

## Flexible Working Hours Agreement, dispute

The PSA is aware that during the first phase of the COVID-19 response there has been a significant restriction to many members' access to the newly agreed Flexible Working Hours Agreement (FWHA), causing a significant level of concern amongst the membership.

In response to this the PSA (Delegates and Industrial Staff) have now had a number of meetings with icare management in an attempt to resolve this issue.

The PSA wants to make its position to members very clear:

### 1. There has been no change to the icare FWHA

The PSA is concerned that some members believe that there has been a change to the FWHA. The PSA would like to assure members that the FWHA endorsed by members and agreed to on your behalf in December 2019 remains the agreement.

### 2. Standard hours

It is a general principle that work-from-home arrangements are usually made to your standard contract hours, which is your seven hours a day for 35 hours per week.

The general HR reasoning behind this is due to the minimal supervision of staff when they are working from home and to attempt to reduce overwork and/or underwork.

It would appear that one of the unintended consequences of recent communications from icare has been to restrict beyond the initial intention the flexibility that staff may require.

As stipulated by both the FWHA and icare Award, standard hours usually requires consultation with the affected employee.

As icare transitions out of the first phase response, the PSA expects a significant move away from this position.

### 3. Approval of flexitime by GLT

The decision by icare to move the approval of flexitime to the executive level has been another move that has significantly impacted our members' ability to reasonably discuss their flexibility needs at this time. While it may be necessary for GLT oversight at this time, the PSA expects that members should be able to seek approval from their immediate supervisor in the first instance.

### 4. Work loads

It has been another area of difference between the PSA and icare as to appreciating that in many circumstances members have experienced increased workloads not the opposite. This has exacerbated the issue for members as to the use of ordinary flexible working hours.



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### 5. Recording of hours

The PSA is extremely concerned to hear that members are not recording the actual hours that they are working on their time sheets.

It is very important from a Work health and Safety perspective that you record accurate hours of work. The PSA considers that it is unlawful to ask members to record times different to that which a member works.

### 6. Consultation

While the most significant issue being reported to the PSA at this time is the access to flex, it has raised a number of other matters that will require ongoing consultation, these are:

- Transitional Flex Arrangements
- Excess Recreation Leave (more than 30 days)
- Return from work from home arrangements and easing of COVID-19 restrictions

Further more detailed communications on these matters as they progress will be sent to members shortly.

### Next steps

At the JCC meeting with icare on 28 May 2020, the PSA advised management that we were at the point where we would be seeking the assistance of the NSW Industrial Relations Commission in attempting to resolve this issue.

In response to that, icare management requested further meetings to explain its position and understand the PSA's.

The PSA has now had an additional two further meetings with the most recent being on Monday 15 June 2020.

At this meeting the PSA was given an undertaking by icare that it will look to have a resolution to the PSA to address these concerns by Thursday 18 June 2020.

If this does not address the issue the PSA considers that at this time it will have exhausted all reasonable avenues of attempting to resolve the matter with icare and will seek the assistance of the Industrial Relations Commission.

