

SafeWork NSW Inspectors PSA bulletin

This bulletin is a report back to members on issues following the recent meeting of the Inspectors Vocational Advisory Group on 12 November 2019 and the Joint Consultative Committee on 18 November 2019.

1. Award review (s.19)

The PSA is now in receipt of the Department's outline of submissions in relation to the s.19 Award review. As has been previously reported to the VG;

The PSA's position has been clearly articulated to the Commission that we do not believe that the current s.19 review is the appropriate way to make changes to the Award where there is clearly no consent and we will vigorously defend this position,

The main areas of concern from the Department's submission are:

- Remove reference to the MOU in the Award,
- Proposed new clause 12.2 removing the voluntary nature of the AHRS,
- Deletion of clause 15. Classification Structure,
- Proposed new clause 16 'Competency Assessment',
- Proposed deletion of clause 20, Progression to Assistant State Inspector or State Inspector.

This matter is back in the Industrial Relations Commission on 10 December 2019.

2. Competencies dispute (s.130)

This dispute was initially raised in 2018 in response to a large recruitment action being undertaken by the Department.

The issue as outlined by the PSA at the time, was never to challenge the Department's right to external recruitment, but was to question as to how the Department could be compliant with the Award if it were to appoint Inspectors to the role of Senior, Principal, Assistant State or State Inspector while not holding the required competencies as stipulated by the Award.

This is in light of the understanding that the skills needed to be an effective SafeWork Inspector are developed over time and was previously supported through a progression system.

The matter has progressed substantially, now with significant input and a 'Merit Selection Transparency Framework Proposal', developed by VG delegates.

This has been considered by the Department who have responded with a significant variation to clause 16.

This is currently with the PSA's solicitor and a further report back to members will be provided shortly.

3. Progression to Senior and Principal Inspector – Clause 19

At the SWIVG JCC in August, SafeWork Management informed the PSA of its decision to suspend all pending submissions by Inspectors for progression to review the current system as it was recognised by most that it was not operating effectively.

This has caused a number of issues for some members who have currently been seeking to progress. There has been a commitment by the Department that any Inspector found having met the requirements to progress will be backdated to July 2019 when their original submissions would have been assessed.

Following the JCC the PSA has been provided with a final draft on Tuesday 19 November 2019. PSA



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Delegates have raised further concerns with this draft most notably:

- The requirement to be considered to progress from Inspector to Senior or Senior to Principal will occur after 24 months in the role, it is the PSA position that this is not consistent with the Award, there has been no consultation with the PSA around this additional requirement,
- There is a significant concern as to the requirement for three examples of each criteria, with a view that this may not in many instances be achievable.

These issues have been raised with SafeWork NSW management and the PSA will report back following that review.

4. Meal Allowances

The PSA has yet to receive a response from the Department to our correspondence of 28 June 2019 after it has begun in our opinion paying 'actuals' only and not the full allowance as allowed for by the Award.

This lack of response has been raised with the Senior Employee Relations Advisor and further representations have been made.

A further report to members will be provided at the Quarterly meeting on 11 December 2019.

5. 2018 – 19 Payment Summaries

The Department has admitted that there were coding errors that occurred on the 2018-19 payment summaries which led to recording deductions for private motor vehicle usage as being recorded as 'Union deductions'.

This error has been fixed, upon request the Department will also review whether it will need to reimburse staff

for accountancy costs associated in having to re-file to amend the error.

6. Better Regulation Division Review

As the Machinery of Government (MoG) changes continue as part of the formation of the new Department of Customer Service, the PSA continues to meet with the Department on a fortnightly basis in what is known as the Realignment/Restructure Joint Consultative Committee.

Following the executive level review, the Department has released the Functional Stream for BRD. At this time no direct consultation has been had with the Department about this as it is expected that this will occur when more detailed structures are available under the functional streams.

The PSA has made representations to UnionsNSW raising concerns about the ongoing integrity of the SafeWork NSW Inspectors role in the new structure.

7. 4 Parramatta Square

Consultation around the move into 4PSquare has been through the regular fortnightly RJCC. The Department anticipates that early adopters will be moving into the building by the end of November 2019.

At this time, it is still anticipated that SafeWork Baulkham Hills will be moving in March of 2020.

We now anticipate a formal announcement from the Deputy Secretary – Better Regulation Division (BRD) about further staff moves to Parramatta on Tuesday 26 November 2019, the PSA has a previous commitment through the RJCC that staff will be given a minimum of two months' notice prior to any relocation.

A further communication and consultation with members will be provided following the Deputy Secretary's announcement.

