

# RedTape

April–July 2015

www.psa.asn.au



Public Service Association of NSW  
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## Member action cuts export of ServiceFirst jobs



### A strong public stand by members of ServiceFirst will keep most outsourced jobs in NSW.

While jobs will be moved from the public sector to companies Infosys and Unisys, 70 percent of those will remain in the state, rather than being outsourced abroad. This is a direct result of the campaign against the offshore outsourcing.

A new services delivery centre is planned for western Sydney.

Whilst not the win we hoped for, keeping most of the jobs local will mean public sector workers will also be able to apply for the positions in the private companies.

The PSA fought a long campaign to keep outsourced jobs from being sent abroad. Following media coverage of the issue, including an article in *The Sydney Morning*

*Herald* on 13 March, PSA General Secretary Anne Gardiner and PSA members of ServiceFirst at Parramatta presented a community-run petition containing 1136 signatures to the Opposition spokesperson for Finance and Service, Peter Primrose. Several Labor MPs from the local area also attended the presentation.

More than 30 members at Parramatta stopped work to attend the handover, along with their families and local business owners.

On 26 March, more than 150 members from ServiceFirst walked off the job in Parramatta and at the McKell Building

in Sydney to protest against the plans to privatise and offshore their jobs.

In Parramatta, 100 ServiceFirst members were joined by 50 members from Community Services, along with other concerned members. Another 50 ServiceFirst workers also took a stand at the McKell Building.

Members in Parramatta marched through the streets to the office of Liberal MP Geoff Lee, chanting slogans such as; "ServiceFirst is not for sale, keep our jobs in NSW!"

On 6 March 2015 a story ran in *The Sydney Morning Herald*, with extensive comment from PSA General Secretary Anne Gardiner highlighting the loss of jobs and potential risk of outsourcing data.

ServiceFirst, which employs more than 300 staff in Parramatta, the CBD, and across regional NSW, is an award-winning shared service provider.

The organisation manages IT, HR, payroll and finance for the Department of Premier and Cabinet, NSW Treasury, Office of Finance and Services (OFS), Service NSW and the Public Service Commission.

Infosys and Unisys will take over the roles in November and December this year.

Announcing the move, chief executive of the OFS, Simon Smith, acknowledged the changes have caused "personal pressure and stress" for many workers, and said the department's "executive are committed to supporting affected employees".

The PSA estimates more than 30,000 people within the NSW public sector perform jobs similar to those carried out by ServiceFirst – all of whom could be the Baird Government's next outsourcing targets.

### 2.5 percent win in major pay case

On 8 April, the President of the Industrial Relations Commission agreed to make the Public Sector Salaries 2015 Award.

A 2.5 percent increase under that award is effective from the first full pay period on or after 1 July 2015.

The award will expire on 30 June 2016.

It was the first time since 2008 an award application for the increase was made by consent of both the PSA and the Government.

This increase has been agreed to without trading away any existing conditions.

Unlike the 2014 case, members will receive the full 2.5 percent and not have it discounted by the rise in the superannuation guarantee levy, which has been put on hold by the Federal Government.

The PSA surveyed affected members to seek their view on the Government's offer of 2.5 percent for 2015 under the banner of *Your Pay Your Say*.

More than 95 percent of respondents voted YES to accept the 2.5 percent increase.

The PSA has devised a comprehensive wages strategy and, with the 2015 case now settled, will use the next 12 months to plan our future direction.

A number of associated awards are still the subject of discussion with the relevant agency and we are hopeful that most if not all will soon be resolved on the same basis as the Public Sector Salaries 2015 Award.





Anne Gardiner

From the General Secretary

# Union democracy restored

On 10 December, 2007 a motion was put on notice to Central Council, the governing body of the PSA, to also radically change the union's internal election process and to allow officials to use PSA resources to back political parties and candidates.

The change proposed to the electoral system was to move the Central Council elections from proportional representation to a "winner-takes-all" system.

The motion on notice had to lay on the table for 60 days before it could be voted on at the February 2008 meeting of Central Council. It was clear to me and a small group of other Central Councillors these significant changes to the way our union operated were going to be voted on without the knowledge of the membership.

Despite being the Christmas period, those of us who opposed the proposed rules change and the secrecy surrounding it, commenced a campaign.

We wrote to the Industrial Registrar to express our concerns and we put together a petition alerting members to the issues and asking them to call on the Central Councillors not to vote for the rules change.

Some of you may remember signing the petition.

Prior to the February meeting we presented the petition with more than 400 signatures.

Unfortunately, the vote went through and because it had been done in accordance with the rules the Industrial Registrar had to approve it.

On 4 March 2008 *The Australian* newspaper reported on the rules change with the headline "PSA scraps 'Political' rule".

In 2012 I ran for the position of PSA General Secretary and I was also the lead candidate on a Central Council ticket.

Because of the change to the voting system (introduced in 2008) from

proportional representation to winner take all, once a Central Council ticket got 50 percent plus one vote, all candidates on the ticket were elected, excluding executive candidates.

Despite being the beneficiaries of this winner take all system, the current Central Council and I understood that this way of voting was not the way to build a strong, inclusive Union.

We were also keenly aware that members did not want their funds or resources being used for party-political purposes.

At the November 2014 Central Council meeting I moved two motions.

One was to restore the prohibition against using members funds and resources for party political purposes and the other was to return to a proportional representation method of voting for Central Council elections.

Both motions were passed by Central Council.

In May this year the PSA received approval from the Industrial Registrar for the rules change.

This is a great result for PSA members. It's also encouraging to note that if you disagree with something even if it takes seven years, it is worth keeping up the fight.

On another note, I just wanted to say that I will be taking extended leave for three months from late June.

During my absence Assistant General Secretary Steve Turner will be acting as General Secretary.

I am confident that Steve and our fabulous PSA staff will continue to strive to meet your needs in what is a very demanding environment for members.

Anne Gardiner  
General Secretary

## GEN-why?

All NSW Government sector employees will soon receive their own unique Government Employee Number (GEN).

The Public Service Commission (PSC) says GENs will help the sector act as one unified identity, improving workforce management and analysis.

It lists other potential benefits of GENs, including:

- 'single sign-on' access (no need to re-enter passwords) to computer applications through the NSW Identity Hub, a whole-of-public-sector system managed by the Office of Finance and Services.
- cross-agency email lists and a 'white pages' directory
- work-related chat rooms and web communities
- sector-wide email addresses – @nsw.gov.au – retained when staff move between agencies
- confirming entitlements related to continuity of service
- improved career opportunities by enabling employees to view available roles across the sector and helping managers to search for candidates in other agencies.

The employee number, stored in the NSW Identity Hub, will be retained, even if a worker transfers between agencies, leaves the NSW Government sector or returns at a later date.

### The PSA's position

The PSC worked with public sector unions, including the PSA, and the NSW Privacy Commissioner to come up with a code of practice to protect workers' personal details.

The PSA will closely monitor the situation to ensure agencies comply with the Privacy Code of Practice and that no other information about members is collected by agencies.

Information on GENs, including privacy provisions, the code of practice and frequently-asked questions can be found on the PSC website: [www.psc.nsw.gov.au](http://www.psc.nsw.gov.au).

## PSA pushes for equal pay for SAS staff

On 10 March, the PSA met with its lawyers to discuss the possibility of running a work value or equal remuneration case for SAS staff, including School Administrative Officers, School Administrative Managers, School Learning Support Officers, and Aboriginal Education Officers.

The move follows a resolution from the Schools Departmental Committee on 18 November 2014 which endorsed the PSA's campaign for improved SAS staff classifications and pay structures that recognise all work performed and pay staff fairly, as staff are predominantly women.

The PSA firmly believes in the basic concept behind pay equity, that is men and women should be paid equally for work that is of either the same or comparable value. Thus, women who perform work of equal skill and responsibility to men under the same or comparable conditions and determined according to an objective measure, should be paid equally.

In the meeting with the lawyers, it was agreed the existing position descriptions of SAS staff are not reflective of the work undertaken by our members.

Further, a work value review or an equal remuneration case, if conducted, must be by reference to a clear definition of the known duties, tasks and responsibilities for a position.

The lawyers strongly recommend if we pursue an equal remuneration case, it should identify a comparable male

position ('a male comparator') to increase the prospects of success.

In essence, we need to demonstrate that members are performing a significantly increased range of duties and responsibilities than when the current rates were last reviewed in 1995.

Factors affecting the prospects of success of any such claim include:

1. whether the positions have ever been job-evaluated by the Department and Association;
2. if so, what the process of job evaluation consisted of;
3. whether there was a gender bias in the evaluation;
4. whether the positions had been the subject of any arbitration by the Industrial Relations Commission as to their work value;
5. if so, when this occurred;
6. the history of industrial regulations since any work value case was arbitrated; and
7. the evidence that can be brought by the Association as to the work-value of these positions and any male comparator position.

