

SafeWork Inspectors excess travel and overtime entitlements under attack

It has been brought to our attention PSA members from the SafeWork Inspectorate have approached management with concerns that DFSI is incorrectly applying provisions of their award, the *Crown Employees (Department of Finance, Services and Innovation – SafeWork NSW Inspectors 2007) Award*.

We understand this has led to the possible incorrect payment of excess travel allowance and overtime to Inspectors.

The Department has provided incorrect advice to members when they have queried their entitlements. Despite there being an award that contains specific Overtime and Excess Traveling Time provisions, HR has been applying lesser conditions contained in the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*.

Applying the lesser conditions in the *Crown Employees Award*, is a clear breach of Clause 5.1 and 5.2 of the *Inspectors Award* which states:

5.1 *The provisions of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 apply to an Inspector except for the following provisions in this award, which replace any respective counterpart provision applying within the relevant clauses of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009:*

(a) *Flexible working hours.*

(b) *Overtime and overtime meal allowances.*

(c) *Excess travelling time.*

(d) *Annual leave loading.*

(e) *Sick leave with respect to the Mutual Leave Fund.*

5.2 *In the event of any inconsistency or ambiguity that may arise in the application of this award, the relevant provisions of this award will apply before the relevant provisions of Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009.*

This bulletin is to alert all members the PSA is now engaging with management to help it interpret the SafeWork Inspectors' conditions of employment award. We are unaware how long HR has been interpreting entitlements incorrectly, and will seek back pay for our members in cases where the wrong interpretation has applied.

The PSA will firstly attempt to resolve the matter with the Department. However, if a satisfactory outcome cannot be reached, we will look to apply to the Industrial Relations Commission and have the matter fully and appropriately examined.

It should be noted that in any industrial representations for back pay, the PSA will only be advocating for our members.

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