

Site Inspection: sound recordings dispute

The PSA met with the Department on 2 March 2021 in response to the current work ban and notification of a dispute as to the introduction of sound recordings for site inspections. This follows a lack of consultation with the union and concerns being raised by members.

In response to the main issues raised with the PSA, we can report back to members the following responses from the Department:

1. Storage and security of recordings

The PSA was advised that the recordings are a government record and will be treated as such.

This means that they cannot be deleted or destroyed and at this time they are still looking at the best way to do this though it will most likely be through the Teams Sharepoint.

Access to the recordings will be limited to the individual Inspector and the Manager.

2. GIPA

The Department stressed it could not provide any guarantee that the recordings would be exempt from a GIPA request. However, it did point out that because site inspections are 'mediations' there are certain legal protections and that a dispute cannot be formed on the basis of meeting along with privacy issues.

3. Indemnity

Some members have raised concerns as to whether the recordings could have an impact on them personally.

The recordings do not in any way change the current protections that staff have as being employees of the NSW Government and that they are protected by the *Employees Liability Act 1991*.

4. Work Health and Safety

It was noted that the main driver for the introduction of recording the site inspections was in response to a number of incidents which had occurred at Site Inspections. It was believed that by being able to record the inspection it would assist in reducing such incidents from occurring and also assist when having to investigate them when they do occur.

It was noted that the main animosity is between the parties and not with the Building Inspector and that it should in most cases act as a deterrent.



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Approximately half a dozen trials had been conducted and legal advice had been obtained and the Department was of the view that the trial was successful and should therefore be implemented across the Inspectorate.

5. Performance Management

The Department would not give a guarantee that the recordings could not be potentially used in respect of performance management

Next steps

The PSA believes that at this point if the Department agrees to provide a policy and procedure document for how the sound recordings are to be used, stored and put into practice then the union will be in a position to withdraw both the dispute and work ban. This would be on the understanding that until such time as the policy and procedures are finalised, it is at the discretion of the Inspector as to whether they will record site inspections.