Other considerations:

- How will the 'capability' framework, which has been implemented across the NSW public sector, impact on any assessment of job functions?

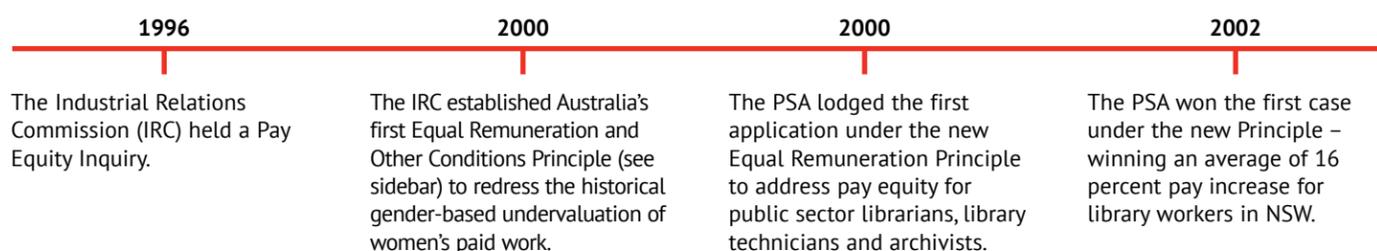
- How will the LMBR impact on the job functions of SAS staff – is there an issue of progressing an appropriate evaluation when there is a state of flux?

The most recent successful pay-equity case, dealing with childcare workers, took three years to get a result, which is not what we expected.

### THE NSW EQUAL REMUNERATION PRINCIPLE:

- allows for fresh assessments of a job's value and the rates of pay in an award where the current rate is undervalued on a gender basis
- does not require applicants to prove discrimination
- ensures the reassessment of the value of work is gender-neutral
- does not require comparisons to be made, but where they are used they can be made across dissimilar work and enterprises
- is limited to awards, although account can be taken of actual rates paid where they reflect the value of work
- provides a range of measures to remedy gender-related undervaluation
- includes a range of economic safeguards.

### THE EQUALITY TIMELINE



# PSA pushes for better workers comp for all

## The PSA has made a submission urging the Baird Government to rethink a number of aspects of workers compensation, following the devastating reforms in 2012.

In a submission to Minister for Finance and Services, Dominic Perrottet, PSA General Secretary Anne Gardiner warned exempting police, paramedics and fire fighters from the reforms has created a "two-tiered system in which our members are afforded inferior compensation".

The submission pointed out the *Crimes Act* describes Correctional Officers, Parole Officers, Special Constables, Department of Justice Officers and Sheriff's Officers as "law enforcement officers", yet the Government will not afford them the same protection as police officers.

Ms Gardiner added many PSA members including Fair Trading Officers, Child Protection Workers, Environmental Compliance Officers and WorkCover Inspectors also work in joint operations with police.

## Specific areas of concern

### 1. Calculation of pre-injury average weekly earnings

The PSA objects to the rationale behind this part of the Workers Compensation Legislation Amendment Act.

Particularly, the PSA believes the Act's restrictions on workers compensation for employees able to return to duties within a week actually acts as a financial disincentive for people to go back to work when they are able.

### 2. Long-term medical expenses

The 12-month limit on medical expenses from the date of injury was described by Ms Gardiner as "profoundly unfair" and "at odds with sound medical treatment practice".

The PSA believes restricting access to medical treatments will also reduce the capacity for injured workers to return to work and urged the limit be dropped.

### 3. Definition of seriously injured workers

Under the Act, a "seriously injured" worker is defined as one with more than 30 percent permanent impairment.

The PSA points out this excludes someone who has lost substantial

use of a hand or leg, the loss of sight in one eye or contracts HIV or hepatitis – each of which is a real-life risk for Correctional Officers in the course of their duties.

Instead, the PSA recommends the Act define workers with no less than 15 percent permanent impairment as "seriously injured".

### 4. Definition of disease injury

The Act's requirement that employment be the main contributor to claims arising from disease implies it is acceptable for employment to contribute to a worker acquiring a disease or making a condition worse.

It also shifts costs of treatment from the workers compensation system to the individual and public health system.

Ms Gardiner instead recommended workers be compensated if the disease injury is acquired in the course of employment.

### 5. Injured workers close to retirement age

The 2012 amendments cut off weekly compensation payments to any worker once they reach retirement age – currently defined as 65.

Almost 3.5 percent of the NSW public sector workforce is over the age of 65, and this figure is rising.

Ms Gardiner pointed out in her submission to the Minister, "the denial of workers compensation to an injured worker who intended to work beyond 65 is likely to result in significant loss in expected earnings and retirement savings".

The PSA believes all age-dependent thresholds should be removed from the legislation.

### 6. Return to work and protection from dismissal

The PSA submission also demanded the six-month limit on protection from dismissal for injured workers be scrapped.

Instead, employees should be kept on as long as there are reasonable prospects of the worker undertaking meaningful work with reasonable adjustment.

Under current legislation, workers with less than 30 percent total impairment have to undertake work-capacity assessments.

"The Association has dealt with numerous members who are assessed as having some capacity to work," wrote Ms Gardiner, "but then experience protracted disputes with their employer regarding their ability to perform the inherent requirements of their pre-injury job and the obligations upon the employer to find suitable alternate employment."

### 7. Journey claims

The PSA recommended removing section 3A of clause 10 of the legislation, which denies compensation for injuries suffered travelling to and from work.

Many PSA members, particularly those travelling long distances in regional areas and shift workers driving while fatigued, are at heightened risk of accidents travelling to and from work.

The submission is on the PSA website at [www.psa.asn.au](http://www.psa.asn.au).

The PSA has also called on the Baird Government to re-instate 'top-up' pay for those on workers compensation.

Since mid-2013, public sector workers, such as correctional services employees, have been banned from using accrued sick leave balances to top up workers compensation payments if they dropped below their salary level.

On 27 April 2015, PSA General Secretary Anne Gardiner wrote to Industrial Relations Minister Gladys Berejiklian requesting top-up pay be re-introduced.

The Minister replied the Government is committed to its policy of discouraging payments that do not contribute to recovery and return to work. The PSA will pursue this matter.

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# We must unite & be on our guard

## The return of the Baird Government at the state election was, to say the least, concerning.

The truth is the Government's relentless attacks – on the public sector, on the pay and conditions of public sector workers and workers compensation – along with their endless program of privatisation, didn't concern enough voters to make the Baird Government realise how much the state will suffer because of their agenda.

While the PSA and the rest of the union movement alerted the public to the Government's actions and on-going agenda, it was ultimately a lost opportunity for the community. We as public servants stood up to tell the Premier and his team it was time to rethink where it was going, and to demand quality public services.

## It is time our voices are heard.

For the next few months, the Government's major focus will be on the sale of the power poles and wires and sacking 2,500 power industry workers.

However, we do not have the luxury of time, as the Government will be swift in moving forward with their agenda. The Association needs to be prepared for privatisation, extension of NDIS before proper monitoring and reporting, the one-stop shops, office closures, retrenchments and implementation of new technology without appropriate

training and support for our members.

A major part of the Government's strategy for the public sector workforce over the next few years is contained in the Capability Framework and Performance Management Framework.

While both were unveiled prior to the state election, implementation will now be carried out with renewed vigour right across the public sector, including Education.

The PSA is keeping a close watch on these developments but we need you to be aware of what is happening in your workplace, be supportive of the union and contact the PSA if you need assistance in support of work colleagues.

These are difficult times, but if we stand together we can make a difference and insist the Government consult before they implement change.

It is time our voices are heard.

Ask your colleagues if they are members of the PSA. If they are not, invite them to join by directing them to the PSA's website at [www.psa.asn.au](http://www.psa.asn.au) then click on the button on the right to join the PSA of NSW.

United we bargain, divided we beg.

**Sue Walsh**  
President



## The PSA is working for a service medal and better workers compensation for NSW correctional officers.

The PSA is spearheading the creation of an Australian Corrections Medal, to recognise correctional officers for their service to the community in what is too often a dangerous environment.

Peter Thomson from the Wollongong Court Escort Security Unit has been campaigning for such a medal for many years.

"In some jails, it is not uncommon for 20 prison officers to be on duty to supervise more than 300 inmates," says Steve McMahon, Chair of the PSA Prison Officers Vocational Branch.

Since October 2014, the PSA has been pushing for a medal to be awarded to sworn corrective services officers.

The Australian honours system has medals in place recognising workers in the police, fire, ambulance and emergency-services fields, but not corrective services, despite them facing dangerous situations on a daily basis.

The proposal, which has the support of Premier Mike Baird and Prime Minister Tony Abbott, is now with the Queen's protocol office for approval.

"I support this proposal in principle," wrote the Prime Minister, "on the basis that correctional services officers face a similar level of risk to police, fire, ambulance and emergency services officers in providing a vital service to the community."

The PSA is arguing for restoration of workers compensation for all workers in NSW.

