerously low levels but heightening the ever-present risk of violence by frustrated prisoners.

When this violence does occur, Prison Officers have to step in and put their bodies on the line, all too often in confrontations with individuals who have nothing to lose.

In a desperate attempt to safeguard their wellbeing, Prison Officers will no longer accept any new inmates unless space is first made within the respective facility by the release of others.

"This was not a decision Prison Officers took lightly," said POVB Chair, Steve McMahon. "But the slogan, 'We face what you fear' is a simple fact of life for them. They proudly stand between some of the state's most notorious criminals and the community but should not be expected to do so without adequate protection for them and their families."



PSA Assistant General Secretary Steve Turner, POVB Vice Chair Jenny Singleton and POVB Chair Steve McMahon announce the decision outside Silverwater Gaol.

"A soaring prison population has exacerbated the problem and will be made even worse with the so-called 'One Punch laws'.

"In some gaols, it's not uncommon for 20 Prison Officers to be supervising more than 300 inmates.

"Job cuts, combined with casualisation, have left them more exposed to danger on a daily basis than ever. Yet if they are injured they have only limited workers compensation to provide any support."

Head's up at Annual Conference

On 29 and 30 May, 180 members from across the state met at PSA House in Sydney for the PSA's Annual Conference, the biggest event on the union's calendar.

Attendees were not disappointed.

The excellent guest speakers included NSW Public Service Commissioner, Graeme Head; ACTU Campaigns Director, Janet Giles; Federal Secretary of the CPSU-SPSF, Karen Batt; CEO of the Centre for Policy Development, Travers McLeod and Assistant Secretary of Unions NSW, Mark Morey.

The Sydney Trade Union Choir performed in a typically rousing fashion and delegates attended workshops on productivity; superannuation; the PSA's campaign against public service cuts (*Which direction are we headed?*) and Unions NSW's *Jobs, Rights and Services* campaign.

But it was Graeme Head's keynote address that will be of most interest to members.

The following is an abridged and edited version of the Commissioner's address.



Graeme Head NSW Public Service Commissioner

In the late 1980s, the old Public Service Board was abolished. We moved from a very highly centralised approach to the public service to a completely devolved approach almost overnight. For 25 years, workforce functions traditionally performed by an independent, separate office were performed as part of the Premier's Department. The reforms in 2011 to set up the office of the Public Service Commissioner were about re-establishing that dedicated focus. So the office I hold has very broad functions and powers related to workforce management practice, the capability framework for the public sector, things to do with leadership, conduct etc. The office of the Public Service Commissioner reports to the Premier but is not subject to direction or control in the exercise of its functions.

Around the time the office was created, Kerry Schott, the former Managing Director of Sydney Water, was completing her Commission of Audit report which also looked at three very big systems issues in the NSW public sector – how we manage our assets, financial resources and very importantly, how we manage people. What it said very clearly was that public servants do a very good job working within very poorly designed systems. Kerry was particularly focused in her critique on the lack of a good process for developing leaders in the sector, setting expectations with staff and giving feedback. A very poor state of affairs in terms of performance management. She was quite concerned about the lack of uptake of a capability framework as a fundamental organising principle upon which workforce practices were based. She was critical of the multiplicity of arrangements for senior staff and the lack of quality information about workforce. And importantly, critical of the fact that strategic human resource management leaders were in relatively short supply in the public sector. Where they were present, they typically did not have a seat at the executive table.

Our people are our most important asset. In our organisations, HR functions tend to be focused on very transactional work and often, HR professionals are not directly members of the executive teams of government agencies. The fact is, issues related to the workforce should be central to any discussion about managing public service agencies.

We have looked at things like the existing executive arrangements in government and the perspectives of employees shared with us through the first *People Matter* survey in 2012, where 63,000 people across the sector told us how they felt about working in the public sector.

We also looked at the data that comes out of the Workforce Profile. We've been collecting information in NSW since 1999 on a whole range of different parameters of the workforce, so we've actually got a very good data set. But that data's not been mined and used effectively.

We also looked at the extent to which the Capability Framework had been implemented after it was developed by the Department of Premier and Cabinet (DPC) in 2008 and whether or not it was underpinning recruitment practice, staff development – a whole range of those important things. It was found that there had been very little uptake and where there had been it was in a fairly unsystematic way.

We also put about 450 of the most senior executives through a capability assessment and found some results that are, in a sense, not surprising.

Senior public servants are very strong in a lot of the areas that you would expect them to be – technical specialisation, policy development, stakeholder engagement, dealing with complexity. But where there was a weakness – and this confirmed what Kerry Schott had said in her report – was around strategic workforce management and financial management. This pointed to a strong need to more comprehensively develop leaders in the sector who are not only capable in the areas in which they are subject experts but have a broader suite of the general senior management skills.

We moved fairly quickly into a phase of working out what to do in relation to that. That's how the Government Sector Employment (GSE) Act came to be introduced and enacted. My view, my advice to the Government, was that the Public Sector Employment Management Act had become impenetrable, people didn't understand it and that it would be preferable to start addressing the issues that both Dr Schott and I had identified through a new foundation piece of legislation. The GSE Act sets out the defining characteristics that relate to

employment in the government sector, either within the public service or in some of the other parts of the sector. It clearly establishes the functions and powers of individual players within that system. It has important arrangements enclosed to allow for more operational issues to be dealt with in one of two subordinate instruments that can be made under the Act: Regulations, which deal with those things that have a very clear policy dimension and are therefore reviewable and disallowable by Parliament; and the GSE Rules, which are made by my office and deal with operational issues which in the past were dealt with by Premier's Department circulars etc, and they're not disallowable.

The Act makes sure that the proactive, positive, forward focus of the Commission around building capability in the public service, creating good opportunities for career paths, being able to attract and retain good people, are well served by the system. Most people in the public sector are up for change when it's well managed, when they clearly understand what it's about. They don't like it dragged out.

