

Public Works Construction Services Group

This bulletin is to update members on the Government's decision to privatise the Construction Services Group (CSG) unit in Public Works (PW) and the PSA's activities to obtain greater protections of salary and employment conditions for transferring employees.

The PSA has corresponded with the Department of Finance and Services and Innovation (DFSI) seeking clarity on a number of issues. For example, the definition of 'comparable employment', the ability for transferring employees' access to the Managing Excess Employees (MEE) policy and the length of protection of salary and employment conditions once staff transfer to TJS Services Group Pty Ltd (TJS).

You can read the PSA's letter to DFSI [HERE](#) and the Department's response [HERE](#).

<http://psa.asn.au/wp-content/uploads/2016/08/img-718171208-0001.pdf>

<http://psa.asn.au/wp-content/uploads/2016/08/Response-to-PSA-Letter-160721.pdf>

Following this correspondence, the PSA decided to relist the dispute we had before the Industrial Relations Commission (IRC) in June.

The IRC report-back was heard in front of Commissioner Murphy on Thursday 28 July.

The PSA argued the Fair Work Act only provides for protection of salaries and conditions "up to five years", and the new employer has the option of seeking a new enterprise agreement to vary

those conditions of employment if it chooses. In reality this could mean that the existing conditions of transferring employees may only carry forward for a period far less than five years. It is therefore our argument that TJS is not offering comparable employment in accordance with the new [Regulation 25A](#).

<http://psa.asn.au/wp-content/uploads/2016/06/Regulation-link-1.pdf>

We submitted to Commissioner Murphy that on this basis our argument for a transfer payment for compensation for the potential loss of conditions is thereby strengthened. We also submitted that because comparable employment was not being offered, members should have the option of accessing redundancy.

The PSA sought the details of the commercial contract between the new employer TJS and the DFSI as well as the redundancy arrangements which TJS currently have in place, to give us a clearer understanding of how our members' conditions and entitlements will be impacted.

Commissioner Murphy declined to make any recommendations in relations to these matters. He said that it was open to the PSA to arbitrate our claims.

Commissioner Murphy stood the proceedings over.

The PSA is now awaiting legal advice on the various issues canvassed. Once that advice is received we will have a clear idea on what legal options are available.

