

Department of Finance, Services & Innovation FWHA negotiations update

The PSA flexible workplace hours agreement (FWHA) working group has made some significant achievements over the past 10 months since DFSI management announced its decision to move all agencies within the Department to a single flex agreement.

You may recall the very first FWHA management proposed in January this year offered FWHA conditions which were less than the most basic FWHA conditions provided for in the *Crown Employees (Public Service Conditions of Employment) Award 2009*.

See our previous bulletin [HERE](#).

[\(http://psa.asn.au/dfsi-flexible-working-hours-agreement-update/\)](http://psa.asn.au/dfsi-flexible-working-hours-agreement-update/)

The PSA working group met on Thursday 2 June to rework, rephrase, rewrite and refashion various clauses relating to management control. For example, clauses which had not previously been discussed or negotiated had appeared in DFSI's most recent 19 May draft agreement (version 3.0). A number of said clauses gave managers very wide discretionary authority, such as the power to prevent staff from accruing flex leave in certain situations or placing employees on standard hours in certain situations.

The PSA has removed or amended each of these problematic clauses to ensure no employee can be disadvantaged by or discriminated against by your manager. Our negotiations continue.

Consultation dispute

In November, the PSA brought a matter before the NSW Industrial Relations Commission to challenge the Department over its lack of consultation with the PSA in regard to the proposed FWHA. We argued DFSI had failed to comply with its

consultative obligations under the *Work Health and Safety Act 2011*, and that it failed to comply with the Crown Employees (Public Sector Review) Award 2009 which required the DFSI to raise its proposal to step back from the various agency FWHAs and the proposed implementation of a new FWHA with the PSA prior to a decision being made.

The dispute is still on foot insofar as either party can bring the matter back before the Commission if required. We have sought further advice from Counsel in relation to this dispute. We also wish to thank the many members who have contributed and supported their delegates in working through the multiple FWHA draft materials.

Given the progress and good will now across the negotiating table we are hopeful of being able to resolve the final details of the FWHA before the end of June and will keep members up to date on the negotiation outcomes.

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