

## PSA members' bulletin – icare single Flexible Working Hours Agreement (FWHA)

The PSA and icare have been in discussions for some time about the eventual need for a single icare FWHA.

In September 2019, icare wrote to the PSA advising your union it had permission and proposed parameters to negotiate a single FWHA.

Following that, PSA industrial staff with the help of your Delegates, have now held meetings with members at Kent St, Parramatta and Newcastle to discuss the proposed agreement.

The PSA will shortly finalise our 'log of claims' as part of our negotiations with icare around the FWHA.

Following negotiations with icare, the PSA will put the final agreement back to members for endorsement before the General Secretary will sign the agreement.

### PSA FLEXTIME AND WORKLOAD SURVEY

The PSA has designed a survey to assist us in the current negotiations with icare for a single Flexible Working Hours Agreement. Please click on the link [HERE](#) to complete the survey.

### PSA MEMBERS' FAQ

This FAQ is compiled from issues raised in meetings and by your delegates, it is not exhaustive but reflective of the major concerns.

#### **Does the proposed FWHA negatively affect my Award conditions of employment?**

No, the proposed FWHA is more favourable than the *Insurance and Care NSW Award 2017* (the Award) conditions, the FWHA is a local

arrangement made under the Award. Conditions such as morning and afternoon breaks are in the Award and do not need to be included in the FWHA to be accessible to employees.

#### **Some current agreements for icare staff allow for banking so why is there no banking?**

As part of the Governments Wages Policy, an Expenditure Review Committee (ERC) was created to look at implementing savings across government.

In 2013 the ERC set out the bargaining parameters for what government agencies could put in their agreements. One of the exclusions was to prohibit the actual banking of flex hours.

The PSA and Public Sector Unions had challenged the Governments Wages Policy which ultimately went all the way to the High Court in 2012 in which the unions lost. We are therefore unable to take any action such as a dispute in the Industrial Relations Commission to retain this for our members.

Progressively across the NSW Public Sector as new single agreements have been negotiated for cluster agencies since 2013 such as Justice and the then Department of Finance Services and Industry (now Department of Customer Services) the ability to bank flextime has been lost.

To offset the loss of banking, the Wages Policy Taskforce did soften its original position on the length of settlement periods and also allowed for a more generous carry-over of hours.

#### **In the PSA's latest *Red Tape* it reported that the new Transport for NSW FWHA got to**



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### **include banking, why can't the PSA bargain for this with icare?**

The recently negotiated Transport for NSW FWHA is an outlier that has managed to retain actual banking of hours for use during the Christmas closedown period only due to a Determination in 2012 which retained conditions of employment from separate agencies (such as Sydney Trains) coming in to TfNSW.

This allows them to accrue a maximum of five days throughout the year to be accessed during the Christmas/New Year period.

This arrangement only applies to TfNSW, the icare bargaining parameters have been set by the Wages Policy Task force and icare cannot make any agreement against the identified restrictions and the PSA has no recourse to challenge this.

### **The Award allows for me to accrue up to eightweeks' recreation before providing a direction to take leave but the FWHA limits me to 30 days, surely this is a lesser condition than the Award?**

Treasury Circular 16-03, followed on from TC14-11 has seen a commitment by the government to reduce accumulated rec leave balances to 30 days or less by 30 June 2015.

The Award requires an immediate direction at 8 weeks but it also allows icare to manage leave when the accrued rec leave balance reaches 6 weeks.

The PSA will be negotiating with icare to amend the proposed FWHA to better reflect the Award conditions and if a plan to reduce leave is in place,

we will argue that you should be able to continue to enjoy the benefits of the FWHA.

### **Can I be placed onto standard hours?**

A staff member can only be placed on standard hours after consultation. Standard hours remove flexibility as it only allows you to work your daily contract hours.

It would generally not be anticipated that icare staff would be placed onto standard hours.

### **Field-based roles**

A number of concerns have been raised with the PSA about the potential for staff to work excessive hours due to the proposed extended bandwidth of 6.00 am to 10.00 pm and with no requirement for core time.

There is a benefit to field based staff to have their travel time paid at your ordinarily hourly rate as the Award limits excess travel time to a maximum rate of clerk grade 5.

The FWHA also places constraints in that the maximum allowable number of hours that can be worked in 1 day to 10 hours.

There should also be significant Work Health and Safety concerns around fatigue management and the PSA will conduct a workload survey as part of this process to discuss with icare concerns around excessive hours.

Another concern is with the possibility that icare may choose to deem that a role that is currently not considered field based is, without consultation.



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At the moment, the draft FWHA only references the Rehabilitation Case Manager (RCM) and the PSA will seek further clarification around this and assurances for members.

Also, as part of the consultation around the Lifetime Care 2020 restructure and creation of the RCM role there was a commitment by icare to monitor and report back to the PSA through the Joint Consultative Committee around how the role is operating.

### Remote Working (work from home)

Concerns have been raised with the PSA as to the intention to limit staff who have approval to work remotely (work from home) may only do so on standard hours. This is a common direction across the Public Sector and while there is the ability in the agreement to vary this the PSA will consult further around this issue in negotiations.

### Separation and payout of flex days

The PSA is not aware of any reason that allows icare not to pay out any owing flextime. While we will support where reasonable to do so a staff member reducing their flextime to 0 hours prior to leaving employment we will be seeking in our log of claims that any unused flexible hours at separation of employment should be paid out.