The Act started on 24 February and by that time we already had in place a new framework around how performance management and performance development should be managed in agencies. We had new guidance material about how recruitment would be managed under the new arrangements. We had a refined Capability Framework that built on the work of the Department of Premier and Cabinet, but took into account some of the excellent work that's been undertaken in other jurisdictions – particularly South Australia and the Commonwealth, but also in Canada and New Zealand which have very similar systems. What we have now in our Capability Framework is generally regarded as at the leading edge and capable of underpinning the sort of processes we want.

We also had in place the first two of our *State of the NSW Public Sector* reports. It's very important that there's an ongoing process that really reports back to public sector employees and the wider community about the outcomes of the reforms. Through the *State of the Sector* report we have a very powerful tool for greater transparency around what's going on, particularly for those things that require some attention.

It has been an extremely busy two and a half years, and that's included a very active engagement with people in the sector. Some of you in this room would have been at roadshow presentations that I've been giving around the state which have been very well attended. Last week I did the last of that round of discussions. We did 32 presentations across the state in 22 locations before just under 8,000 people. The PSA had delegates at most presentations. There was very strong consistency in the sorts of issues raised, which were very focused on how



particular aspects of processes would operate and any implications for people as individuals. It was a very constructive discussion. Those roadshows followed on from similar discussions I'd done for SES and senior officers, which were attended by between 1,500 and 2,000 people.

We've had just shy of 90,000 unique visits to the reform page on our website and a very large number of downloads of all of the information, particularly the Q&A on the reforms.

The next few months are quite critical. We know that every single agency that is implementing these reforms comes from a different starting point with different systems in place. We're determined through the implementation process to identify issues and problems early and resolve them in a way that's consistent across the sector. So we have a reference group run by one of my deputies with the Senior Deputy responsible for workforce issues in each of the clusters. We have a separate reference group for the separate agencies under Schedule 1 of the Act. They're the agencies that are headed by independent officers but employ public servants nevertheless. We have a process of identifying issues that came up through the round table from the agencies or are raised by unions through the consultation mechanisms with them. That's not to say there won't occasionally be problems on the ground with people making creative interpretations of what is a very new system, but there is a very disciplined process in place to deal with that.

One of the issues that came up at nearly all of the regional roadshows was mobility. The mobility principles in the Act are around the movement of people within classifications. There are no greater freedoms around physical mobility than there were previously. It was very important in those regional areas that people were able to hear that.

Every time I do a roadshow or meeting where new questions come up, they're added into the compendium of Q&As on our website and that's reissued. That's a very good resource for everyone.

I also wanted to talk about a very important issue which came up in the first *People Matter* survey, which is workplace bullying. I think the value of the *People Matter* survey is that it can help us get a clear insight into the extent to which people are experiencing a range of problems in the workplace and provide us with good data to allow us to better think through our responses. We had a lot of support from unions with their members about completing the first survey and we've had that support again with the survey that's in the field at the moment. I think as of yesterday we already had a higher response rate than last year.

The information from the first survey gave me the basis to go to agency heads, using the directions power in the Act, and require them to tell me what their perception of the issue is in their own agency and what they were doing

around the prevention and management of bullying. The *People Matter* survey and the response to that direction in turn gave me the basis to think about a process where all of the players who need to have a voice in this could come together and work out how we reduce the prevalence of this problem and where it occurs, manage it better. That work fed into establishing a round table with the NSW public sector unions on workplace bullying. I approached both [PSA General Secretary] Anne Gardiner and Mark Lennon from Unions NSW. The round table met twice and its first goal is to produce a piece of work by September this year which is going to canvas both what the evidence says about how you more effectively prevent this problem and also how we can do better in managing complaints when they occur. I think all of us would be of the view that often, the complaints process and the way it works is regarded as unsatisfactory by the person who made the complaint and the people who were complained about. Tackling bullying is an important piece of work and a significant collaboration between the Commission and public sector unions.

There are lots of other areas in which the Commission is very active. One is around what leadership development should look like in the public sector. Many of the issues you deal with in workplaces I suspect are often a consequence of the fact that we often take people who are very capable technically and reward them for their technical proficiency by putting them into a job that requires them to do a whole lot of stuff they weren't trained for. That's often very stressful for them and can be stressful for the people they work with. Most of the craft of management is something that people can learn and we ought to be better supporting people to make sure they've got the right skills before they are put into those roles. We should be setting people up to succeed through their development trajectory and make sure that when they step up to those new roles they know what good financial management looks like, they know what good people management looks like and they're well skilled in how to deal with a range of both positive and difficult discussions with staff.

We will be looking later this year at how we approach the issue of graduate recruitment. The work we do is complex, it requires very skilled people and we need to look at how we bring those people in and retain them in the sector.

Your classic baby boomer did not envisage having multiple careers. That is not the expectation of young people. They want a lot of freedom to move around. We need to get with the program if we want the public sector to be a destination for them and make sure that even if they leave for a while, they do so with the view that they'd like to come back.



Janet Giles
Director of Campaigns
at ACTU on government
rhetoric

I'm sure you've heard about the 'Big Society' reforms in the United Kingdom, [which involve cutting government services and shifting money and resources to community groups].

The government there used amazingly clever rhetoric [to get the public on board with these reforms], saying, "We don't want big government, we want Big Society". They played to the volunteer base and the community sector by saying, "These bureaucrats [in the public service] don't know what they're talking about; they're not out there in the real world". The concept was all about community empowerment. Your local volunteer group would run your library; you'd get the parents involved in administration and other services around education.

The same sort of rhetoric is now emerging here. We're seeing language such as "the return of personal responsibility" and [being told that] "The Age of Entitlement is over". This doesn't occur by accident.

