



Public Service Association of NSW

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In reply please quote:

NP:cr

12 August 2020

Ms Kathrina Lo
Public Service Commissioner
Public Service Commission
Level 4/255 George Street
SYDNEY NSW 2000

Email: Kathrina.Lo@psc.nsw.gov.au

Email: Josh.Faulkner@psc.nsw.gov.au

Dear Ms Lo,

Re: Pending Restructure of the Public Service Commission

The Public Service Association of NSW (PSA) writes in relation to the pending restructure of the Public Service Commission (PSC). At our meeting on 4 August 2020 we were advised that we would receive further information (including Role Descriptions) and that there was an extension to the timeframe within this restructure. It was agreed that we would confirm a specific date in further discussions. It was on that basis that the PSA withdrew a matter we had lodged in the Industrial Relations Commission.

We still await the further information. We seek that as a matter of urgency. The PSA advises that the process should be halted until we have all the relevant information and have had sufficient time to respond with relevant feedback.

At this point, and prior to further anticipated information, we have the following comments and concerns from our members. A further response will be provided after we have received the additional information. As you can see from the information within this letter, there are many concerns for our members. Of much significance is how the already high workload of PSC will be addressed with less staff. It should be kept in mind that a role can only be made redundant if the work is no longer required.

The difficult time we are currently experiencing COVID-19 exacerbates the situation further. We raise our strong objection to the cutting of jobs during this terrible pandemic.

Employees have also expressed that they do not currently feel that they are getting proper or sufficient answers to the queries they have put to the PSC restructure in box. Again this adds additional stress in an already stressful situation.

Rationale behind the restructure

Staff raised many concerns regarding the rationale for the restructure, particularly stressing that the CMP and meetings so far have not provided them with sufficient information. Some of the questions are as follows:

- Is the restructure about money and savings? Are the savings being made in this round of the restructure, which would mean a restructure of 7/8s and below isn't necessary? Suggesting there will be a restructure at those lower levels even if all the required savings have been made because "we want to have the appropriate resources for the work" is concerning. Lower paid staff are even more vulnerable if jobs are lost during the pandemic.
- There has been talk of too many 11/12s at the PSC for a long time. Why hasn't a strategy been put into place sooner so that the effects could be less brutal, i.e. teams restructured bit by bit as people at higher levels leave.
- Has consideration been given to re-assigning people to roles under section 64 of the GSE Act? The PSC developed the guidelines on this and have not been very good at following them. For example, people could have been re-assigned to roles that came up in the past 6-12 months and not had so many people coming in from outside and on temporary contracts.
- Why hasn't there been a recruitment freeze? To see people being hired while there is a restructure where jobs will be lost is very bad form.
- Will the promised role descriptions be generic or specific to the role, noting the PSC recommends generic descriptions, with work functions specified via business planning?
- Why haven't the work functions for the ongoing roles been made available, along with their required capabilities, so current 11/12s and 9/10s can make an informed decision about which roles to apply for? Will all of this information be available before the EOI process opens?
- Can the PSC explain how their current approach promotes a respectful workplace aligned with PSC values when staff cannot make informed decisions, but feel pressured in a deteriorating job market during a pandemic, experiencing a process that the leadership team is unfortunately unable to explain? The process we have is not aligned with what we understood would happen (with a business plan of nominated work functions, and capability matched to the plan). It also appears anomalous to the government's policy settings around job protection, particularly for the private sector.

The PSA also raises that during the PSC led reform process Secretaries were required to obtain Commissioner approval for their structures and PSC review against design principles. While this approval is no longer required, has PSC upheld the principle of independent review of structure and assessment against design principles for best practice structures?

Timeframes and consultation

As advised previously by the PSA, and reiterated in feedback from our members, the timeframes for this restructure were too short. Whilst an extension has been agreed to we have not confirmed what the deadline will be. The PSC has acknowledged there will be further discussion in regard to the timeframe.

Staff have advised that they do not believe there has been adequate consultation to date. At this stage in the process members advise that they are not getting adequate responses to their questions. There appears to be an ongoing lack of clarity regarding this restructure and limited information provided. We are hopeful that with the extended timeframes and the agreement to provide further information staff will feel different as this restructure progresses.

Further to consultation within has any thought been given to consultation with organisations and others in the sector that the PSC works with? This is particularly relevant for the Aboriginal Workforce Team, as this team needs a certain level of cultural competency for the work they do. It would also be anticipated that those other agencies may be most concerned in terms of how this restructure may take away valuable resources and support that the PSC is able to provide when properly structured.

As part of the consultative process the PSA and members seek:

- Once all relevant information has been provided that another meeting with the executive occur for staff to be taken through the CMP step by step. All documentation including role descriptions should be sent out in advance.
- Within the information provided should be a detailed work plan for each area with explanations from directors to clarify what work will come under each team/role.
- Clarity regarding the next stage in the restructure of levels 7/8 and below, and if this will include a reduction in staff.
- Clarity on the transparency of PSC's consultation process. Will staff get to see the submissions/questions sent and PSC's responses to them?

Further, members have asked if thought has been given to the impact on team members with special needs, mainly from a mental health point of view? This is of high importance during the pandemic and with a mature workforce at the levels affected.

Effect on remaining staff/Workloads

Members advise there has been no discussion, and there is no reference in the CMP, in regard to what the impact will be on the rest of the organisation if a large number of people managers are cut.

There has been no indication that with the reduction of 10 positions there will be a corresponding reduction in work. The reduction in staff appears to simply be a budgetary decision.

