

## The Benevolent Society – Big Win on Coverage

The CPSU NSW/PSA has won its application to the Fair Work Commission (FWC) to ensure it is entitled to represent the industrial interests of former ADHC employees now employed by Benevolent Australia Disability Services Limited (BA-DS).

Commissioner Johns delivered his judgment on 8 March 2018 and accepted the legal arguments that the CPSU NSW/PSA is entitled to cover and represent you in the Federal industrial system.

Commissioner Johns exercised a discretion allowed by the Fair Work Act 2009 to make a proposed order that the CPSU be covered by your NSW state Awards (the Copied State Instruments). For further information on the list of your state Awards:

1. Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009  
Found [HERE](#).
2. Crown Employees (Administrative and Clerical Officers - Salaries) Award 2007  
Found [HERE](#).
3. Crown Employees (Public Sector - Salaries 2017) Award  
Not currently available on the NSW IRC website. See NSW Treasury website for link to Salaries Award (2017):  
Found [HERE](#).
4. Crown Employees (Psychologists) Award  
Found [HERE](#).

However, before the orders can be made final by the FWC, Commissioner Johns has directed the CPSU to file an amended application in order to identify the employment of the former ADHC employees as having transferred to BA-DS. The Commissioner made directions granting 'any interested party' the opportunity to file and serve submissions relating to the proposed amendment and the above proposed Orders in favour of the CPSU NSW.

If by 5 April 2018 there is no opposition to the Orders proposed by Commissioner Johns he has indicated that he will make final orders to guarantee coverage by the CPSU NSW of our ADHC members and including that the CPSU NSW be covered by the Copied State Instruments.

Most importantly this decision clears the way and confirms our lawful authority for the Right of Entry for visits and member meetings under the CPSU NSW name and discredits any claim by The Benevolent Society (TBS) that the CPSU NSW is not entitled to represent our members.

As members would be aware TBS had tried to dictate to members as to which unions could represent our members and to exclude the CPSU NSW from the workplace. In fact, TBS evidence during the FWC hearing included the astonishing proposition that *'you can't have the union you want that has been representing you all these years. You can only have these ones'* and that did not include the CPSU NSW.



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Had this absurd argument been accepted, this would have meant an outrageous denial of your rights to freedom of association and union representation.

The Commissioner commented at length in relation to ‘inconsistent evidence’ provided on behalf of TBS in the FWC proceedings. Commissioner Johns rejected the TBS submissions and legal arguments.

You can read the judgment of Commissioner Johns [HERE](#).

The CPSU NSW/PSA has now written to TBS requesting the scheduling of an urgent Joint Consultative Committee (‘JCC’) meeting in order for us to pursue a number of increasing industrial concerns raised by members including the following issues:

1. Member difficulties in accessing flex time.  
This is a guaranteed Award condition of your employment and the CPSU NSW has received disturbing accounts of TBS refusals and an apparent ban on access to flex time.
2. Workload. Members have reported intense workload pressures including in relation to caseloads and billable hours.

### **CPSU NSW delegates represent you with management**

Your CPSU NSW delegates can support and represent you with management.

To find out who your CPSU NSW Advisory Committee delegate is click [HERE](#).

### **Know someone who isn’t a member?**

A strong union means better outcomes for all members. Forward this bulletin to your colleagues and encourage your workmates to [JOIN](#) the PSA today.

Having your union and its collective strength behind you in the workplace is the only way to make sure you get fair outcomes.