What happened in the UK is they shipped a whole lot of public funding to the community sector, who attempted to deliver services to the public. Of course the money ran out, people struggled and the communities didn't have the numbers to do the job properly. So, it went to the next step – the private sector. That's how you end up with Serco [a multinational, private company] running public institutions, and that's not a long step from where we are in Australia. In fact, Serco [already] runs a public hospital in Western Australia.

I want to reassure you that there are very deep-thinking people in the community in Australia who are cynical about this move [toward small government], and they're standing alongside us. We can be confident in the fact that the values that we hold in the trade union movement are not separate to those held by the community. We can defeat these big agendas.

This is a wonderful opportunity to put the trade union movement right in the centre of the debate.



Mark Morey
Unions NSW Assistant
Secretary on the PSA's
role and delegate
commitment

The PSA, its delegates and its members hold a very strategic position within the NSW union movement. You are the union at the forefront of protecting workers in the NSW public sector, the largest single workforce in Australia. You are the union which has taken a leadership role in tackling the NSW Government's wages policy and seeking to blunt continuing attacks on the public sector as a result of privatisation, contestability, leasing out, or whatever the latest term is that the management gurus use to do workers and the community over.

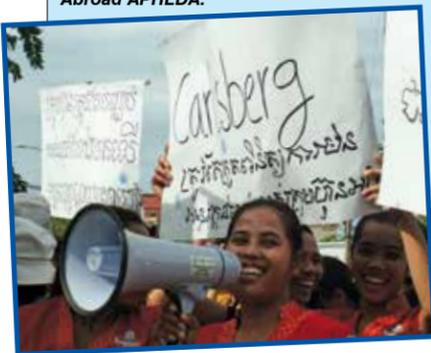
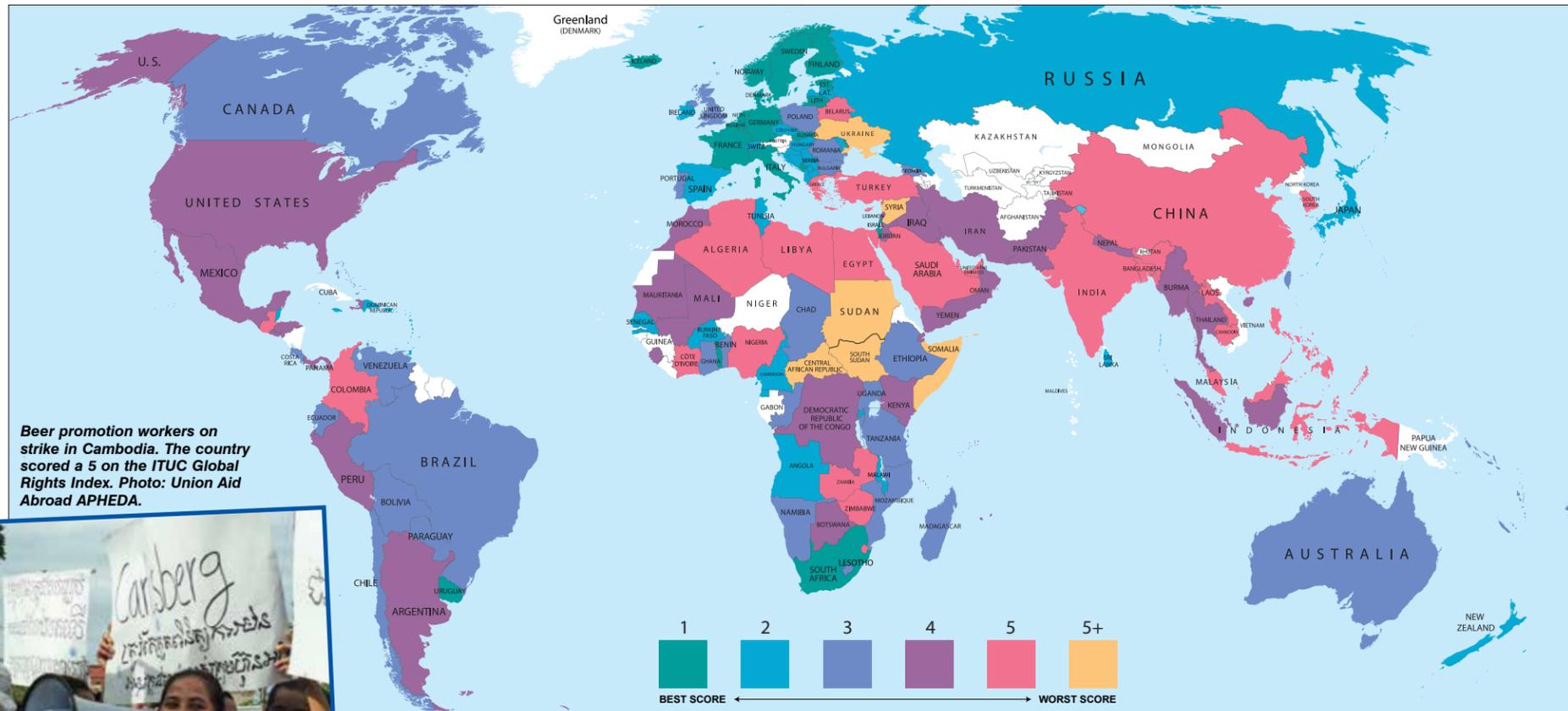
I want to give you one example of the sort of commitment that the PSA and its members have towards their fellow unionists. During the Roads and Maritime Services [award] negotiations one of the PSA delegates, Wayne O'Mara,

retired. He'd done his bit and was entitled to take some family time and perhaps an overseas holiday. But he understood that as a delegate he had accumulated a great deal of knowledge and experience in his time as a PSA member. He knew that it is the delegates and the members who understand how decisions affect them. Instead of leaving, Wayne continued to attend negotiation meetings in his own time. He continued to contribute to discussions in the union caucus and the negotiations with RMS. His payment? A couple of very odd sandwiches and a cup of coffee. It's the sort of commitment you want to bottle as a union organiser and inject into all members and delegates. This is the sort of commitment I see each day from PSA members and officials.