"One hundred percent of people prison officers deal with have the potential to be violent," says McMahon. "We Face What You Fear is not just a slogan, it is a fact of life."

"In addition to overcrowding, the risks are increasing with the ice epidemic and terrorist threats creating more violent, potentially deadly offenders."

In 2012, the O'Farrell Government stripped back workers compensation entitlements for the state's correctional services employees.

Entitlements no longer match those enjoyed by other uniformed employees of the state, such as

police, emergency workers and paramedics.

Under the Liberal-Nationals' stripped-back compensation scheme, payments of medical costs for prison officers injured at work cease 12 months after the last payment under workers compensation.

In contrast, police officers injured at work are covered for all reasonable medical expenses, and have access to lump-sum payments for pain, suffering and impairment, provided that impairment is at least one percent of their full body.

Under the Workers' Compensation Act, a 'seriously injured' worker in fields such as corrective services is defined as one with more than 30 percent permanent impairment.

As such, prison officer Jason Gould, who almost lost sight in one eye after an inmate threw a pool ball at him inside the Broken Hill Correctional Centre, is yet to be classed under the Act as seriously injured.

The PSA is lobbying for the Act to define all workers with 15 percent or greater permanent impairment as 'seriously injured'.

## Member profile

### Dimity Holt

Library Technician,  
Powerhouse Museum Research Library



#### What do Library Technicians do?

My colleague and I basically look after the day-to-day running of the Powerhouse Museum's research library. I'm on the front desk. I check books in and out, catalogue the journals, show people around the library, do interlibrary loans for Australia and New Zealand [where other libraries and cultural institutions borrow titles] and assist with requests.

The library has information relating to nearly every object in the Powerhouse's massive collection. We have books and pamphlets on everything from museology, to fashion, to steam engines. It's amazing.

#### Who do you assist?

We help an enormous range of different people. When the museum curators are working on an exhibition, they will come to us for any information they might need, relating to their subject area. We have fashion designers from brands like Romance Was Born and Tigerlily come in to look for inspiration for their collections on a regular basis. They'll give us a brief and then we'll pull everything we have on that topic for them.

We've also helped with a number of Baz Luhrmann films. The set and costume designers used our collection of old store catalogues to accurately recreate the saddles and horse blankets from the World War II era for the film *Australia*. And the yellow car *Gatsby* drives in the 2013 *Great Gatsby* film was built from a manual in our trade literature collection.

We also assist other libraries, cultural institutions around the world, students and of course, the public.

#### What do you enjoy most about your job?

Meeting interesting people and being able to help them find what they need. I will never forget getting a call from an elderly man who was ringing on his radio phone way out in the country. He was looking for information to help him fix his old Dodge truck. Lo and behold, we had a whole manual on that exact model I was able to fax to him. He was so thrilled to get his truck working again that he sent me a big box of honey from his farm.

# Social impact bonds another attack on public services

The Baird Government is using social impact bonds to further undermine the government sector.

Social impact bonds are financial arrangements that raise funds from private investors to provide capital for non-government organisations to deliver public services.

Returns to investors depend upon the degree to which social outcomes, as specified under the bond's terms, are achieved.

Of course, empowering the private sector clearly comes at the expense of public sector funding and service provision.

By funding services through private investment, the Government further distances and insulates itself from community accountability regarding the delivery of public services.

Instead services will slowly be absorbed and overtaken by the private sector.

In March 2012, the NSW Government announced three pilot programs would be funded by this method.

These programs are in the areas of child protection (foster care) and Juvenile Justice.

One of the child-protection programs involves a consortium of the Benevolent Society, Westpac Bank and the Commonwealth Bank of Australia.

The other child-protection pilot is headed by UnitingCare Burnside.

The Juvenile Justice scheme involves Social Finance and Mission Australia.

On 4 February 2015, the NSW Office of Social Impact Investment released the Government's social impact investment policy which is aimed at investors.

The policy outlines "10 actions" the Government will use to increase these investments:

1. Target delivering two new social impact investment transactions to the market per year
2. Publish social impact investment principles
3. Publish benchmarked cost and outcomes data
4. Deliver a social impact investment statement of opportunities
5. Hold a series of social impact investment roundtables and market sounding sessions
6. Aim to establish an intergovernmental taskforce on these investments
7. Promote understanding of the social impact investment market

8. Improve government agency readiness
9. Facilitate non-government sector preparedness
10. Publish a statement of success.

In February 2015, the Government released its social impact investment statement of opportunities, listing four areas it will be seeking to attract investment.

These areas are: managing chronic health conditions; reducing re-offending levels in the parole program; managing mental health conditions; and reducing levels of youth homelessness.

The statement of opportunities goes on to describe each of the above areas as "potential investment markets".

Social impact investments are about giving private investors increased access to markets and continue the trend of turning public services into commodities for the marketplace.

The Government may seek to justify further cuts to public sector jobs and services by citing the growth of these non-government services.

Currently the Government is pushing social impact investment as an expansion of services, rather



than outright cuts to services and privatisation.

Politically, this will be an easier process for the Government if the investments can be promoted to the community as a success.

For example, The New Parent and Infant Network (Newpin) program administered by UnitingCare Burnside, has been funded by a \$7 million social impact bond.

The purpose of Newpin is to return children in foster care to their families and prevent at-risk children from entering care by educating parents about family environments.

Under the terms of the bond, private investors provide capital to the program and share in the savings, while the NSW Government reduces its foster care costs.

Government savings are determined in relation to the number of 'restorations' achieved.

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# Child protection workers stand up, walk out

Members in Community Services have staged several spontaneous lunchtime walkouts to express their anger at the NSW Government's failure to properly resource child protection services.

On 19 March, child protection staff, including caseworkers and support staff, walked out of offices in Lakemba, Penrith, St Marys, Shellharbour, Nowra, Coniston, Ballina, Tweed Heads, Lismore, Tamworth, Ingleburn and the Blue Mountains.

One week later on 26 March, buoyed by the earlier action, other members from offices in Taree, Armidale, Windsor, Fairfield, Parramatta, Blacktown and Coonabarabran also took a walk.

Both actions attracted considerable media coverage and helped to highlight the chronic staffing crisis which sees an average of only one in four children at risk of significant harm receiving a face-to-face response from a caseworker.



## Govt determined to keep cuts' costs secret

After exhausting all avenues in seeking information on the NSW Government's \$14 billion cut to public sector spending, the PSA plans to write to the Auditor General, highlighting the clear lack of transparency in budgetary matters in this state.

In May 2014, 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 2013 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.

The PSA appealed to the NSW Civil and Administrative Tribunal and we again rebuffed with the decision handed down on the Monday after the NSW election – thereby negating any possible publicity by the PSA during the election cycle.

## What the PSA stands for

Public services are the cornerstone of a civil society and the public servants who deliver those services perform functions of unmatched value for the people of NSW.

The Public Service Association (PSA) is THE public sector union and the proud defender of public services in this state, representing employees in diverse roles across state government departments, state owned corporations, schools, universities and TAFEs.

Established in 1899, the PSA has a long and proud history of acting on behalf of its members in all aspects of their working lives, providing support, expert advice and individual as well as collective representation.



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## PSA of NSW



Fees from 1 July 2015 – 30 June 2016

Salary range	Annual	Quarterly	Monthly	Fortnightly	Weekly
> \$55,169	\$718.60	\$179.65	\$59.90	\$27.65	\$13.80
\$38,839 – \$55,169	\$552.50	\$138.10	\$46.05	\$21.25	\$10.60
\$9,710 – \$38,838	\$343.55	\$85.90	\$28.60	\$13.20	\$6.60
< \$9,710	\$177.40	\$44.35	\$14.80	\$6.80	\$3.40

# PSA locks down for Grafton re-opening

On 23 April, the PSA took its push to re-open Grafton jail to the gates of the prison itself.

The Association was joined by a former prison officer, current staff and the town's Chamber of Commerce at the media conference as part of a push to have the Baird Government fully recommission the institution.

Re-opening Grafton would ease overcrowding in NSW jails and the dangers that situation presents for Correctional Officers.

The press conference, which was led by PSA General Secretary, Anne Gardiner and Chair of the PSA's Prison Officer's Vocational Branch, Steve McMahon, drew a large media contingent, including television crews.

Clarence Valley Council Mayor Richie Williamson voiced his support for the PSA's call to re-open the 122-year-old prison, claiming a fully operational correctional facility would inject about \$8 million a year into Grafton.

The President of the Grafton Chamber of Commerce John Shearer and the Mayor became involved in the PSA's campaign after General Secretary Anne Gardiner wrote seeking their support.

The state member for Clarence, National Party MP Chris Gulaptis and Christian Democrat candidate, Carol Ordish, also backed the PSA's efforts to re-open the prison.

The O'Farrell Government downgraded the jail to remand-centre status in 2012, with the loss of 100 jobs – or 80 percent of the facility's workforce.

