

31 October 2017

NSW Crime Commission Award negotiations update and FAQ bulletin

Since our most recent bulletin, PSA Industrial staff attended the NSW Crime Commission (NSWCC) on a number of occasions. Firstly to outline the PSA proposal for a NSWCC Crown Employees Conditions Award and listen to feedback from members and staff, and more recently holding individual and small group Q&As with PSA industrial staff on a variety of issues, ranging from individual questions, collective issues, the proposed award and PSA value-added services.

Meeting with NSWCC management

PSA representatives, Manager Industrial Justice, Evan Cole and Industrial Officer Justice, Sharon Richards, with NSWCC PSA member Louise Douglas-Major, met with management for an initial award discussion.

Both the PSA and NSWCC management gave their support to enter into award negotiations. The PSA wrote to NSWCC on 13 October 2017 and formal response to the PSA from NSWCC has recently been received from the Commissioner. This exchange of correspondence now enables the parties to commence formal negotiations. These formal negotiations can only take place once the PSA has consulted with its members and provided NSWCC with its log of claims. The stages of the process can be found on the PSA's document, *Making a new award within the NSW Industrial Relations System* and a diagram depicting the award-making process found [HERE](#).

For initial award discussion both the PSA and management gave their support to enter into Award negotiations. Since then representatives also discussed the establishment of a NSWCC (JCC) Joint Consultative Committee.

JCCs are underpinned by Premier's *Department Consultative Arrangements, policy and guidelines 1997* which can be read [HERE](#). JCCs are commonplace and are held across all Public Service/Sector Clusters under PSA coverage. The purpose of the JCC is to bring about fair and cooperative relations at the organisational level between unions and the employer to consult, communicate and share information and seek resolution of industrial issues such as:

- » Overarching Public Sector Issues
- » Consultation and Organisational Change
- » Policy and Producers
- » Work Health Safety (WHS) among others.

JCCs are attended by PSA Industrial staff, elected PSA delegates on behalf of members and senior management representative. Agenda items are provided by both the union and the employer.

Lastly, PSA representatives sought advice from NSWCC management regarding members' employment agreements and issues around their confidentially.

Member confidentiality and employment agreements

Below is advice provided to the PSA by the NSWCC:

'The Commission as the employer is supportive of and encourage staff being able to discuss with the PSA, as an approved body, their current salaries and conditions of employment and should feel free to do so as appropriate.'

Additionally, the NSWCC provided to the PSA its secrecy and the use of 'Official Information', fact sheets referring to section 80 of the NSWCC Act. NSWCC representatives also stated that members'



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discussions with their union would not be restricted by section 80.

Members are advised **all** discussions with the union, individually or part of a meeting, are strictly confidential. The PSA remains concerned with its members' employment conditions purely from industrial standpoint in accordance with the relevant industrial instruments.

The PSA is not directly concerned with an individual's day-to-day duties and responsibilities and salaries. Only the broad issue of salaries and conditions aligning with the Crown Employees Award and the State Government's common salary points will be part of the negotiations. An individual's salary will not be reduced as part of moving to an award.

NSWCC Award FAQ

Frequently Asked Questions (FAQs) are combined from the NSWCC Seminar attended by PSA, individual meetings held at the NSWCC and PSA NSWCC Award FAQ via the PSA Member Support Centre (MSC).

Q1: What is an award?

A: An award is a legally enforceable industrial instrument "made", in the NSW Industrial Relations Commission (NSWIRC). It contains the minimum terms and conditions of employment for workers covered by the instrument. An award cannot be made without the involvement of the union (or unions) with a right to cover those workers. Awards are commonly found in the NSW Public Service and Public Sector.

Q2: Why do we need an award?

A: Awards create an EQUAL playing field for all and are the most effective way of protecting our members' conditions of employment. The necessary involvement of the PSA in the award-making process means the collective power of the PSA is brought to the negotiation table. Having an award ensures the NSWCC is included in the PSA's application for salary increases. Where an award condition is breached, the PSA can seek redress in the NSWIRC.

Q3: How long will the award last?

A: Awards can be made for up to three years and are regularly reviewed, in accordance with the Industrial Relations (IR) Act 1996. These reviews rarely change significant entitlements or conditions of awards.

Q4: Why 'The Crown' Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009?