All speeches are abridged and edited

Workers' rights – how Australia rates

A new global report says Australia lags behind much of the world when it comes to the treatment of employees



The International Trade Union Confederation recently released its first Global Rights Index, which rates 139 countries based on how well they protect workers' rights. After considering the right to collective bargaining, freedom of association and the right to strike in each nation, the ITUC then assigned each country a number from one to five. The higher the number, the greater the number of employment rights violations.

The results paint a grim picture. In the past 12 months alone, 53 countries have had workers dismissed or suspended from their jobs for attempting to negotiate better working conditions, 35 countries have arrested or imprisoned workers to discourage demands for better wages or safer conditions, and in nine countries murder and kidnapping is commonly used to intimidate workers.

Australia was not the worst performer by any means, but a rating of 3 – signalling the “regular violation of rights” – leaves plenty of room for

improvement. “Government and/or companies are regularly interfering in collective labour rights or are failing to fully guarantee important aspects of these rights,” said the ITUC.

The ITUC was particularly critical of restrictions on construction worker unions and NSW's 2.5% wages cap for public sector workers.

Our score places us alongside the UK, Republic of Congo, Georgia and Romania and well behind much of Europe. Norway, Netherlands, France, Italy and Germany all scored a rating of 1. New Zealand, Japan, Russia, Senegal, Rwanda and Albania also scored better than Australia, achieving a rating of 2.

The US was awarded a 4, for the “systematic violation of rights,” as were Kuwait, Hong Kong, Pakistan and Haiti.

The lowest rating, 5, was given to Bangladesh, India, Cambodia and Egypt, making them some of the worst countries in the world to work.

Some countries, such as Libya and Ukraine, received a 5+. This means that workers have equally limited rights as those in nations

with a rating of 5, but that this is due to a total breakdown of law – often as a result of conflict or military occupation.

Interestingly, a country's level of development tended to be a poor indicator of whether it respected the basic rights of workers.

The study was based on a qualitative survey, legal analysis of workers' rights in theory and in practice and verified reports of employment rights abuses. These were then checked against 97 employment rights indicators, themselves based on the conventions of the International Labour Organisation.

Denmark was the only country to receive a perfect score.

“The World Bank's recent *Doing Business* report naively subscribed to the view that reducing labour standards is something governments should aspire to,” said ITUC General Secretary Sharan Burrow. “This new Rights Index puts governments and employers on notice that unions around the world will stand together in solidarity to ensure basic rights at work.”

Rights by numbers – how the rest of the world scores

1. Irregular violations of rights

Barbados, Belgium, Denmark, Estonia, Finland, France, Germany, Iceland, Italy, Lithuania, Montenegro, Netherlands, Norway, Slovakia, South Africa, Sweden, Togo, Uruguay

2. Repeated violations of rights

Albania, Angola, Belize, Bosnia and Herzegovina, Burkina Faso, Cameroon, Croatia, Czech Republic, Dominican Republic, Hungary, Ireland, Jamaica, Japan, Latvia, Macedonia, Malawi, Moldova, New Zealand, Russian Federation, Rwanda, Senegal, Serbia, Spain, Switzerland, Trinidad and Tobago, Tunisia

3. Regular violations of rights

Australia, Bahamas, Benin, Bolivia, Brazil, Bulgaria, Burundi, Canada, Chad, Chile, Costa Rica, Djibouti, Ecuador, Ethiopia, Georgia, Ghana, Israel, Lesotho, Madagascar, Mozambique, Namibia, Paraguay, Poland, Portugal, Republic of Congo, Romania, Singapore, Sri Lanka, Taiwan, Tanzania, Uganda, United Kingdom, Venezuela

4. Systematic violations of rights

Argentina, Bahrain, Botswana, Democratic Republic of Congo, El Salvador, Haiti, Honduras, Hong Kong, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lebanon, Mali, Mauritania, Mauritius,

Mexico, Morocco, Myanmar, Nepal, Oman, Pakistan, Panama, Peru, Sierra Leone, Thailand, USA, Yemen

5. No guarantee of rights

Algeria, Bangladesh, Belarus, Cambodia, China, Colombia, Côte d'Ivoire, Egypt, Fiji, Greece, Guatemala, India, Laos, Malaysia, Nigeria, Philippines, Qatar, Republic of Korea, Saudi Arabia, Swaziland, Turkey, United Arab Emirates, Zambia, Zimbabwe

5+. No guarantee of rights due to breakdown of the rule of law

Central African Republic, Libya, Palestine, Somalia, South Sudan, Sudan, Syria, Ukraine

W.G. McNally Jones Staff LAWYERS



Proud to be lawyers for the PSA

Tattersalls Building, Level 10,
179 Elizabeth Street
Sydney NSW 2000



Phone: **02 9233 4744** Fax: **02 9223 7859**

Parramatta: By Appointment Only
02 9233 4744

We have accredited specialists in Personal Injury, Employment and Industrial Law. We can also provide legal advice and representation to all PSA members on:

Litigation | Wills

Family law including De Facto Relationships

Police matters | Discrimination | Conveyancing

Deceased estates

Superannuation & disability claims

General legal advice

As members of the PSA you are entitled to the first consultation free of charge upon presentation of a letter of referral from the PSA.

Note: Work related matters must be referred to PSA industrial staff in the first instance. They will advise if a lawyer is required.

CPSU-SPSF NSW Branch Financial Report Year Ending 30 June 2013 – Amended

The financial statements can be found at:

psa.asn.au/wp-content/uploads/2013/12/2013-CPSU-SPSF-NSW-Branch-Financial-Report-Amended.pdf

DON'T GET TRIPPED UP TRAVELLING TO OR FROM WORK



JOIN THE PSA GO TO MEMBERSHIP.PSA.ASN.AU

The PSA is now with you on your way to and from work thanks to our journey insurance policy.