Anne Gardiner said reversing the closure would make smart use of an existing facility. Further, it could be re-opened in a relatively short time and at low cost, reducing overcrowding in jails elsewhere in the state.

"Re-opening Grafton would ease the pressure-cooker situation correctional

officers face each day, without the support of adequate workers' compensation," said Anne Gardiner.

"There is little or no capacity within the NSW system to house any additional inmates who may be detained in custody following the implementation of the new bail laws and the current ice epidemic.

"We've got prisoners sitting in court cells. We've got prisoners sitting in police cells. We have got prisoners being driven around in the backs of vans for hours and hours on end, because there is nowhere to put them."

Although there are only around 10,800 prison beds in NSW, it is estimated there are currently almost 12,000 people serving time throughout the state.

Stephen Jeffs, a prison officer who lost his job of 23 years when Grafton jail closed, said the job losses have badly affected the region.

"I sit back now and slowly watch my town gradually go down a hole – shops closing and sport dying."

After the Grafton rally, the PSA met with the Mayor, the Chamber of Commerce and Chris Gulaptis in the Clarence Valley Council offices.

In February this year, after a campaign by the PSA, the Premier reversed an earlier decision by the Liberal-National State Government and announced the re-opening of the minimum-security Kirkconnell Correctional Centre, near Bathurst.

Recommissioning Grafton is the next step in that push.

On 10 April, the PSA sent a submission to the Minister for Finance, which proposed changes to workers compensation on behalf of all workers, including correctional officers.

Since then, the Baird Government has announced plans for a private prison nearby.



## Questions remain about psychometric testing

The Public Service Commissioner has assured the PSA its controversial psychometric tests are not a mandatory part of its recruitment strategy.

However, issues still persist in relation to the fairness of personality questionnaires and the validity of personality questionnaires within a merit based recruitment system.

In his response to a letter from General Secretary Anne Gardiner outlining the PSA's concerns about psychometric testing, Public Service Commissioner Graeme Head addressed each of the eight issues raised.

**How will psychometric testing be used for culling applications when undertaking bulk recruitment?**

Mr Head said while in most situations psychometric testing will only be used with short-listed candidates, there will be situations where it will be applied to "bulk recruitment".

He said it may in some cases be effective to combine the testing with basic criteria

such as amount of experience and possession of a driver's licence.

**What criteria will be used to determine when testing is appropriate or what kind of testing is appropriate?**

The Commissioner said the tests "are just one of a number of assessment tools", alongside traditional methods such as information on a résumé and references, and would be used if they "fit the purpose".

**What kind of data protection exists for a candidate's personal information, especially since the testing is subject to the proprietary interest of companies and not subject to public scrutiny?**

Mr Head assured the PSA his organisation and its service providers would "treat all forms of information with relevant privacy and data security legislation".

**What mechanisms are available for individuals to challenge the outcome of psychometric testing?**

According to the Commissioner, non-executive employee can seek a review of a promotion if they believe the process

assessing their application was "irregular or improper".

**What avenues are available for individuals to seek redress where they believe their information has been misused?**

Mr Head states agencies proven to misuse members' information will have breached their contracts.

**What access rights do individuals have to data held by companies conducting psychometric testing?**

Members have been assured by the Commissioner that they can seek feedback from hiring managers about their tests.

**What evidence has been relied on to determine that psychometric testing has higher predictive capacity than other forms of assessment?**

Mr Head cites studies by American psychologists Schmidt and Hunter that "found that psychometric assessments are one of the best predictors of future individual job performance".

**What personal attributes are being filtered out through personality testing in relation to candidate responses and who determines the filter and how?**

Even though the tests being used as part of a process to determine an applicant's ability to perform a job, Mr Head maintains "there is no 'right' or 'wrong' answer to the questionnaire findings".

Despite earlier saying the tests will be used in some "bulk recruitment" decisions, Mr Head went on to say "personality questionnaires are not used to short-list candidates for a role and selection decisions should never be based purely on personality questionnaire results."

The PSC's inconsistent position on personality questionnaires fails to demonstrate how such testing fits into the broader system of merit based recruitment.

It appears a candidate may be selected based on the Government's subjective beliefs surrounding the desirability of an individual's personal preferences rather than an individual's skill.

# State election wash-up

## A template for the future

**It is important members be aware of the impact of their efforts in relation to the PSA's campaign to defend public services.**

Investing our time and resources in a targeted campaign influenced the outcome in two out of three seats in the recent state election: Strathfield and Port Stephens.

PSA members and staff also doorknocked in the seat of Kiama.

We tapped on 2,275 doors, had 1,133 conversations with members of the community and collected 584 pledges to vote against privatisation and job cuts on election day.

This type of community engagement raised the profile of your issues and the important work you do, which was the object of the entire exercise.

Port Stephens, which as part of the Hunter region is currently trialling the National Disability Insurance Scheme, registered the biggest swing to the ALP (19.5%) among seats the Government lost.

That outcome is a direct and unarguable result of the efforts of PSA members who took their first-hand experiences of the Baird Government agenda to the doorsteps of voters to highlight the pitfalls of privatising public services.

More broadly, PSA members were also involved in the #knocking4change campaign, where Unions NSW rapped on more than 27,000 doors, resulting in thousands of conversations with voters.

This effort saw eight of the 10 seats in the sights of Unions NSW change hands.

There can be no question; together, we laid the groundwork and indeed, the framework for the fight ahead in future state and federal elections.

Warm thanks go to all members involved.

Thanks also to the members from Newcastle ADHC Local Campaign Action Group who, among other things, organised the roadside billboard near Hexham.

That group is the face and direction of the PSA's future.

So many people happily took time out of their weekends to take a stand against this Government.

While we didn't have the impact we would have liked this time, we must dust ourselves off, regroup, refocus and prepare to do it again right up until the next state election.

The method of community engagement and member empowerment that was on show by PSA members in the lead-up to the election will now be part of the template for a new fight against the Baird Government's actions over the next four years.

Senior PSA staff have met to discuss strategies to combat the returned Government's agenda.

For the next four years we must be one strong and united voice.

The people of NSW need you.



PHOTO: NSW Electoral Commission



## Wouldn't it be nice?

### Queensland public sector bosses instructed to be pro-union

**The Sunshine State's Department of Premier and Cabinet issued a "Union Encouragement Policy", directing public sector departments to actively encourage union membership.**

As part of this commitment the Queensland Government will:

- acknowledge union delegates and job representatives have a role to play within a workplace, including during the agreement-making process
- encourage accredited union delegates and/or job representatives
- not hinder accredited union delegates and/or job representatives in the reasonable and responsible performance of their duties
- allow employees full access, subject to relevant legislation, to union delegates/officials during working hours to discuss any employment matter or seek union advice, provided that service delivery is not disrupted and work requirements are not unduly affected
- provide delegates with reasonable access to facilities for union activities
- encourage joint union and employer consultative committees at a central and agency level
- promote reasonable and constructive industrial relations education leave in the form of paid time off to acquire

knowledge and competencies in industrial relations

- provide an application for union membership and information on the relevant union(s) to all employees at the point of engagement and during induction
- let new employees know the agency encourages them to join and maintain financial membership of an organisation that represents their industrial interests
- provide union(s), subject to relevant privacy considerations, with new employees' details.

The Queensland Government says all managers and supervisors need to cooperate actively to ensure this commitment is honoured.

It says agencies passively accepting unions' membership recruitment will not satisfy its commitment.

While agencies will take a positive, supportive role, unions themselves are required to recruit members.

# Capabilities in the frame, performance too

The Public Service Commission (PSC) is introducing a series of reforms, including the Capability Framework and the Performance Development Framework, which are aimed at producing a high-calibre culture in the NSW public sector.

## What is the Capability Framework?

The Capability Framework is defined in the Public Service Commission's Circular (PSCC) 2013-09.

It sets out 16 core responsibilities and four core groups; Personal Attributes, Relationships, Results and Business Enablers.

Capabilities are the knowledge, skills and abilities that need to be demonstrated by public sector employees to perform their roles effectively.

The Capability Framework provides a common foundation tool to support the full range of workforce management and development activities.

PSCC 2013-09 states agencies are expected to embed the Capability Framework in workforce management practices as soon as possible, but "no later than the end of the three-year period beginning 9 August 2013".

## What is a role description?

Under the Capability Framework, the role description is a document that replaces a position description. It contains the capabilities – and the levels at each capability – required of an employee and serves a range of workforce management purposes, including:

- the basis for job evaluation
- a source of information for job applicants – both internal and external – to the public sector
- a means of determining capability levels to be assessed in recruiting to a role
- a reference point for performance agreements and reviews
- identification of learning and development activities
- a basis for staff to assess potential next career steps, through comparison of requirements.

## When will the Capability Framework commence in your agency?

While each agency is required to transition to the Capability Framework by 9 August 2016, this will not happen concurrently for all agencies.

