

Public Service Association of New South Wales

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17th November, 2014

Mr Michael Coutts-Trotter
Secretary
Department of Family and Community Services
Level 11, 234 Sussex St
Sydney NSW 2000

Dear Mr Coutts-Trotter,

Re : Homecare Service Transition Negotiations

I refer to your letter received at 4.08pm on Friday 14th November, 2014.

As discussed with Ms Vicki Telfar, Executive Director NSW Industrial Relations, on Friday, the PSA is prepared to continue negotiations in an attempt to finalise a staff transfer package for the movement of Homecare Staff to the non-government sector based on what was proposed at the meeting.

This transfer of Homecare is not only about the reforms that are flowing from the rollout of NDIS. This is a response to the federal government's contestability of Aged Care funding and this way forward was the NSW government's proposed way of trying to keep Homecare as a single organisation and the PSA was responding to and supporting this plan for this purpose.

On Tuesday 11 November, after cancelling three meetings at short notice, the government representatives finally replied to the request put by the PSA at the meeting on 13 October. The PSA had requested that the transfer package contain provisions as per previous privatisations specifically a three year guarantee of wages, conditions and jobs and a 30 week transfer payment. The government's response on 11 November was that they can offer a two year guarantee (which goes for one year beyond the known federal government funding) and an eight week transfer payment.

The PSA accepts this commitment to a two year protection as the funding arrangement currently stands, however, should the federal government extend funding to three years, the PSA will expect the state government to give the guarantee for the full period of that funding extension and, whilst acknowledging that the government's current offer is for an eight week transfer package, the PSA still prefers 30 weeks as per previous privatisations and will continue to advocate for this in negotiations.

When school cleaning was outsourced in 1993, the Industrial Relations Commission of NSW decided that workers should receive redundancy payments and Her Honour Justice Schmidt awarded 12 weeks – in line with legislation at the time.

The PSA is prepared to continue negotiations on the final transfer package and acknowledges this latest offer from the government, however, there are many issues on employee entitlements (including conditions over and above the award) and how these will be protected, that the government has not yet finalised nor put any offer in writing.

These negotiations began as a result of discussions in late September where we were advised by the NSW Government representatives that a schedule of negotiation meetings for October should be set in order to finalise the discussions for a recommendation to the November Cabinet meeting.

Only two of the planned negotiation meetings took place at which issues were raised and the government put their position on the table in relation to a couple of matters. Given that we have now delayed beyond the timeframe set by NSW Government representatives, it is imperative that the government puts commitments in writing especially for those issues beyond the “employment guarantee period and the transfer payment.”

The PSA wishes to finalise these negotiations and acceptance or non-acceptance will be determined based on that final package negotiated.

The issues the PSA wishes to pursue and have finalised as soon as possible include:

- How those conditions enjoyed by PSA members beyond the Homecare Award are to be protected
- The right for employees to choose whether to be transferred to a private employer
- Commitments that all leave balances will be carried over to the new employer and those balances for every employee will be protected and the employee guaranteed that they cannot be lost, beyond the two year employment guarantee period
- Recognition of prior learning for staff so that their experience and skills can be carried over and protected
- Recognition of service for all employees for all reasons, so that if an employee is offered a redundancy post-transfer, their full service including prior service with the government will be protected and guaranteed
- Other issues that may arise

The PSA is available on Tuesday 18 and Wednesday 19 November to continue the negotiations and we request that by the beginning of these negotiations the government puts in writing its commitments to guarantee these issues and clarify how these issues will be legally protected and enforceable.

Yours faithfully,



STEVE TURNER
Assistant General Secretary