In 2012, the NSW State Government removed workers compensation for injuries suffered while travelling to or from work.

The PSA journey insurance policy brings back peace of mind.

* Policy coverage is subject to the policy schedule and the terms/conditions of the policy wording - Employee Journey Personal Accident Insurance AH 670.3 PDS JM 09/01176.2

Authorised by Anne Gardiner, General Secretary, PSA of NSW, 160 Clarence Street, Sydney

The policy can provide salary compensation with weekly injury benefits - 85% of salary up to \$1,500 for up to 104 weeks (up to 26 weeks for members 66 to 70 years of age).

Full financial members of the union at the time of the incident are covered automatically in NSW.

Non-members just have to watch their step.



No dirty laundry for State Emergency Services

After considerable discussion, the SES has agreed with the PSA that a laundry allowance is an award entitlement for uniformed members at State Emergency Service.

Payment will be made by the end of the financial year, back paid to 6 January 2014.

The SES also accepted that, as the award states, there would be no pro rata reduction of the allowance for part-time workers, although no member is eligible for laundry allowance while on leave without pay.

The laundry allowance is available to both permanent and temporary members.

However, the entitlement is based on whether a uniform is worn and that determination is made by the SES.

Dapto disability workers stop work to save respite

Thanks to vocal opposition by staff, parents and the local community, Dapto Respite Centre will remain open – for now.

Disability workers at the Dapto Respite Centre stopped work in April over concerns the support service may be closed by the State Government.

There were fears that the families and carers of people with a disability would not have ongoing access to local respite services if the NSW Government began shutting centres in a bid to reduce costs ahead of the privatisation of ADHC.

Closing centres prior to privatisation would allow the Government to sidestep its promise that there will be continuity of services under NDIS.

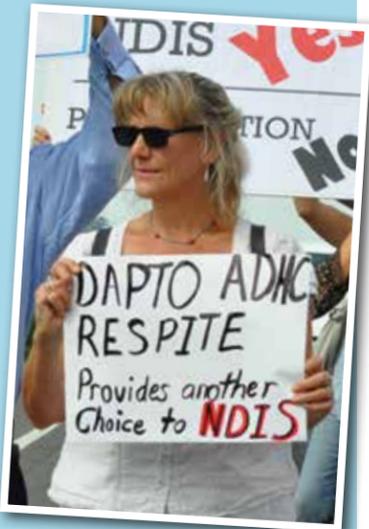
After the centre received an outpouring of support from the local community and media, the PSA was advised by senior FACS staff that the Dapto centre would not be singled out for review. Instead, it would be dealt with in the same way as other services being transferred to the private sector under NDIS.

The PSA wrote to the Department requesting formal confirmation that the centre would remain open as long as community demand and need exists.

The Department confirmed that "the ADHC respite centres will now form part of the broader transition of ADHC services and will not be separately reviewed".

The PSA understands that this means the respite centre will remain open while there is community need. However, it does not guarantee the centre's future once ADHC is fully privatised or in the event that demand for the service drops off.

Other centres in Thornleigh, Ashfield, Orange and Merryland (Newcastle) which had been



'under review' will also remain open for the time being.

The Dapto Centre is the only 24-hour, 7-day-a-week service for children in the Illawarra.

It plays an important role in supporting carers, allowing parents of special needs children to take a short break to rest and re-energise.

Koonawarra mother Sonia Facey sent a video message to state politicians, expressing concern that her autistic son, Nathan, would not receive the same level of care if the centre is privatised or closed.

"We've had access to that respite for two years and it's so important for my husband and I to get that break, and to be able to spend more time with our two eldest sons," she told the *Illawarra Mercury*. "I don't have anyone else I can rely on – I have no family in the Illawarra – and I can't just book in a babysitter, he needs special attention and care."

As *Red Tape* was going to press, meetings of ADHC members were being held in locations across the state to defend disability services.

To help fight the privatisation of respite centres and the rest of ADHC, please circulate the petition on page 12 among colleagues, friends and family.



So...which direction are we headed?

– into the hearts & minds of the community

The PSA's *Which direction are we headed?* advertisement was launched in April to begin a community conversation about the importance of the services the public sector provides.

The campaign was spread across television and cinema with an online component.

The ad screened on television from 27 April to 31 May with 584 spots on:

- 7 Network
- 9 Network
- Northern NSW Prime
- Northern NSW Win
- Southern NSW Prime
- Southern NSW Win
- Griffith

Programming highlights included:

- Downton Abbey
- The Logie Awards
- Better Homes and Gardens
- House Rules
- Friday and Saturday night movies
- The Ellen Degeneres Show
- The Big Bang Theory
- CSI Crime Investigation

There were also 600 spots in cinemas in Sydney and regional NSW from 17 April to 18 May.

The online component was spearheaded by YouTube

from the week of 20 April to the week of 13 July.

As of 25 July the ad had been viewed 67,700 times on YouTube.

To put that figure in perspective, the capacity of the Sydney Entertainment Centre is 12,500. Better still, people chose to look at the ad without any enticement – they weren't going to win a car or a holiday by watching.

They did it because the ad struck a chord with them.

That's a platform we can build upon in the lead up to the state election in March.

Move for Births and Marriages Registry the death of city service

The NSW Government's announcement that the offices of the Registry of Births, Deaths and Marriages will be moved to Hurstville in 2015 brings to an end more than 150 years of tradition in the Sydney CBD.

"Births Deaths and Marriages has operated in the Sydney CBD since 1856 and will now be closed, with limited ability for the public to obtain birth, death and marriage certificates over the counter," said PSA Assistant General Secretary, Steve Turner. The move will severely impact upon staff with carer

responsibilities and increase daily travel time for the 140 workers involved – some of whom live nowhere near Hurstville and make the journey to work each day from the Central Coast and Newport.