With guidance from the Public Service Commission, each agency will work independently to develop role descriptions based on the Capability Framework.

If you don't currently have a role description in your agency, you and your manager will base your Performance Agreement on your position description or statement

of duties, as well as other relevant organisational plans. In the case of School and Administrative Support Staff, this will be your School Plan.

For more information, including compliance requirements for TAFE and School Administrative Support Staff, PSA members should see the Public Service Commission's Circular PSCC 2013-06.

## The Capability Framework and job security

The Government Sector Employment Act (the GSE) shifts the focus from employees holding positions to having 'roles'.

The Capability Framework is the foundation framework which creates a mechanism for NSW public sector agencies to assess your capabilities and govern how mobile and flexible you can be in your 'ongoing role'.

An employee under the former Public Sector Employment and Management Act 2002 held a 'permanent position', whereas the same employee under the terms of the GSE Act 2013, holds an 'ongoing role'.

While the Capability Framework could be seen as a neutral way of describing the capabilities you need in your role, it is a mechanism which allows your agency to move you from one role to another.

## What is the Performance Development Framework?

All public sector agencies must have a Performance Management System that meets essential elements and guidelines set by the Public Service Commissioner.

The Performance Development Framework contains these guidelines and sets the approach for managing all aspects of employee performance in the NSW public sector.

The Framework consists of six components that develop employee capabilities and link individual and team efforts and performance with those of their organisations.

The core requirements of Performance Management Systems are to:

- set and clarify expectations for employees
- monitor employee performance
- plan and review employee performance
- develop employee capability
- recognise employee achievements
- resolve unsatisfactory employee performance.

## Why are NSW public sector agencies introducing Performance Management Systems?

Under Section 67 (1) of the GSE, agency heads are required to implement a Performance Management System. The Public Service Commission set down a deadline of 1 July 2015.

Compliance level is 'mandatory'.

## What are Performance Agreements and Reviews?

The Public Service Commission's *Managing for Performance: Guide for Managers* advises "Performance agreements are likely to vary in title and structure from agency to agency.

"They are developed collaboratively between the employee and their manager, and are used to record the performance objectives for the upcoming period and results of the formal performance review."

Formal performance reviews are usually held once or twice yearly, in addition to the regular monitoring and ongoing feedback to employees that is given on a daily basis.

Performance Reviews should be based on Performance Agreements.

## How does your agency's Performance Management System relate to the Capability Framework?

In order for you and your manager to negotiate a Performance Agreement, you will need to understand what capabilities you need in your role and how you can demonstrate them.

The Capability Framework contains 16 core capabilities on which all roles are based.

Your updated 'role description' contains the focus capabilities (and level of capabilities) you need to demonstrate.

## If some agencies have position descriptions and statement of duties, while others have been updated to 'role descriptions', does this create a level playing field for all NSW public sector employees?

The PSA is closely monitoring this situation to ensure that all employees are treated in a fair, consistent and equitable manner.

We are keeping in touch with delegates and asking questions of agencies at Joint Consultative Committee meetings.

## The cart before the horse

After consulting with delegates, the PSA has found different agencies are at different stages of implementing both the Capability and Performance Development Frameworks.

Further, in a case of putting the cart before the horse, the PSA is particularly concerned the PSC has mandated the implementation of Performance Management Systems before all agencies have been able to finalise or in some cases even create role descriptions.

The PSA recently wrote to the Public Service Commissioner, on 21 May 2015 proposing that, where existing positions are reassessed by agencies embedding the Capability Framework, and the employee in the position is subsequently assessed as not meeting the required capabilities, no formal performance management processes should be initiated on the basis of the established 'role description'. This is valid for a period of six months from the date of conversion from the employee's previous 'statement of duties' or 'position description'.

The PSA believes the six-month lead time will give our members sufficient opportunity to appreciate and meet the capability requirements of their roles, and to complete any necessary training.

Your union is currently writing to affected agencies with a series of questions about the implementation of the Framework, and seeking written responses.

The responses will help to inform the PSA's position paper to be sent to the PSC.

## Listening to members on Performance Frameworks

The PSA will consult with members by holding 'listening' or focus groups to hear concerns and develop strategies in response.

The PSA's listening are aimed at working with members to identify how together we can ensure performance management is fair and equitable across the public sector.

Listenings commenced during the Country Conference on 27 May.

The PSA maintains the principles of natural justice and procedural fairness should apply in any Performance Management System.

While the PSC's Performance Development Framework describes the rights and responsibilities of employees, managers and human resources areas, it omits principles of natural justice and procedural fairness when it comes to managing employees who are assessed to be under-performing.

At present, these procedural fairness principles are not defined in any detail in the Act, Regulations or Rules.

Under the previous employment legislation, the Public Sector Employment and Management Act 2002, there was a clear definition of:

- rights and obligations for employees and employers, and
- prescribed timeframes for addressing issues.

The feedback obtained from the PSA 'listening' with members will form the basis for a position paper on the essential elements of how these systems should operate.

All the relevant links for the Capability Framework are available on the PSA's website: [www.psa.asn.au](http://www.psa.asn.au).



# Annual Conference 2015

**'Proud to be PSA' was the theme at the 2015 Annual Conference, held on 28 and 29 May at Sydney's Wesley Conference Centre.**

To open the conference of 200 members, delegates were welcomed to country by Aunty Joan Tranter, addressed by PSA president Sue Walsh and entertained by the Trade Union Choir.

Members were warned of the perils of privatisation at the union's 2015 annual conference in Sydney.

Manager, Growth Organising at the PSA, Stephanie Cunio, chaired a six-member panel on experience so far of the privatisation agenda stripping away the public sector. Chitradevi Veeranathevar from Service First in Parramatta gave a first-hand account of how it feels when your livelihood is in the outsourcing firing line; reminding attendees that behind the dollar signs trotted out by privatisation's advocates are families struck with uncertainty and fear.

"I am one of the 350 members of the Service First family who is going to be directly affected by this," Veeranathevar said. "This is my job. The Government can't say, 'I am happy to give it to someone offshore.'"

Brendan Cotton, who works in information management at the Department of Justice, added

outsourcing the public sector's IT services will see highly skilled staff reduced to little more than "contract managers", with work instead performed by private firms.

Later in the day, Rita Mallia, president of the CFMEU's NSW branch and vice-president of Unions NSW, talked about how labour organisations rely on members to preserve their rights in the workplace while under conservative rule.

An edited version of her presentation is published on this spread.

Mallia added the CFMEU is doing more to ensure delegates can connect with female members and those from backgrounds other than the Anglo-Celtic and southern-European workers who have traditionally dominated the sectors covered by her union.

Director of the PSA, Maria Cirillo, later held a summit for delegates on working under conservative governments.

Cirillo says delegates agreed "to build on the work we have done over the last two years, empowering members to organise and be active in defence

of their jobs, their conditions and the services they provide".

The summit also discussed how to best engage with, key stakeholders and local communities and better ways to influence public policy via methods such as the media and lobbying politicians.

The following day, Professor Ray Markey of the Centre for Workforce Futures at Macquarie University, spoke about recent cutbacks to the NSW workers compensation legislation.

An edited version of his presentation is printed on this spread.

Professor Markey later spoke about the role unions can play in addressing climate change.

"Workplaces are among the greatest sources of carbon emissions and as we transition to deal with climate change, it will have an enormous impact on employment opportunities and skills development and training, on technology and on job quality."

He said workers need to be more involved in the emissions-reduction process than just being told by their boss what to do.

He cited the example in Britain where unions had 'green

delegates' working with employers and government to reduce their industries' environmental impact.

He added Germany, where there is extensive union input into developing environmental industry, now leads the world in developing products such as wind turbines.

Closer to home, he cited the South Coast Labour Council's Green Jobs Illawarra project as a successful example of the union movement helping change the environmental impact of a region's industrial output.

The General Secretary of the PSA, Anne Gardiner, outlined the enormity of the changes occurring in every part of the public sector and where we had achieved some wins.

She then followed with a presentation made up of pictures which showed the action and work being taken by PSA members and staff in a range of workplaces. These included ways the union was working to highlight the appalling workers compensation legislation that was introduced in 2012.

She said that "this grossly unfair workers compensation system was the most significant issue workers in NSW faced".

The General Secretary also talked about the importance of the PSA rules change that occurred in May as a result of two motions she had moved.

The rule changes restored the union's long-standing ban on political party or candidate donations using members' money.

It also returned the union's internal voting system to proportional representation from the winner-take-all method of voting.

Both of these changes to long-standing PSA rules had been removed by the previous Central Council in 2008.

Kate Lee, the executive office of APHEDA later talked about how Australian unionists can work to help workers in other countries.

She said APHEDA campaigns have aided people such as Bangladeshi garment workers, boosted health and safety issues in Cambodia, and helped those employed in Papua New Guinea's fishing and oil and gas industries.

