

Public Service Association of New South Wales

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In reply please quote: AG:lt

The Hon. Andrew Constance, MP
Minister for Industrial Relations
GPO Box 5341
SYDNEY NSW 2001

26 February 2015

Dear Minister Constance

In a meeting on 6 February 2015 between the PSA, the Attorney General and Minister Perrottet, a number of concerns regarding workers compensation were raised on behalf of our members. It was agreed at the meeting that the PSA would write to you about the issue of “top-up” pay.

As Minister for Industrial Relations we draw your attention to the correspondence from Ms Vicki Telfer, Executive Director of NSW Industrial Relations, to Mr Mark Lennon, Secretary, Unions NSW, on 28 August 2013.

On the basis of the interpretation and advice summarised in this letter, agencies have restricted the access of employees to their accrued sick leave balances for the purpose of “topping-up” their workers compensation payments.

It is the position of the Association that this restriction is in breach of section 82.7 of the *Crown Employees (Public Service Conditions of employment) Award 2009* (the Award) which permits such payments to employees who are in receipt of workers compensation beyond the time in which their income drops below the replacement level.

Further to this, the predication of the position outlined in Ms Telfer’s letter, upon Award references to statutory provisions, has resulted in inequitable access of public sector workers to “top-up” payments. We view this position to be inconsistent with the intention of the Award.

We request that your Department, as a matter of urgency, re-issues advice to enable sick leave balances to be accessed for this purpose.

Should you wish to discuss this matter further please do not hesitate to contact me.

Yours faithfully

ANNE GARDINER
General Secretary

Cc Brad Hazzard, Attorney General