



FACT SHEET -What you can expect when you are facing a restructure

What is a restructure?

Restructures are now a very common reform undertaken in NSW Government agencies¹. The term 'restructure' can cover many different situations such as:

- existing agencies being replaced by a new agency
- merging agencies
- moving parts of one agency to another
- a new structure for an existing agency.

These changes may arise from a review of operations. Sometimes the term 'work-force transition' or 're-alignment' is used to describe restructures. 'Change Management' is a concept that is now frequently used to structure these processes.

The start of the process

The PSA knows that a restructure can often be a stressful and difficult time for members. Sometimes there will be rumours about a restructure before it is announced, adding to uncertainty and concern.

An agency should be consulting staff and the PSA when a restructure is planned. Yet this is not always the case and the PSA may find out about a restructure from members. The PSA can then seek formal consultation. Consultation should allow input from members and the PSA before restructure plans are firm. But unfortunately, management will often have a clear upfront view of the reform outcomes.

¹ This fact sheet applies to NSW General Government agencies. Differing arrangements apply for State Owned Corporations and national system employees.

If your agency is restructuring, this is a good time to have the support and experience of your union behind you!

What does meaningful consultation really mean?

- To receive relevant documentation about the proposed changes, what those changes are and how they affect you
- To be given the opportunity to put forward your views with feedback provided
- To have those views genuinely considered by management before a decision.

A Change Management Plan

A restructure should be based on an Agency Change Management Plan on which there is consultation with staff and the PSA.

The Government's Agency Change Management Guidelines cover these plans. A key matter is the process for placing people in roles – Page 14 of the guidelines gives an example of a placement policy.

<https://www.psc.nsw.gov.au/employmentportal/transition>

Other policies may also be relevant (see below), especially those written after the *Government Sector Employment Act 2013*.

The PSA can help to ensure that the Change Management Plan and placement policy are fair and applied to individuals correctly.

Securing a role

Even once the Change Management Plan is finalised, you may be feeling in the dark, insecure about your job, and uncertain what steps to take.

Sometimes staff may be directly appointed to an equivalent role. But staff may also have to apply for roles competing against existing departmental staff (usually a staff member can only apply for roles at their current grade, at least initially).

Later stages may include applying for any role in the new structure, with or without applicants external to the agency.

You will often be required to provide a resume and submit a written application. Assessments such as interviews, a review of work samples and skill and personality tests may apply.

Sometimes an agency will make a call for voluntary redundancies upfront. This may assist members who are sure they want to leave.

The PSA can help members to understand where they stand in terms of the placement process. In many cases, the outcome for members may be uncertain for some time.

What should you know?

Review your Award and policies that cover workplace change. These documents are a framework for how change will happen and your rights through the process.

Key policies include:

- PSC Directive 2011-014, Agency change management guidelines
- PSC Directive 2011-023, Voluntary redundancy program guidelines
- PSC Directive 2011-007, Managing excess employees
- PSC Directive 2011-009 Case management and redeployment guidelines
- PSA Guidelines on assignment to role of Public Service senior executive and non-executive employees.

The Change Management Plan and other communications should clarify:

- The objective of the restructure
- The time-frame and specific steps
- How roles will differ after the restructure
- The roles in the new structure
- Whether there will be direct appointment to any roles
- Which roles you will be able to apply for at different stages of the placement process
- What process will be used to assess suitability for roles
- Whether there will be an upfront voluntary redundancy offer
- Where any new agency will be located.

What can I expect from the PSA?

Each restructure is different and the PSA will tailor its response to the issues at hand. The PSA can provide ongoing liaison with agency management, advocating on members' behalf. The PSA can also negotiate with management and take action if the process is not compliant with government policy.

Support may be provided on issues affecting all members such reviewing the fairness of the placement process. Support may also be provided on individual matters such as how the process applies to a specific individual, access to flexible work, fair access to roles in the new structure and options if a member does not secure a role.

Successful strategies may include:

- A working group to go over the issues
- Member meetings
- Regular meetings between the PSA, delegates and management on key issues
- Regular two-way communication on what is happening
- A possible dispute if management does not follow procedures correctly.

Your basic rights

- Meaningful consultation over any proposed changes that affect you
- Be treated with dignity and respect throughout the process
- Have your views listened to and be genuinely considered

What can I do?

- The first thing to do is to contact your workplace delegate for more information and support
- Join the PSA if you are not a member
- Encourage others to join
- Consider discussing the key issues with your colleagues
- Share and collate relevant information.

PSA Principles for Restructures

Our Role

- ✓ **defend** members' jobs and job security.
- ✓ **protect** the provision of high quality and accessible services to the people of NSW
- ✓ aim to **minimise** job loss and service cuts
- ✓ acknowledge that **change** may be a necessary part of maintaining good public services, and seek to be proactive in influencing and consulting with agencies and Government.

How...

We can:

- ✓ fight to ensure members are **consulted** during the development of the restructure proposal, not just during the implementation phase.
- ✓ **engage actively with members** to ensure our response to the restructure is member driven.
- ✓ **Survey** members at the beginning of a restructure, or where appropriate, to determine their views.
- ✓ **advise** members on what outcomes are real and practical, so that best possible outcomes can be achieved.
- ✓ always fight for a **fair and equitable process** in any restructure.

Our Key Principles

We hold the following as key principles during restructure implementation

1. Matching based on mutually agreed current work duties not outdated position descriptions
 2. The PSA should be involved in the development of selection criteria for any up-front voluntary redundancy program
 3. If more employees than ongoing roles, roles put out to EOI and every affected applicant awarded an interview
 4. If more employees than ongoing roles, interest in VRs called for before recruitment processes are undertaken
 5. Every effort must be made to match current employees to ongoing roles
 6. If fewer employees than roles remain, a matching process should be undertaken prior to any other recruitment
 7. For directly matched roles, job swaps should be made available and every effort made to facilitate these
 8. Recruitment action should be from highest to lowest position
 9. Recruitment action in first instance should be limited to those at Grade
- ✓ The PSA will take care to **distinguish** between Government and management (discretionary) decisions, but will always act in the interests of members.
 - ✓ The PSA will provide **training** to delegates and interested active members about how to respond to restructures so as to obtain best possible outcomes for members.
 - ✓ The PSA will continue to engage with the **community** about the benefits of public services, and not lose sight of the public interest.