*This is an edited version of the address to the conference by Professor Ray Markey, Director of the Centre for Workforce Futures at Macquarie University.*

Changes to the workers compensation scheme in 2012 were designed to cost shift from the scheme to individual workers and their families and to agencies like Medicare.

The insurance company can send you to as many medical practitioners as it wishes, seeking to get the 'correct' answers, and, if necessary, bullying medical practitioners.

Even if they can't get a favourable medical assessment, they are able to make a work capacity decision, which says if you are injured, you can undertake certain jobs – and not necessarily the job you had previously.

And they reduce your weekly benefits by the amount you are deemed you would get on an average wage for that occupation, whether you have the job or not.

There is a termination of weekly benefits at the statutory retirement age of 65.

The Federal Government wants us to work until we drop, and workers compensation is saying, "We can't cover you for workplace injuries after 65."

Paid-for legal advice regarding work capacity decisions is prohibited, despite the fact insurers will have in-house legal advice.

Medical expenses cease 12 months after weekly payments, regardless of what secondary surgery or continuing treatment you might need.

Pre-approval is required from the insurer for any surgery or major medical intervention, including secondary surgery.

In some cases people have been pushed into rushing secondary surgery to be within the 12-month period before the cut-off.

Often knee surgery or back surgery requires two or three interventions and the surgeon will advise you to wait a reasonable period.

Now that advice cannot be adhered to.

Journey claims are effectively disallowed.

In one case, a nurse drove to work, parked her car, got up to the top of the steps of the hospital and

slipped and fell; and that was not allowed as a journey claim or an on-site claim.

It is very difficult to get coverage for heart attacks and strokes, because there has to be clear proof that the job directly contributed to that.

Nervous shock for families for families of severely injured workers can no longer be claimed against and lump sum claims have been ruled out.

All of this retrospective, so people with claims that were settled years before 2012 have been cut off.

There was an increase to the statutory upper limits for weekly benefits, which took into account some wage growth, but few workers will achieve any benefit.

As of March this year, there has been a 24 percent reduction in active compensation claims, 5000 workers – or more – have had their income entitlements terminated.

At least 260 of those were without suitable employment when the termination occurred.

Twenty thousand injured workers with long-term injuries lost medical coverage.

The 30 percent whole-person impairment, which defines serious injury, covered only 1031 people in the scheme in August 2014.

We estimate if that very high threshold – if you lost a hand or an arm, that doesn't count as 30 percent – was reduced to 20 percent, it would only add an extra 1300 injured workers getting medical attention.

This whole-person impairment regime was introduced even though Australian Medical Association guidelines state impairment percentages should not be used to make direct financial rewards for direct estimates of disabilities.

Two hundred and forty of 250 WIRO procedural reviews found workers and insurers were not following correct procedures for work capacity decisions.

Infringement notices between 2006-07 and 2012-13 fell from 726 to 124, then to 69.

Successful safety prosecutions: 300 in 2006-07, down to 41 in 2013-14.

Supporters of the changes refer to an unfunded deficit.

There was no deficit, it is an unfunded liability that included a rate of growth from investments.

They assumed a very low rate of growth, because of the global financial crisis, but the rate of return was about 40 percent higher than was predicted.

Examinations of the fund found almost half the cost of the scheme is in governance costs and charges from insurers.

But they looked at a smaller component – about 30 percent; the claims for injured workers.

It is only there there were cutbacks.

There have been three reductions to employer premiums:

7.5 percent in June 2013, a further five percent at the beginning of 2014 and another five percent in June 2014.

We are told unless they premiums drop, employers and businesses will go to other states.

But there is no evidence of businesses shifting states because of workers compensation premiums.



*This is an edited version of the presentation to the conference by Rita Mallia, president of the CFMEU's NSW branch and vice-president of Unions NSW*

The CFMEU and the PSA have had a long friendship; both unions have worked very well together politically and industrially.

We share a similar philosophy: our rank and file members utilising their power at the workplace.

We are of a tradition that encourages activity in a workplace.

It is not perfect, as we are subject to vagaries of the economy and the political climate; we are certainly 'public enemy number one' at the moment when it comes to Tony Abbott and the conservatives.

And these things do have an impact on the confidence that our workplace delegates have to put their hands up.

In NSW we are onto our third royal commission, there has been a lot of anti-union and anti-worker legislation, which has impeded our capacity to get on the job.

We came out of a tradition of no ticket, no start: you could not

get a job in the building industry without being a member of one of the relevant unions.

That is not the world we live in today; we are starting from scratch, educating our current members and young people on why they should be members and help us fight battles for retaining and improving conditions.

When our executive took over in 2011, we became committed to rebuilding our workplace delegate structure.

We looked at the success of other unions and parts of the CFMEU and came to the view the secret was strong, active delegates.

After the Olympic building boom, there was a slow period of work, so people were less keen to stick hands up and be a workplace delegate for fear of being victimised or sacked.

We have also seen employment arrangements change and seen people exploiting the Australian Business Number structure to break down secure employment.

We did lose workplace delegates in the WorkChoices era and after the Cole Royal Commission.

One of the things we could do with the Fair Work Act was put back into enterprise-bargaining agreements structures and protection for delegates, which we lost under WorkChoices.

We have tried to build the number of delegates who come to our meetings.

We are also committed to protecting delegates, as they do get victimised.

Some of our members are very politically engaged, but most are not.

We wanted to start educate delegates about power, control and who is really pulling the strings in our communities.

Some of that was missing: it is really easy just to focus on people's wages and conditions, but we really had to politicising our delegates.

We are slowly building up our delegate structure, with new, young delegates coming to meetings.

We are not scared of taking industrial action, but the way industry works, it is not often we can take protective action.

Now, all employers use lawyers, so we are conscious about not having

lots of fines against us, so we have been using protective action.

In one case we were at loggerheads with Lend Lease over a site allowance.

Back in the old days, workers used to down tools, have a dispute about conditions and a site allowance would be struck, which would eventually turn into project awards, and there would be an additional allowance.

This was all smashed under WorkChoices and at every mass meeting, every employee says, "When are we going to get our site allowances back?"

The only way we could do this was to put them into enterprise agreements.

The 2012 dispute with Lend Lease was our first crack at getting the site allowances.

We had to work with delegates and workers to give them the confidence to stay out.

And they stayed out for three weeks.

A lot of unions, including the PSA, came down and supported the picket line and eventually won that enterprise bargaining agreement.

Another big campaign we had was against Boral.

We have agreements with a number of concrete companies, but Boral decided to take us on because the Government had been using something called the draft code, which stated if you wanted to do work with them, you could not have various things in your enterprise bargaining agreements. This draft code has never seen the light of day, as the Federal Government does not have the numbers to pass it.

We said we will not give away conditions for something not in the law yet.

There were a lot of younger workers who'd never been in a campaign and a delegate who was not very supportive.

But once workers were on board, they weren't going to shift until we won the dispute.

# Super for 'declared incidents'

## – how NPWS Fire Fighters stopped getting burnt

National Parks and Wildlife delegate Ken England found things weren't so super when it came to incident allowances.

When National Parks' staff attend a 'declared incident', such as fighting a fire, standard work week hours are deducted from their pay. Instead incident hours are added, as well as a range of benefits such as meal allowances.

It would be easy enough to add superannuation as well, you might think.

For a while the Office of Environment and Heritage (OEH) did include super, but for time worked only.

But following the introduction of payroll software Aurion in 1998, superannuation was not added to declared incident allowances, and

in 2009, observant delegate Ken noticed the discrepancy.

But it is only a small part of the superannuation payments, right? Not really. All those little bits of super add up to a lot over 18 years' service, earning interest and growing.

While National Parks and Wildlife staff receive paid overtime, nothing really compensates for the type of work endured at declared incidents.

Staff usually operate in areas no-one else will go, risking their lives on behalf of the people of NSW in hot, smoky conditions.

Occasionally, someone dies fighting fires.

It is a labour of love, or civic duty at the very least, and these staff don't expect to be treated shabbily by their employer.

OEH, then the Department of Environment, Climate Change and Water (DECCW) did not admit their mistake and pay the super.

They had to be directed by the Australian Tax Office (ATO) to back-pay the entitlements owed to staff.

Eventually, in July 2011, OEH finally admitted that "a shortfall in Superannuation Guarantee Charge

(SGC) payments for fire and other declared incidents has been identified and investigated".

OEH made an application to the ATO for an Administratively Binding Advice about how it wanted the matter resolved.

The Office promised every employee would be paid the superannuation shortfall due to them, along with interest at the prescribed ATO rate of 10 percent per annum.

OEH agreed to back-pay to 1998, when Aurion was implemented, in a big win for workers – thanks to Ken England's careful observations and persistence.

But fast forward to 2015, and still not all the cases have been settled.

While, admittedly, the situation is complex, with multiple superannuation schemes and the involvement of the ATO, governments really should be able to administer their own funds more efficiently.