"Despite the rhetoric from the NSW Government, this is about reducing public access and opportunities for staff," said Steve Turner.

"How is moving the office from a central location in the city to the southern suburbs possibly going to increase public access?"

"The PSA was not consulted over this announcement and the language contained in the media

statement from the Government which refers to the relocation of 'backend offices' and 'back office' staff is openly derogatory and insulting.

"This is a first-class service quite literally used by generations of people that is being shunted off into the most marginal seat with no overarching plan.

"The Government's assertion that the city will still be served by Service NSW offices at Wynyard and at Central from the end of 2014 is hollow given they will not be fully duplicating the services of Births Deaths and Marriages."

Federal budget quietly bites at your super

The Federal budget's dismantling of two pillars of Australia's modern economy – universal free health care via Medicare and accessible tertiary education through the HECS system – has received plenty of publicity. However, Abbott and Hockey's assault on your superannuation has quietly flown under the radar.

While the former Labor Government passed legislation that set out incremental increases in the mandatory employer superannuation contribution from 9% to 12% between 2013 and 2019, Hockey's budget plans will stall this progression at 9.5% (the rate as of 1 July 2014) for four years as the following table demonstrates:

Year	Planned SG* rate	Proposed rates (Abbott Budget)
2012 (previous SG rate)	9%	9%
2013 (will remain)	9.25%	9.25%
2014 (will remain)	9.5%	9.5%
2015	10%	9.5%
2016	10.5%	9.5%
2017	11%	9.5%
2018	11.5%	10%
2019	12%	10.5%
2020	12%	11%
2021	12%	11.5%
2022	12%	12%

*Superannuation Guarantee

Clearly, the Abbott Government's decision to freeze the rise in employer contributions to workers' super could see many people tens of thousands of dollars worse off in terms of their retirement savings.

Analysis by the PSA, consistent with modelling used in the superannuation industry, shows that a 40-year-old worker currently earning \$80,000 will be almost \$13,000 worse off in today's money by retirement due to these changes, while a 30-year-old earning \$60,000 will lose almost \$15,000.

The Federal Government's move is a particularly cynical one in a budget that also increased the pension age to 70 for anyone born after 1 July 1958.

This means that anyone hoping to retire before they turn 70 will have fewer savings to bridge the gap from their superannuation preservation age to the time they can receive support from the pension.

The delay in employer contributions will have an even greater impact on employees currently working full-time who intend to take a break from the workforce or transition to part-time work in the future.

Workers in this situation, such as women planning to have children or anyone with caring responsibilities, will be hit twice. They'll receive lower contributions while they are earning a full-time salary, and fall further behind by reducing their earnings just as contributions increase again in 2018.

These incremental superannuation increases are the same contributions that the PSA has been fighting for the NSW Government to pay in addition to the full 2.5% available under the public sector wages cap.

Each year these step increases are absorbed into a 2.5% wage rise, workers are penalised thousands of dollars in accumulated lifetime savings.

To add insult to injury, the Federal Government has announced its intention to scrap the Low Income Super Contribution, which provides a rebate of up to \$500 for those earning less than \$37,000.

This rebate was paid in recognition of low-income earners benefitting proportionately less from the flat 15% concessional tax rate paid on super, given it is significantly closer to the marginal tax rate to which their regular wages are already subjected compared to higher income earners.

Take action:

The PSA has written to the cross bench parties to seek their support in opposing delays to superannuation increases. You can join the fight to save the Low Income Super Contribution by visiting www.keepsuperfair.com.au

All financial projections included in this story are of a general nature, may not reflect individual circumstance and do not constitute professional financial advice. We encourage all members to seek professional advice to fully understand how these changes may impact upon them.

Reduced lifetime savings by present income and age

Income	Age 20	30	40	50	60
100,000	-38272.98	-24905.38	-16206.70	-10546.2	-2875.87
90,000	-34445.68	-22414.84	-14586.00	-9491.56	-2588.29
80,000	-30618.38	-19924.30	-12965.30	-8436.94	-2300.7
70,000	-26791.09	-17433.77	-11344.70	-7382.32	-2013.11
60,000	-22963.79	-14943.23	-9724.01	-6327.7	-1725.52
50,000	-19136.49	-12452.69	-8103.34	-5273.09	-1437.94
40,000	-15309.19	-9962.152	-6482.67	-4218.47	-1150.35
30,000**	-11481.89	-7471.614	-4862.00	-3163.85	-862.762

**This projection does not take into account the proposed removal of the Low Income Super Contribution (LISC).

PSA leading the way on equality

The PSA is demonstrating a strong internal commitment to workplace gender equity, equal pay and flexible work practices, according to the Association's 2014 report under the Workplace Gender Equality Act.

The Act requires organisations employing more than 100 people to report on the gender ratio of their workforce once a year, as well as submit information on related policies like flexible work practices.

So how does the PSA measure up?

Workforce participation

Women comprise 45.7% of all employees in Australia. In the NSW public sector, 60% of workers are women, with most concentrated in health and education. Fifty-four per cent of PSA employees are women.

In Australia, 54% of employed women work full-time and 46% are part-time. At the PSA 86% of women work full-time and 14% part-time.

Wage gap

On average, Australian women earn 17.1% less than men based on annual full-time earnings. In the public sector as a whole, women earn 13.1% less than the average male wage. At the PSA, women earn 9.6% less than men.

While there is still room for improvement, the PSA's results are a significant improvement on the national average and the public sector results.

Paid parental leave and flexible working arrangements

The PSA provides parental leave and leave for secondary carers in accordance with the Crown Employees Award. Almost all PSA staff have access to flexible working arrangements to varying degrees.

Women in leadership roles

Women represented 3.5% of CEOs and 18.1% of directors in the ASX 200*.