A: 'The Crown' as we commonly call it, is the PSA's principal award and the parent to another 100 Crown Awards within the Public Service under PSA coverage. A number of these awards are within the Justice Cluster, reflecting the specific conditions of these various agencies such as Juvenile Justice, Crown Solicitors and Emergency Services. It makes sense to bring the NSWCC under the same umbrella as these.

Q5: How long does the award-making process take from start to finish?

A: We estimate that this will take between six and 12 months



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Q6: Will I be consulted as part of this process?

A: Yes. All PSA members will be consulted as part of the award-making process. Members are involved all along the way, firstly, in the development of the log of claims (wish list) and, secondly, at the time of the final vote. Members will be regularly updated about progress throughout the negotiations, and feedback is invited. Note that although the award will cover all workers, only union members are involved in consultation, negotiation and the final vote.

Q7: Will conditions unique to the NSWCC be preserved?

A: If members nominate specific conditions they wish preserved, these will be included in the log of claims served on the NSWCC. This is why it is important to be a union member and have your say.

Q8: What are the Salary Points in the public sector?

A: Crown Employees (Public Sector – Salaries 2016) Award SCHEDULE B ‘COMMON SALARY POINTS’ (CSP) (ii) is a table that applies to classifications contained in the Salaries Award. Where CSP have been identified these are noted in numbers next to the salary rate. For example as at the latest salary increase an employee at CSP One receives \$24,457 up to CSP 130 - \$137,557

Q9: Does an award affect everyone employed at the NSWCC?

A: Once voted on, all staff (other than those in the Senior Executive bands) will be covered by the new award in accordance with the NSW IR Act (1996).

Q10: Will all contracts be replaced by an award?

A: Yes, but only after members have voted to accept the award and it is made in the IRC. Until then the status quo regarding members’ employment conditions will remain.

Q11: Will the PSA go ahead and enter negotiations for an award if the membership doesn’t increase?

A: Membership has already increased significantly at NSWCC and is steadily continuing to do so.

Q12: How does Flexi-time work in the public sector

A: Flexi-time is a scheme which enables employees (subject to operational requirements) to select their starting and finishing time within a broad range of hours. It works on a time-based credit and debit system. For example, a worker is permitted to be in credit or debit within limits, and can take a flex day where the flex balance and operational requirements allow. The scheme’s intention is to allow greater flexibility to deal with workloads, deadlines and work-life balance. Systems need to be put in place to prevent any forfeiture of accumulated hours.

Q13: How does the award become legally binding?

A: As part of the democratic processes that exist within your union, PSA members have a vote whether to accept or decline the proposed award. The award comes into effect when it is ‘made’ by the NSW IRC

Q14: Will non-PSA members have a say in the award negotiations?

A: No. Unions and employers are the only parties recognised by the NSW Industrial Relations Act



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1996 in making awards. This is why we encourage people to become members and have their say.

Q15: Who will negotiate the award?

A: As part of the PSA process, NSWCC members will be asked to nominate and vote on their own representatives who will be part of the PSA negotiation team, along with PSA staff. Participating members will receive training in the process and in negotiation skills.

Contact the PSA MSC

Email us at the PSA: membersupport@psa.asn.au
Subject: *NSWCC Award FAQ*
Quote call number '95913'

Should members wish to contact the PSA on any other matters that can simply contact the MSC direct **1300 772 679**.

Additional Information

- » Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 – Read [HERE](#).
- » Crown Employees (Public Sector – Salaries 2017) Award - Read [HERE](#).

What's next?

1 November 2017 - NSWCC Members are invited to **PSA House, 160 Clarence St, Sydney, 2000**, for an additional opportunity to meet and ask a variety of questions of PSA staff relating to the award, other workplace issues and benefits of PSA membership.

If you would like to book a particular time, please contact your Organiser Surabi Alauddin salauddin@psa.asn.au.

LUNCH 'N' LEARN

TBC November 2017 – PSA LUNCH 'N' LEARN (date to be confirmed), lunch provided

A comparison document of NSWCC Staff Ongoing Employment Agreement and the PSA preferred Award, Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 will be provided to members in due course.

Join the PSA

Increase the negotiating power of the PSA by joining the PSA online at <https://membership.psa.asn.au/register>.

What can you do?

- Give a copy of the bulletin to your colleagues
- Print this bulletin and put it up on your notice board
- Ask colleagues to join the PSA.
- Get involved as your area contact.
- Attend the next PSA meeting.