It is not a good look that the OEH tried to wriggle out of paying entitlements to people willing to risk their lives for the community.

# Losing a power asset in the inner city

Premier Mike Baird looks set to continue his fire sale of public assets and heritage buildings, with the Powerhouse Museum next on the list to be sold off to developers.

Photo credit: Powerhouse Museum



Photo credit: Powerhouse Museum



The NSW Government will spend \$10 million moving the Powerhouse Museum from its current location at the old Ultimo power station to a new site in western Sydney.

While there is widespread support for establishing more cultural institutions in Sydney's west, most people can see the move for what it is – a cynical, short-sighted land grab.

The museum has been in Ultimo since the 1890s and has a collection large enough to fill several museums.

In fact, according to the Powerhouse website, the museum is only big enough to display three percent of its objects at any one time.

If cultural enrichment is the real goal, why not build a second museum at Parramatta to showcase more of the institution's vast, unseen collection?

"Certainly, Parramatta should have a major art institution," wrote *The Sydney Morning Herald* columnist Elizabeth Farrelly of the move. "But it is impossible to feel that the decision is being made with the city's best interest in mind."

Farrelly, an architecture and urban-planning critic, went on to express grave concerns about the conflict of interest that arises from the Government selling off public assets.

In these situations, she wrote, the NSW Government acts as both the landowner and the planning consent authority.

"The Ultimo site is expected to fetch \$150-\$250 million, depending on planning constraints. These constraints should properly be set by the city council, but they won't be, because the state is exempt. Effectively, it sets its own limits.

"This means that here, as on the UrbanGrowth-GPT site in Newcastle, as on Barangaroo, there is direct incentive for the Government to maximise [building] heights and minimise heritage protections. A direct incentive to betray the public interest."

Architect and urban planner Philip Thalís has also voiced opposition to what he calls an "ideologically driven obsession to privatise public spaces".

In an article for *The Conversation*, he wrote, "Some in government seem to think that beautiful buildings on

prime public land [are] somehow wasted on us citizens, we who are the actual owners."

Meanwhile, Labor, The Greens and independent Sydney MP Alex Greenwich have all raised serious questions about the impact of replacing yet another public space with high-rise apartments in an area already struggling to cope with population growth.

"Our public buildings and land are being sold off from under our feet," said Jamie Parker, Greens MP for Balmain. "If the broader community supported the move of the museum, the Powerhouse building could be a new school, or library, or cultural centre.

"Instead we are seeing just more apartments that will create additional congestion in the area and further stretch public resources.

"The inner city is already facing a major crisis in school places and a shortage of public space, yet here is another public building being sold off for short-term gain."

# Child workers told to pick up the check

**PSA members who pay for their own Working with Children Check (WWCC) will not be reimbursed by their employers after a decision by the Industrial Relations Commission (IRC).**

On 27 November 2013, the PSA lodged a dispute in the IRC over the lack of consultation by the Department of Community Services regarding the implementation of new WWCC provisions.

A WWCC costs \$80 for a five-year clearance to work with children.

The WWCC legislation was silent on whether an employee or employer should pay this fee.

The PSA argued this was an employer-related cost and, as such, should be met by the employer.

Given the wide application of this issue, Unions NSW became

involved and this led to an application for a new award, the Child Protection (Working With Children) Award 2014.

On 3 February 2015, the award application was heard by a Full Bench of the IRC.

The arguments from both parties were complex and it took some time for the Commission to give due consideration to the merits of the submissions by the parties.

On 19 March, the application for an award to permit the reimbursement of costs for the WWCC was dismissed.



Photo credit: Pandora Crauford-Gormly

## Report: why public-private partnerships don't work

Australian affiliates of the global union federation, Public Services International (PSI), including the PSA, have welcomed a report proving the privatisation of public assets and services is fundamentally flawed.

The report, *Why Public-Private Partnerships (PPPs) don't work* was compiled by Public Services International Research Unit (PSIRU).

It assesses PPPs in countries both rich and poor, finding there is a contradiction between the euphoria surrounding the partnerships and the poor performance these instruments have offered in the past 30 years. Many governments are still turning to PPPs in the hope the private sector will finance public infrastructure and public services.

However, experience with PPPs shows that privatisation is a fundamentally flawed mechanism.

"We must remember that private sector corporations need to maximise profits if they are to survive," said Rosa Pavanelli, General Secretary of PSI. "This is incompatible with ensuring universal access to quality public services."

Historically, countries such as New Zealand, Australia, Canada and the USA all began using PPPs as a way to balance budgets by concealing borrowing, shrinking the size of governments and to reward corporate supporters.

### Baird's agenda

With the NSW public sector bracing for a fresh attack from a re-elected Baird Government, the new report is timely.

"It's not just the privatisation of the electricity network that people in NSW should be concerned about," said PSA General Secretary, Anne Gardiner. "This Government is currently outsourcing more and more essential public services like disability care, public housing and even human resources and finance functions."

### There are alternatives

The PSIRU report proposes a public alternative to this system, in which national and local governments can continue to develop infrastructure by using public finance for investment,



and public sector organisations to deliver services.

This gives the public sector a number of advantages; the sector gains greater flexibility, control, and comparative efficiency as well as economies of scale and democratic accountability.

"Public services are massive pools of potential corporate profit, and PPPs serve to access them," said David Boys, Deputy General Secretary of PSI. "The 'clients' are captive, the services are often monopoly."

A copy of the report *Why Public-Private Partnerships don't work* can be found at [www.psa.asn.au/publications](http://www.psa.asn.au/publications).

## Job cuts equal health cuts

With staff cuts in the NSW public sector, conscientious PSA members may be tempted to 'soldier on' in the cooler months and come to work with the sniffles, rather than take the day off and huddle under the doona.

However, according to the chief executive of the Influenza Specialist Group, Kim Sampson, such an approach could be doing colleagues more harm than good.

"Presentee-ism' is a phenomenon particularly prevalent in Australia," Sampson says.

"Australians feel guilty about taking time off and instead attend work with flu-like symptoms."

Workers coming to work with the flu risk passing it onto staff working around them.

Sampson cites a theory that anyone coming within a metre of an employee afflicted with the flu has a risk of catching the virus.

In addition, the virus is spread by touch, turning mundane

office fixtures such as pens, light switches and photocopier buttons into potential vessels for transmitting flu.

Sampson says many people falsely believe loading up on cold and flu medications will ensure they don't pass the virus onto their colleagues.

"These medications can disguise symptoms, but unfortunately they do not remedy the virus itself.

"We strongly recommend if you have flu-like symptoms you stay at home and avoid work situations and social situations."

Sampson says that while "a week off work would be wise", people with the flu should get advice from their GP about precisely how much time they should spend at home on sick leave.

Cuts to the public sector make us angry, but there is no reason for them to make us sick, as well.

Take your sick leave when you are sick.

### Are you an HSR?

The PSA is updating its records in relation to work health and safety to enable us to more effectively support members.

If you are a Health and Safety Representative for your workplace, or you know someone who is, please email the PSA at [psacampaigns@psa.asn.au](mailto:psacampaigns@psa.asn.au)

## Union family loses a member

Everything about ADHC delegate Craig Robertson was union and family.

A committed unionist, Craig prided himself on being there for anyone needing his help – or as he called it, "taking the fight for the little fella".

He went that extra mile to find out as much information as he could on what was happening around his department industrially.

He was determined to keep ADHC accountable and was not scared to take on management.

In his mind, when something was wrong it was wrong and he would fight for the PSA members, never letting his opinion of the member affect his will to help.

If he wasn't focused on the union, committed family man Craig was talking about his wife Jum, who he married in 2013, and Sara, his daughter from a previous marriage.

Fellow ADHC delegate John Williams says Craig would say, "he was never blessed with good looks, but was with good health".

However, his untimely death at the age of 48 should come as a reminder to all PSA members to look after themselves.



## A wise owl takes flight

### Long-time PSA Community Services member Peter Morrissey has retired after an active career as a delegate.

Somewhat of a legend around the Hunter and Central Coast, Peter had eyes and ears across his patch. As a delegate, he was regarded as a 'wise owl' and highly respected by his PSA peers and members.

There was not much he was not involved with.

Peter was very committed to the PSA and his work as a delegate, working in many forums, meetings and workshops and as a Departmental Committee member at various times.

Thanks to his laid-back manner, sense of humour and ability to

'cut through the crap and get to the core of the issue', he was an excellent role model for new delegates.

Peter was farewelled at a lunch in February at the Deck Café at Gartelmann Wines, Lovedale in the Hunter Valley, where he was presented with a certificate from the PSA in recognition of his hard work and dedication as a member and delegate.

The lunch was arranged by his Casework Specialist Team and highlights included a poem written for Pete, some humorous accounts of his activities and escapades over the years, a song sung just for him by his manager, and some speeches from his closest friends.