The PSA's General Secretary is a woman. Including the President, five out of six PSA executives are women. This means 83% of leadership roles at the PSA are occupied by women – a vast improvement on the average. All of these positions are democratically elected.

One of the four internally appointed directors is a woman. Again, the PSA is well ahead of private industry.

Women in board positions

Women held 38.4% of government board appointments as of 30 June 2012. In the private sector, women hold 3.0% of chair positions in the ASX 200.

Central Council is effectively the 'board' of the PSA. Excluding the executive, it is comprised of 24 women and 21 men, making our board 53.3% female.

PSA workplace gender equality initiatives

As women make up 62% of PSA members, the organisation offers a number of gender equality initiatives including:

- an Annual Women's Conference in September. All women members and staff are invited. It is publicised on the PSA website and via email. A number of places are reserved every year for first-time attendees. This two-day event hosts speakers and gives women staff and members an opportunity to network and learn about organising in the workplace.
- a Women's Council that advises the Association on issues that affect women. This Council is democratically elected every two years and the next election will be held in 2015
- a full-time Gender and Equity Analyst

- *Women@Work*, a publication that features stories for and by members about issues affecting women. It's available electronically from the PSA's website.

- the publication of factsheets on lactation breaks, carers' leave, FACS leave, domestic violence leave, purchased leave and parental leave to make women aware of their workplace entitlements.

- A two-day course for women members called *Women in the Union*. The next course will be held in October 2014. All women who are interested in attending are encouraged to enrol in this course at <http://psa.asn.au/training/general-training-courses>.
- A recently developed training package on sexual harassment, which focuses on the responsibilities and obligations of delegates and union staff when dealing with sexual harassment.

National statistics from ABS unless otherwise stated. Public sector statistics from the State of the Public Sector Report and PSA statistics from the PSA Workforce Profile.

**Australian Institute of Company Directors Statistics, 30 April 2014*

PSA/CPSU DIRECTORY

PSA Executive

Sue Walsh, President
Anne Gardiner, General Secretary
Steve Turner,
Assistant General Secretary
Cassandra Coleman,
Senior Vice President
Wendy Hurry, Vice President
Nicole Jess, Vice President

SYDNEY

GPO Box 3365
160 Clarence Street
SYDNEY 2001
Phone: 1300 772 679
Facsimile: (02) 9262 1623
membersupport@psa.asn.au
Membership changes:
1300 772 679
Email: membersupport@psa.asn.au
Red Tape: 1300 772 679
Email: redtape@psa.asn.au
Distribution of publications:
1300 772 679
Website: www.psa.asn.au

CENTRAL WEST REGION

2/107 Bentinck Street
BATHURST 2795
Phone: 1300 772 679
Facsimile: (02) 6332 1535
Email: bathurst@psa.asn.au

CENTRAL COAST-HUNTER REGION

Suite 2, Level 3 Devonshire House,
406-408 King Street
NEWCASTLE WEST 2302
Phone: 1300 772 679
Facsimile: (02) 4929 4798
Email: newcastle@psa.asn.au

NORTHERN REGION

2/133 Keen Street, LISMORE 2480
PO Box 818
Phone: 1300 772 679
Facsimile: (02) 6621 4690
Email: lismore@psa.asn.au

NORTH WESTERN REGION

Shop 14 The Atrium
Shopping Centre
345 Peel St TAMWORTH
PO Box 682, TAMWORTH 2340
Phone: 1300 772 679
Facsimile: (02) 6766 3352
Email: tamworth@psa.asn.au

SOUTH EASTERN REGION

Suite 13, 104 Crown Street
PO Box 986
WOLLONGONG 2520
Phone: 1300 772 679
Facsimile: (02) 4226 4667
Email: wollongong@psa.asn.au

SOUTH WESTERN REGION

Suite 2, 27 Forsyth Street
PO Box 649
WAGGA WAGGA NSW 2650
Phone: 1300 772 679
Facsimile: (02) 6921 9663
Email: wagga@psa.asn.au

COMMUNITY & PUBLIC SECTOR UNION (SPSF GROUP)

Karen Batt
National Secretary
Level 1, PSA House
160 Clarence Street
SYDNEY, NSW 2000
Phone: (02) 9299 5655
Fax: (02) 9299 7181
website: www.cpsu-spsf.asn.au

COMMUNITY & PUBLIC SECTOR UNION (SPSF GROUP NSW BRANCH)

Sue Walsh, Branch President
John Cahill, Branch Secretary
Steve Turner, Branch Assistant
Secretary
Kirsten Cameron,
Branch Assistant Secretary
Ron Davis, Branch Assistant
Secretary for 'POA' Sub-Branch
Wendy Hurry, Branch Vice President
Boyd Kellner, Branch Vice President
Nicole Jess, Branch Vice President

You don't still pay your PSA
fees by payroll deduction do
you? **Really?**



Switching from the payroll deduction of your union fees to direct debit from a bank account means peace of mind.

It locks in your membership of the PSA.

It also ensures the strength of your union into the future, making it financially independent of any government – state or federal, Labor or Liberal – at any time.

If payroll deductions were cut not only would our service to you be reduced but our membership would shrink with a corresponding loss in all important bargaining power.

**So switch to direct debit at
<https://membership.psa.asn.au>**

or talk to your PSA organiser, delegate or email
memberpayment@psa.asn.au.

