18 May 2016

Department of Justice
Flexible Working Hours Agreement update

This PSA bulletin is about issues impacting on members in the NSW Department of Justice. Issues impacting specific agencies such as Corrective Services or Courts and Tribunals **will be reported on by the PSA separately.**

Flexible Working Hours Agreement

On Monday, 9 May 2016, the PSA met with management regarding its proposal for a new Flexible Working Hours Agreement (FWHA). This was the first meeting to negotiate the agreement.

Our previous bulletin on the Flexible Working Hours Agreement, with the list of PSA delegates involved can be seen **HERE.**

(http://psa.asn.au/department-of-justice-bulletin-flexible-working-hours/)

We made it clear that we are opposed to management's proposal. However, we were prepared to hear what the Department had to say.

We reminded the Department of the need to respond to our letter dated 26 April 2016, as referred to in the previous bulletin. Delegates and Advocates are now reviewing the documentation to ensure that all proposed changes in all agencies are identified prior to the next meeting.

In the coming months PSA Organisers will be visiting workplaces to get feedback from members. We will continue to keep members informed.

Performance Management System policy

The Department is about to roll out a new performance management system. The PSA has been assured this is about helping staff and not a punitive system. The Department has agreed to further consultation with your union.

Misconduct Policy

The PSA met with the Department of Justice on the 6 May 2016 to discuss its new Misconduct Procedure.

As stated by the PSA during the meeting and in our correspondence dated 26 April 2016 – see the letter **HERE** – we see that the Misconduct Procedure and current practices used across Justice in managing matters of misconduct fails in:

(http://psa.asn.au/wp-content/uploads/2016/05/Binder1upload.pdf)

- managing investigations in a timely manner
- providing regular communication to members, under investigation
- consistently managing matters
- applying procedural fairness to those under investigation
- a lack of consultation.

The following amendments must be applied to the Misconduct Procedure:

- consistent application across the Department
- a transparent process across the Department
- communication to members at 12 weeks and every six weeks after that regarding the status of their matter
- that if the allegations are not upheld then they cannot be relied upon at a later date
- that the Department takes a risk management approach in providing alternate duties rather than just suspending.

Management has agreed to consult further. Management has acknowledged our submissions, but has not formally responded.

Authorised by Anne Gardiner, General Secretary
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