



29 September 2016

Community Services PDP ban update

As reported in our previous bulletin [HERE](#), PSA members in Community Services recently voted against the recommendation of the Industrial Relations Commission of NSW (IRC) and decided to continue the ban against participation in FAC's Performance Development Plan (PDP).

(<http://psa.asn.au/wp-content/uploads/2016/09/PSA-Members-Vote-to-Maintain-PDP-Ban-16-September-2016.pdf>)

In response, FACS returned the matter to the IRC before Commissioner Murphy on 27 September 2016 and sought binding legal orders that the PSA comply with the recommendations made by the Commission.

After hearing arguments from both sides, Commissioner Murphy made the following orders:

1. *All members of the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales (PSA) employed by the Department of Family and Community Services (FACS) are to cease all industrial action being any bans in relation to any learning activities and/or participation in FACS' performance development program.*
2. *Order 1 will take effect on and from 4 October 2016.*
3. *The PSA, its officers, employees and agents are to take all reasonable steps to ensure compliance with order 1 above, including directing its*

members employed by FACS that they are to cease any industrial action being any bans in relation to any learning activities and/or participation in FAC'S performance development program.

4. *Order 3 takes effect immediately and shall remain in place for twelve months.*

As ordered by the IRC, the PSA directs members in Community Service, FACS Central and Corporate to **lift all work bans in relation to any learning activities and/or participation in FACS performance development plan.**

Following the IRC's orders, FACS has not confirmed they will comply with Commissioner Murphy's previous favourable recommendations, including that no employee should be required to take part in PDP without first having a capability-based role description. The PSA is now writing to seek confirmation that FACS will adhere to all of Commissioner Murphy's recommendations within 14 days. Should FACS refuse this reasonable request, your union will relist the matter in the IRC to fight for these important protections.

Your union will also be seeking further discussions with FACS management to resolve outstanding and arising issues with the PDP. It should also be noted the PSA has the right to seek the assistance of the IRC if significant issues relating to PDP cannot be resolved otherwise.

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