

Response to Feedback

Thank you for PSA's feedback on proposed changes to the operation and practical application of the Flexible Working Hours Agreement (FWHA) for the R4R team (the 'Team') in Revenue NSW (RNSW). The feedback is organised into themes, and addressed, below, based on information received from RNSW in response to the feedback raised.

- **Feedback 1** - Concerns relating to the need for change and its effect on flexibility.

'Our feedback is in relation to concerns about the need for change. ... flexibility... is being removed for this team [R4R]'

'They are taking away our flexibility for a role that is advertised and encourage (sic) to move into or take on by the amount of flexibility is in the area.'

'Other departments that assist our unit do not have the same restrictions when completing their work.'

'Flexible working arrangements are 1 of the great benefits of working for the Department of Customer Service and helps employees maintain a work/home life balance.'

'Why change it if it is operating successfully and employees are being productive? Any change could lead to employees becoming disgruntled and as a result less productive.'

Response 1

We acknowledge concerns around the need for change. The reason for the changes to the operation of FWHA for the Team is to enable the business to operate effectively and smoothly while still providing flexibility to staff.

The current operation of FWHA for the Team is failing to meet and benefit the needs of the Team, as a whole, and the needs of the business to meet its aims and purpose.

We realise this is a balance and the purpose of the change is to put rigor around and consistently apply a process that appears to have previously not been managed in accordance with the flexible working provisions in the Flexible Working Hours Agreement 2016. Specifically, Paragraph 2.1.10, which states:

The accumulation of work time and taking of flex leave requires mutual agreement in advance between a staff member and their manager. The factors listed in 2.1.9 will also be considered when reaching such an agreement. The lack of agreement from an employee will not negate the ability of a manager to provide reasonable instructions/directions in line with this agreement and the business and customer needs of the Department.

Paragraph 2.1.9 outlines factors considered in reaching an agreement and it states:

Decisions regarding working hours and patterns of work will be made in consultation with the employee by taking into account the following factors:

- (a) the operational needs of the Department and its customers;
- (b) the customer contact hours of the Department;
- (c) seasonal peaks of work within the Department;
- (d) the availability of necessary and productive work within the business unit;
- (e) the need to limit the working of overtime;
- (f) personal commitments and needs of employees, including family responsibilities;
- (g) WHS and equity issues; and
- (h) any other factors as may be agreed, from time to time, by the parties.

Direct feedback, received by RNSW, from part-time staff is that the changes should result in all part-time arrangements and their flexible options being discussed with their leaders on a case- by- case basis with consideration of the individual part-time arrangement for each staff member.

The proposed change is not taking away staff flexibility rather it ensures that all requests for flexible arrangements are discussed between staff and their leaders as per DCS's flexible working policies so the use of flex time benefits all of staff and the business.

It is accepted that when other staff support the Team, in tasks, it is done within their existing FWHA to ensure they are not disadvantaged when supporting other parts of the business.

- **Feedback 2-** Reason for the change is related to performance issues

'PSA has been advised this is as a result of performance issues. We would ask for a rationale as to why this and not other measures are being used to deal with performance issues.'

'We are told this is a result of performance issues however this should be individual not the whole unit being punished.'

Response 2

The changes, to the operation of FWHA for the Team, are not based on performance issues with any individuals within the Team.

The changes are to enable the business to perform its functions, of providing RNSW services the public expect, by managing and maintaining adequate business coverage. RNSW's implementation of a clear FWHA aims to meet staff expectations for consistency and support by providing sufficient staffing levels throughout the working day.

- **Feedback 3-** Concerns regarding consultation after the meeting on 10 October 2023

'First time this was brought to our attention we were advised it was coming into place within 7 days. We were not given a consultation period. We were not given any reasoning other than ' business needs'

'Our concerns were raised and addressed with hostility and aggression.'

'When the process change is address or communicated it is portrayed as and we were advised' this will be happening regardless' something we have no say in and no control over. '

Response 3

RNSW acknowledges that initial discussions they held with the Team were premature as they had not sought advice from People & Culture (P&C), and it is recognised the initial discussion was not consistent with DCS's consultation principles and requirements.

Following PSA contact with Employee Relations, P&C, RNSW with P&C support rectified this by consulting with the Team and the PSA.

RNSW leaders were not aware that their responses to concerns raised may have been perceived as hostile and aggressive. They sincerely apologise if their responses left staff feeling this way after the meeting.

- **Feedback 4-** Attending meetings that exceed 8 hours 15 minutes/day

'We have been advised if we have a required meeting we need to attend which is passed our 8 hours 15 then we are required to cater for that as we will not be approved for hours beyond this -this directly impacts lots of workers as we start between 6-6:30am.'

Response 4

In circumstance where staff are required by RNSW to attend a meeting that will mean they work over 8hr 15m on one workday, managers will approve this time on the flex time sheet.

- **Feedback 5-** Short term vs Long Term Option

'We note that the document does not advise whether this is a short term or long term option.'

Response 5

The proposed changes, to the operation and practical application of the FWHA for the Team, when implemented are to be permanent, that is they are not a short-term option.

- **Feedback 6-** advice on paragraphs 5.2.6 & 5.4.1 of the FWHA

‘The documentation provided to justify the need to make these changes refers to accrual of flex time in the FWHA but refers readers to paragraphs 5.2.6 and 5.4.1. It does not specifically advise what these are, instead relying on the reader to look these up for themselves.’

Response 6

Not including these paragraphs was an oversight that occurred because hyperlinks to them were rendered non-operational when the document was converted from Word to PDF.

The relevant paragraphs have been copied and provided below.

5.2 Daily hours worked

5.2.6 A staff member's attendance outside the hours of a standard day but within the bandwidth shall be subject to work requirements. Accumulation of additional flex time must be through the performance of productive work and is subject to management agreement in advance of business need.

5.4 Accumulation of work time within the settlement period

5.4.1 An employee may only accumulate AWT [Accumulated work time] in excess of the minimum daily contract hours where management agree in advance that business needs requires them to work additional time. A manager may instruct an employee to work only minimum contract hours when additional work is unavailable. Such instruction will be considered reasonable management action.