

NSW Trustee and Guardian: Flexible working hours dispute

Thank you to the many members who have already contacted the PSA about directions management has unilaterally imposed regarding flex leave. It is disappointing there was no consultation from management with the PSA in any form on the issue. In response to NSW Trustee and Guardian's (NSWTG) actions, the PSA filed a dispute with the NSW Industrial Relations Commission, disputing, among other directions from management about flex, the validity of the following advice to members in Trustee Services:

Where short term flex/rec leave is planned and the staff member is otherwise expected to be WFO [working from the office], the staff member is required to swap WFH [working from home] days within the team during that week to ensure continuity of service and fairness to fellow team members.

The matter was before Commissioner Murphy on Tuesday, 15 June 2021. The PSA submitted to the Commission that there was no legitimate basis for the above direction under the flexible working hours' agreement. The PSA noted that while managerial discretion did apply to the granting of flex leave, the above was outside the scope of the agreement.

The Commission directed NSWTG and the PSA to meet and discuss the matter.

As a result of the PSA lodging the dispute at the Commission, until the PSA and NSWTG met, the status quo before the above advice applies. As such, members should apply for flex leave as they normally would have prior to the advice quoted above. There is no need to find someone to swap with if the day you want to take off is a day in the office.

The PSA and NSWTG will meet within the coming weeks. The PSA is seeking further feedback from members about how flex leave has been administered within their teams. While a number of members have come forward, the PSA welcomes any further member input.

The matter is still on foot at the Commission and the PSA will seek further assistance from Commissioner Murphy if the matter is not resolved to the satisfaction of members. Members will receive a further update once the PSA meets with NSWTG.

Your PSA staff

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Interested in becoming a workplace delegate or more involved in the PSA? Contact the Member Support Centre or your Organiser today.

