

PSA wins “Christmas Bonus”, BGCP attempts to smash the union

In late 2017, the PSA identified that an allowance for the laundering of protective clothing had not been paid to staff at the Environment Protection Authority (EPA). The Department of Planning and Environment offered to provide back pay of just one year to staff, and the PSA duly rejected this offer and took action in the Industrial Relations Commission (IRC) seeking the statutory six years' worth of back pay that EPA staff were entitled to. Ultimately the PSA won the full six years' back pay for our members. However, it took approximately 12 months to reach this outcome.

As a result of this, attention was turned to other areas in Planning and Environment that had similar allowances, and whether workers had been receiving their entitlements. It was identified that uniformed BGCP staff had not been receiving their laundry allowance, which is a condition under the Union negotiated Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009.

The PSA met with the BGCP negotiating team on 31 October, and negotiated a framework to expedite a payment of the Laundry Allowance before Christmas 2018. Both parties agreed that it was the best outcome for staff to avoid the drawn out process that had occurred in the EPA.

As a result, it was agreed that the weekly allowance would be paid to all staff going forward by Christmas. In regards to back pay, it was agreed that the PSA would provide BGCP with a list of eligible members who would receive the six years' back pay by 12 December. This agreement would negate the need for the PSA to take action on behalf of members under Chapter 7, Part 2 of the Industrial Relations Act. The PSA did not act on behalf of non-members, who are able to make an application for recovery of remuneration to the Supreme Court and represent themselves.

Despite the PSA reaching an agreement in good faith, BGCP Executive Director Kim Ellis sent an email to all staff on 21 November stating it was now going to pay ALL staff back pay on 12 December. This was either a miscommunication across management regarding the good faith agreement, or a deliberate attempt by the BGCP to damage the standing of the PSA. The actions of BGCP in negotiating dishonestly has significantly damaged faith in management, and does not bode well for further negotiations they are required to have with the PSA.

The facts are that it is only through the actions of the union that there is any uniform allowance, or any back pay, for any staff. The PSA negotiated the inclusion of the allowance in the Award, took action in the EPA when it was identified that Planning and Environment were not remunerating their workers appropriately, and negotiated in good faith a payment of back pay to occur before Christmas for our BGCP members in order to avoid the lengthy and costly delays that occurred by the Department of Planning and Environment fighting the PSA's similar claims in EPA.

Tactics such as this from BGCP are disappointing, but ultimately it is just another attempt to break the members of the PSA. After all, if not for the PSA the Department of Planning and Environment would have been able to continue underpaying their workers and fraudulently saving themselves millions of dollars. However, the PSA will continue to fight for your rights at work, just like we have for more than 100 years.

Know a non-member who is receiving their union-negotiated “Christmas Bonus”? Ask them to join today at www.psa.asn.au/join

