



30 March 2016

## Family & Community Services Temporary Employment & Conversion

Changes to your employment legislation means members in long-term, temporary or higher duty roles face losing their positions if action is not taken. This bulletin covers the background, details and actions required on this important issue.

### GOVERNMENT SECTOR EMPLOYMENT Act (NSW) 2013, Regulations 2014, Rules 2014

(<http://psa.asn.au/wp-content/uploads/2016/03/GSE-Act-GSE-Reg-GSE-Rules-with-Red-Separators.pdf>)

This legislation replaced the former *Public Sector Employment and Management Act 2002* [the PSEM Act]. A major difference in the new legislation is the introduction of a four-year limit on temporary employment. The date for this to occur varies for different agencies within Family and Community Services (FACS), as determined by the Public Service Commissioner.

See [HERE](#) to find out the cut-off date for your area.

([http://psa.asn.au/wp-content/uploads/2016/03/PSC\\_Determinations\\_FACS\\_Conversion.pdf](http://psa.asn.au/wp-content/uploads/2016/03/PSC_Determinations_FACS_Conversion.pdf))

### ***Are you a long-term temporary employee or have you been acting in a higher role?***

If you have been employed in a temporary capacity, have been acting in a higher role for four years or more, or will have been by the date in the PSC determination for your agency (see above), you can request a review of your employment and seek conversion to an ongoing role.

The PSC determination has suspended the requirement for competitive selection or comparative assessment for a defined period of time to facilitate conversion of temporary staff, only stipulating that the review *"must be satisfied that each person has the qualifications, experience, standard of work performance and capabilities to enable the person to perform the duties of the role"*.

### ***Why is this important now? Four year cut off date looms***

If you have been employed on a temporary contract for four years or more when your area of FACS reaches its cut-off date, the GSE dictates that your temporary contract must be terminated meaning you

can no longer be employed. **This means that large numbers of temporary staff will no longer have a job and will be effectively fired.**

That is why it is crucial that temporary employees, on or near their four-year limit write to their supervisors to request this review.

### ***FACS pushes ahead without consultation***

In 2015, FACS issued *Managers Guidelines* without proper consultation with the PSA.

In the past few months, by using these *Guidelines*, some agencies in FACS have run EOI or other recruitment processes that resulted in some long term temporary staff being unsuccessful in gaining an ongoing role, which will result in their termination.

### ***PSA takes action for long-term temps***

The PSA has written to Catherine Carvolth, FACS Director Employee Relations, Safety and Wellbeing, to contend that priority consideration be incorporated into the *Guideline* to protect the interests of longer-serving temporary staff, some of whom have been kept on temporary

contracts for up to 14 years. You can read that letter [HERE](#)

(<http://psa.asn.au/wp-content/uploads/2016/03/Letter-to-FACS-from-Thane-Pearce.pdf>)

### ***What should you do?***

If you have concerns about conversion and would like a PSA organiser to hold a meeting in your workplace, discuss this with your colleagues and email your contact details and office location to [facorganising@psa.asn.au](mailto:facorganising@psa.asn.au)

### ***Member Support Centre***

The PSA offers support through a number of avenues. It is always desirable to resolve workplace and individual issues at the local level. In many instances, delegates can provide advice and support in workplace matters.

However, if you have followed all the Departmental guidelines for resolving workplace issues without success, you should register the issue with the PSA's Member Support Centre (MSC) on 1300 772 679. Member Advocates will provide advice and assistance, as required. Registering your issue with the MSC is the first step in the process of attempting to satisfactorily and fairly resolve your issue if all other attempts have failed.

## **Join the PSA**

**[membership.psa.asn.au](http://membership.psa.asn.au)**



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