Has any thought been given as to how much work the remaining staff will have to do, and will responsibility be pushed down to lower levels? Employees should not be expected to work beyond their contract hours. Nor should they have the pressure of outstanding work hovering over them on a daily basis.

It is the PSA's understanding that most, if not all, of the 11/12s and 9/10s work long hours, much more than 35 hours per week. Most work more than 5 days a week. Given the significantly reduced number of staff, has any analysis/audit been done of the current employees' flex balances (and balances sacrificed over 3 years) to evidence that excessive overwork is not a key risk? What analysis has been undertaken?

Finalised business plans have not been made available with confirmed work functions for each role. How can the PSC demonstrate that the remaining roles will not simply absorb more work, if no decisions have been made to date on what (if any) work will be dropped? What safeguards will be in place to ensure the roles do not become overloaded?

One specific example provided was as follows:

The Employee Experience PA role purportedly requires oversight of concurrent mandatory reporting requirements under the GSE that are currently done by two different roles (Employee Survey and State of the Sector reports to Parliament each year, and supporting analysis/insights for agencies) because of the timing overlap in deliverables. There has been no advice either will be discontinued, and the current legislation indicates it cannot be done. How will this be addressed?

Part of the rationale behind shrinking the number of 11/12s and their teams is for better collaboration, but members are of the view that the level of collaboration among the 11/12 level is very high.

The 5th organisational design principle outlined in the change management plan is to *Eliminate or minimise any existing duplication and inefficiencies across the PSC*. With this in mind, how will the Chief Operating Officer and Director Corporate operate to ensure no duplication? And same for the two EO roles?

One of the PSC's guardrails was to respond to sector need. The Flexible Working team has data from the sector that 1/3 of agencies wish to receive ongoing support from the team. How will this be provided?

Looking at the top level of the structure the question has arisen as to why haven't the Executive Design Principles on spans of control been applied to Executive roles in the PSC structure, particularly as PSC required all public service agencies to apply this principle when designing structures?

Similarly, the PSC designed and mandated process for executive reforms required agencies to include the executive labour cost as a proportion of total employee cost. Agencies were questioned when this cost increased significantly. As PSC will be increasing actual executive costs as well as executive costs as a proportion of total employee budget, why are we not following your own guidance and doesn't this raise questions about the appropriateness of the proposed structure?

Aboriginal Workforce Team

The CMP says there is no impact on diversity groups, however there is no mention of any identified Aboriginal roles in the CMP and structure. This has led many of our members to the view that the Aboriginal Workforce Development (AWD) Team has been disbanded.

If so, why is this the case and how will PSC deliver culturally competent training without the work being led by a recognised member of the Aboriginal community?

As the agency leading workforce management and the Premier's Priority to increase Aboriginal senior leadership, doesn't this risk other agencies following that example, removing their identified roles and consequently Aboriginal employment commitments becoming less visible or Aboriginal employment declining?

We know from the work PSC has led on Aboriginal employment and from the workforce profile collections that non-executive Aboriginal employee numbers decline from grade 7/8 to 11/12. We also know that any sustained growth in Aboriginal senior leadership requires a talent pipeline at upper non-executive levels. Identifying roles is one of a few levers available to us to increase Aboriginal employment and be visible about commitments to Aboriginal employment.

Is it the intention that the diversity work PSC currently leads ends, or will all programs be led by one person who is not a member of all of the diversity groups? What is the rationale for removing the identified Principal Advisor role?

It is further noted that the draft new structure was announced on the same day as Closing the Gap announcements were made. Members expressed a sadness that the AWD team appear to have been rolled into the D&I team.

The EOIs

It is clear that staff are uncertain regarding the EOI processes. They are also not assisted by the role descriptions not yet being provided and therefore roles within the

restructure remain unclear. Further, the past organisation chart is requested to allow us to see where positions have merged.

The PSA seeks clarification as to whether all 11/12s and 9/10s are required to apply to attain positions in the restructure or are some positions quarantined?

Why have staff been restricted to only be able to apply for 3 roles in the EOI process?

Staff seek clarity in regard to who makes the decisions regarding placement in positions. Further, is there a mechanism to raise concerns throughout the process?

Are there part time and/or job share opportunities within the restructure?

Staff have sought clarification as to whether there are any other people on secondment, maternity leave or long service leave/leave without pay who may apply for roles in the EOI process? Can all these people also apply for VRs?

Fixed term employees have asked how they are affected and if and when they may have an opportunity to apply for positions. Also, will current contracts be extended to the finalisation of the restructure? In particular, fixed term staff are concerned that their contract may cease prior to any opportunity that may arise.

Some specific questions are:

- What is the difference in work between the two EO roles? What business planning substantiates the creation of a new EO role for the yet-to-be-appointed Deputy Commissioner?
- What criteria has been used to determine which roles are classified as specialist roles (e.g. Leadership Academy) and how will this be assessed? When will the criteria be released, so we know what it is?
- Some staff have been assured that temporary roles will become available in the new structure – when will this be announced? It is highly unusual not to announce these before the EOI and VR process opens so people can make fully informed decisions according to their circumstances.

The PSA seeks a response to the queries raised in this letter. We also seek information as expressed in our previous meeting and in this correspondence. Of major and immediate importance, we seek PSC's agreement to halt this process in line with our earlier point, that being until we have received all the relevant information and have had sufficient time to respond with relevant feedback.

Please contact Mr Nick Player on 0408432439 or by email nplayer@psa.asn.au.

Yours faithfully,



Nick Player *for*
Stewart Little
General Secretary