# In service of the country

**A State Records exhibition is recounting the stories of some of the 11,000 NSW Government workers who volunteered for overseas military service and undertook vital public service roles at home during World War I.**

The *Public Service/War Service* exhibition, which opened at the Western Sydney Records Centre on 27 April, examines the lives of NSW workers, including railway and harbour employees, teachers, administrators, printers, nurses, clerks, draftsmen, politicians and police.

Also recognised are the war efforts of an Aboriginal family with links to the NSW South Coast and Upper Hunter regions as well as Bexley in southern Sydney and Petersham in the city's inner west.

Many of these people saw active combat, some losing their lives, while others did essential work for NSW Government departments, which were repurposed to support the war effort.

The exhibition reveals how World War I reshaped the public service.

The government press, for example, was called up to print enlistment forms.

State Records is a lead agency in the extensive NSW Centenary of World War I and Anzac commemorative program, which is overseen by the NSW Centenary of Anzac Council.

The program runs between August 2014 and November 2018.

The Agency is also regularly updating its website – [nswanzacentenary.records.nsw.gov.au](http://nswanzacentenary.records.nsw.gov.au) – over the four-year commemoration.

The site is divided into three key themes. 'In Service' includes familiar issues such as the Gallipoli campaign, lesser known battles such as Bitu Paka, documents outlining how to boost volunteer numbers in NSW, and recruitment posters.

It also looks at government and community attitudes of the day.

'On the Home Front' is a snapshot of life in Sydney and NSW during the war years.

It covers issues such as infant care and a nationwide census measuring Australia's horse population, in case more animals were needed for combat operations.

'In Remembrance' shows how the war was commemorated across NSW.

It features plans for war memorials throughout the state and highlights the Sydney Harbour workers killed in action.

There are also online research guides to help people navigate government records to find out more about their families during the war.

Researchers may also access a Flickr gallery of portraits of soldiers and an index of more than 10,000 government employees who served.

More than 11,000 of the state's 63,400 government employees volunteered for military service overseas during World War I.

Of those, more than 1,600 or 15 percent were killed.

Nearly 8,500 of the employees who enlisted were railway workers and they were joined by more than 2,300 public servants and 217 police officers.

**The Western Sydney Records Centre is at 143 O'Connell Street, Kingswood.**

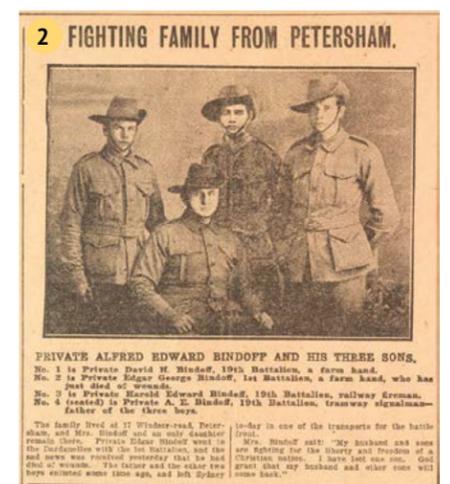
**The exhibition runs until 2 April 2016 and is open Monday to Friday (9am-5pm) and Saturdays (10am-4pm).**

**1: Robert John Trembath Balls, correspondence clerk at Sydney Harbour Trust, died 21 February 1918.**

**2: Four members of a Sydney Aboriginal family who enlisted.**

**3: Women were recruited to fill clerical roles vacated by male soldiers.**

**4: As this employment card shows, female clerks were often 'dispensed with' once men returned to work from the war.**



**4**

40 IN FULL Kogeler, Miss Rosella Date of birth 21 October Proof of age No. [blank]  
Temporary Staff Certificate No. [blank] Date commenced as probationer for 6 months [blank]  
Permanent do. do. [blank] Date commenced to contribute to Railway Service Superannuation Fund 16 April 1917  
Board of Examiners' Certificate No. [blank]

DATE	POSITION	STATION	BRANCH	RATE OF PAY	REMARKS
15 Oct 1916	Train Clerk	Quintilla	Tramway	110	Temporary
17 Oct 1916				125	
18 Oct 1916				140	
16 Sept 1917					Dispensed with



## May Day 2015

On the weekend of 2-3 May, events were held in Sydney, Newcastle and Wollongong to mark May Day.

Also known as International Workers' Day, it is a moment to reflect upon and celebrate the many achievements of unions: victories that are all too easily taken for granted or simply forgotten in these times of labour expense caps and efficiency dividends.



## PSA/CPSU DIRECTORY

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Steve Turner,  
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Cassandra Coleman,  
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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

## PSA TRAINING

# June – December 2015

## SYDNEY TRAINING SCHEDULE

**Women in the union** FRIDAY 24 JULY

**Role of the delegate** TUESDAY 28 + WEDNESDAY 29 JULY

**Advanced delegates** WEDNESDAY 12 AUGUST

**Dealing with member issues** WEDNESDAY 26 AUGUST

**Role of the delegate** TUE 8 + WED 9 SEPTEMBER

**Dealing with workplace bullying** FRI 18 SEPTEMBER

**Dealing with member issues** TUESDAY 13 OCTOBER

**Public speaking** FRIDAY 23 OCTOBER

**Advanced delegates** TUESDAY 27 OCTOBER

**Role of the delegate** TUE 17 + WED 18 NOVEMBER

**Dealing with workplace bullying** FRI 13 NOVEMBER

**Dealing with member issues** TUE 8 DECEMBER

*NB: Regional training to be arranged separately*

### The courses

#### Advanced delegates workshop

This one-day course is for delegates who have completed the *Role of the delegate* course and wish to further develop their skills. It looks at advanced recruitment techniques, analysing issues, campaign skills and dealing with member issues.

#### Dealing with workplace bullying

This one-day course is designed to assist members and delegates in dealing with bullying and harassment at work.

#### Role of the delegate

This two-day course discusses the role of the delegate and active members: what delegates do, delegate protections, organising skills, recruitment, working with issues, union values and involvement. All members can learn from this course and are welcome to apply.

#### Dealing with member issues

This one-day course is for delegates who want to develop their ability to assist members with individual workplace issues. The course looks at how to deal with individual issues by using

the problem-solving framework and developing advocacy skills.

### Information

These courses are available at no charge to PSA/CPSU members.

Non-members wishing to attend need to submit a membership application first.

Participants are responsible for their own travel and other costs incurred in attending training.

### Venues

All training courses are held at PSA House, 160 Clarence Street, Sydney unless otherwise stated.

*NB: Lunch is not provided. Tearoom facilities available (tea, coffee, fridge, microwave).*

### Special needs

People with disability and/or special needs, please contact the PSA training staff at the time of your enrolment.

### Special leave for trade union training

Most members are entitled to paid trade union training leave.

Your delegate/organiser will be able to provide details.

For further information email [training@psa.asn.au](mailto:training@psa.asn.au).

## Red Tape

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– with significant input from members

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Email [redtape@psa.asn.au](mailto:redtape@psa.asn.au) | Visit [www.psa.asn.au](http://www.psa.asn.au)

## PSA provident fund

Members of the PSA and CPSU (SPSF Group NSW Branch) are automatically entitled to Provident Fund benefits.

The Fund provides up to \$3,500 to a nominated beneficiary if a member dies.

Payments are usually made within a few days of a claim.

There is no extra payment needed for membership of the Fund.

Unless you make an expressed provision for a particular case, the nomination will be revoked by any subsequent marriage or if it nominates someone who dies before you.

The form is also revoked if it nominates a former spouse where the marriage ended in your lifetime.

You may also revoke a nomination by notice in writing to the Fund.

The Fund's Trustees have certain legal obligations relating to the approval of benefit payments.

Due to possible legal difficulties and consequential delays in finalising benefit payments, the Trustees will not accept forms nominating charitable organisations.

Your beneficiary should either be a person or persons, or your own estate.

Members wishing to leave the money to a charitable institution should make provision for this in their will and nominate their own estate as the Fund's beneficiary.

An officer or employee of the PSA may not be nominated as a beneficiary unless they are the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator.

### Conditions of membership

All financial PSA or CPSU (SPSF Group NSW Branch) members, including part-time members, are automatically covered.

Retired members may remain in the Fund until age 70, provided they have been continuously members of the Association or CPSU (SPSF Group NSW Branch) then the PSA's Retired Associate Members Branch and the Fund since retirement.

All you need do is complete the Provident Fund form found at [psa.asn.au/resources/value-added-services](http://psa.asn.au/resources/value-added-services).

Nominate your beneficiary, then return it to the PSA.

If you do not return a form, the beneficiary will be your spouse, next of kin or other appropriate person as determined by the Provident Fund Trustees.

## 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](mailto:memberpayment@psa.asn.au).

# DON'T GET TRIPPED UP TRAVELLING TO OR FROM WORK



## JOIN THE PSA GO TO [MEMBERSHIP.PSA.ASN.AU](http://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.

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.**

\* 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