PSA

Training Program August – December 2014

Tues 19 Aug	New members orientation	Sydney
Tues 26 & Wed 27 Aug	Role of the delegate	Sydney
Wed 10 Sept	Dealing with member issues (Previously Delegate Case Studies)	Sydney
Tues 16 Sept	Public speaking	Sydney
Fri 10 Oct	Union campaign skills	Sydney
Tues 14 Oct	Dealing with workplace bullying	Sydney
Tues 21 Oct	Advanced delegates (Completion of the Role of the delegate is a prerequisite for this course)	Sydney
Fri 7 Nov	Union campaign skills	Sydney
Tues 18 & Wed 19 Nov	Role of the delegate	Sydney
Tues 25 Nov	New members orientation	Sydney
Tues 2 Dec	Dealing with member issues (Previously Delegate Case Studies)	Sydney

Applications and updates are on the PSA website:
psa.asn.au/training/general-training-courses
or email: training@psa.asn.au

ONLINE COURSES

To register and for further details, please go to:
training.psa.asn.au.



Check out the PSA website at www.psa.asn.au

**Have you
changed address?
Don't forget to
advise the PSA.
membersupport@psa.asn.au**

RedTape

Editorial Production:.....PSA Communications Unit
Design:.....Go Media Design, phone (02) 9319 6066
Printer:.....Rotary Offset Press, phone (02) 9764 0222
Enquiries:.....PSA Communication Unit, 1300 772 679
Managing Editor:.....Anne Gardiner, General Secretary
Issue Editors:.....Murray Engleheart & Anne Fullerton
Writers:.....Murray Engleheart & Anne Fullerton
– with significant input from members

Contact the PSA

Phone 1300 772 679
Fax (02) 9262 1623 | Email membersupport@psa.asn.au
or redtape@psa.asn.au | Visit www.psa.asn.au



SCU More
Generous
Banking

EXCLUSIVE Home Loan Deals for PSA Members

PSA members can receive

0.35% p.a less on your Home Loan** from \$0-\$249k

0.60% p.a less on your Home Loan** from \$250k-\$599k

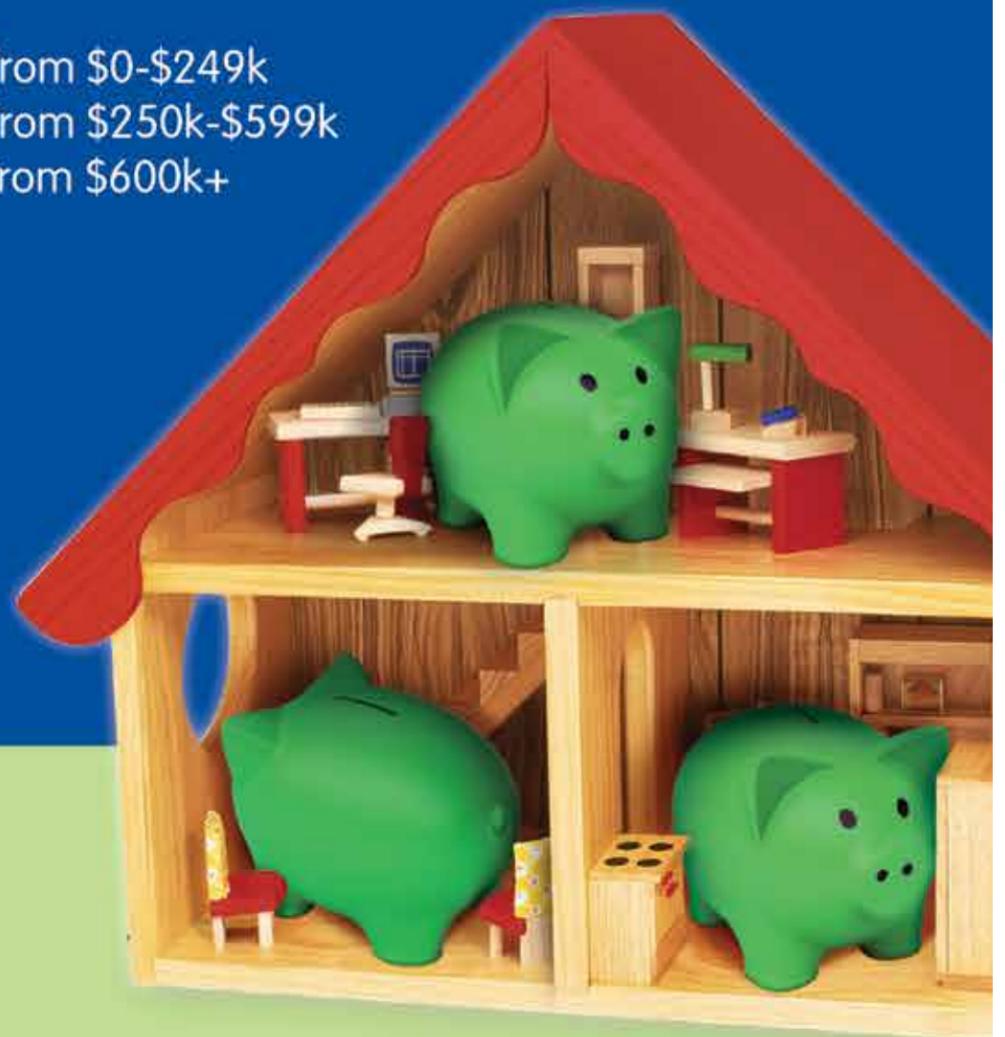
0.70% p.a less on your Home Loan** from \$600k+

We'll pay your application fee*

2% p.a less on your credit card**

2% p.a less on your personal loan**

2% p.a less on your overdraft**



Enjoy the Benefits.

Call
13 61 91

scu.net.au

Sydney Credit Union Ltd ABN 93 087 650 726 Australian Credit Licence Number 236476 AFSL 236476. * Includes Mortgage Loan approval fee, one valuation fee and mortgage preparation costs for one residential property in the Sydney Metro area up to \$1 million dollars. It does not include Government fees and charges. Other fees and charges may apply depending on the nature of the property or Title. **Offer applies on standard rates only and does not apply to other special offers. All applications are subject to SCU normal lending criteria. Terms, conditions, fees and charges apply. Full details available on application. All information is correct as at 21/05/14 and subject to change.