



COMMUNITY AND PUBLIC  
SECTOR UNION

SPSF GROUP NSW BRANCH  
ABN 11 681 811 732

In Reply Please Quote IB:rr:CN101228

6 July 2018

Mr Peter Jordan  
Chairman  
Coal Services  
GPO Box 3842  
SYDNEY NSW 2001

[pjordan@cfmeunsw.org.au](mailto:pjordan@cfmeunsw.org.au)

Dear Peter,

**RE: Dispute between CPSU NSW and Coal Services Pty Ltd**

The Community and Public Sector Union NSW (CPSU NSW) write to inform the Coal Services Board of serious concerns we have regarding the Coal Mines Insurance (CMI) IPIM proposed restructure and its subsequent implementation.

The CPSU NSW has made several attempts with Coal Services management to address our members concerns with the proposed CMI IPIM restructure. The request of the CPSU NSW to resolve identified issues before moving to the next stage of the restructure timeline have been ignored leaving no alternative than to dispute the matter with the Fair Work Commission.

The CPSU NSW is disappointed that Coal Services have not adhered to the status quo in line with Clause 6.9 (b) of the *Coal Services Enterprise Agreement, 2017* (the Agreement):

*“Coal Services will not change work, duties, staffing or the organisation of work if such is the subject of a dispute, nor take any other action likely to exacerbate the dispute, except to the extent necessary to address, where applicable, an occupational health and safety risk”.*

Despite the CPSU NSW request to refrain, Coal Services has continued to proceed with the restructure by holding the “Tips and Tricks Training” that was advertised after notification of our dispute with Coal Services to the Fair Work Commission. The CPSU NSW has previously indicated that this is not required until after direct appointments have been exhausted. Staff were advised in the tips and tricks training that they will be required to “sell” themselves to the interview panel. This has added significant stress on staff, further to what they are already experiencing.

The CPSU NSW was notified of the CMI IPIM restructure announcement and requested to attend

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The CPSU NSW is the Federal Counterpart of the Public Service Association of NSW. CPSU NSW members are also members of the PSA.

but was denied access to the staff announcement meeting held on 28 May 2018, conducted by Ms Narelle Caldwell. This is in clear breach of Clause 36.10, of the Agreement:

*“The change proposal will be discussed with employees at a meeting arranged for the purpose of allowing employees and the Unions or employee representatives to comment on the change proposals. There will be at least 10 working days’ notice of the meeting for Unions or employee representatives to arrange representation and adequate time for all employees affected to organise their participation in this meeting”.*

A subsequent meeting was offered and held at the same time as Ms Caldwell’s presentation at the Sydney Coal Services Office, with Mr Bruce Grimshaw and Ms Renee Kiprovich. The CPSU NSW reluctantly attended the meeting in good faith. The CPSU NSW was not able to make any comments in regard to the announcement until discussions took place with members. At the time the CPSU NSW asked if the intention of the restructure was to create a ‘spill and fill’ of long-term experienced staff within the organisation. We were informed this was definitely not the case and in fact there was an increase in numbers and not a reduction.

Since the inaugural meeting regarding the restructure of CMI, Coal Services position has changed on several occasions and is not in line with the original presentation tabled to the members of the CPSU NSW on 28 May 2018. CMI continue to adjust their position without justification and with disregard to any input and/or requests from the CPSU NSW. This is also a clear breach of Clause 36.3 of the Agreement:

*“Consideration of issues that may lead to workplace change will be discussed with employees likely to be affected and their Unions or employee representative, as soon as possible on identification of the need for the change and prior to a decision being taken to proceed with any change. Coal Services will consult with and provide information to employees and their Unions or employee representatives in order to work towards mutually acceptable solutions and/or alternatives. Where an agreement cannot be reached reasons must be given”.*

Changes of the proposed restructure continue but reasons are not forthcoming nor consultation held with the CPSU NSW, prior to the change.

The continuous changes of the proposed restructure are confusing and distressing for CPSU NSW members as their futures have been thrown into turmoil in this current climate of uncertainty. Coal Services are unable to give clear and concise information to CPSU NSW members for them to see a clear view of what is before them. This behaviour of Coal Services senior management (changing their position post issues raised by the CPSU NSW without consultation and directly to staff), is nothing short of erratic and disrespectful. This is a clear breach of Clause 36.17 (C) of the Agreement:

*“Give consideration to any views about the impact of the change that are given by the employee or employees concerned and/or their Union or employee representative”.*

A brief summary of the issues thus far is as follows:

**Restructure Information** – The CPSU NSW requested information on the Trial at Argenton that the decision of CMI IPIM Restructure was based on, the Case Management Model, Position Descriptions (old and proposed). CSPL requires the relevant information that show this restructure is necessary and in fact is superior to current structure and practices. The CPSU has reservations with the proposed restructure. Current performance is superior and an understanding is required why change is necessary in the first place. The proposed restructure

outlines a different way of working but CPSU NSW members indicate that this way of working can be done under the current structure with minor work changes.

**Expressions of Interest (EOI's)** – Coal Services original plan was to open EOI's on the restructured positions for a short period of time to gauge interest of those wanting to apply for other than "like for like" roles in the restructure. However, members did not have relevant information to even consider a choice as **ALL** the Position Descriptions (PD's) were still in "DRAFT Format". CPSU NSW members did not have a full understanding of the proposed restructure and their concerns were raised to Coal Services by the CPSU NSW. Members were of the view that an EOI was not necessary as their jobs were 'like for like' in the proposed restructure and therefore they should be directly appointed to their 'like for like' role. The members assumed that after direct appointments had taken place they could then show interest in any vacant role in the proposed restructure by way of EOI. At this point members have not expressed an interest in any position due to the lack of transparency and continuous change of information provided to staff. EOI's were requested by the CPSU NSW to be placed on hold until PD's were finalised and then re-opened so CPSU NSW members could make an informed decision on positions they might be interested in. Coal Services have since, without giving reason to the CPSU NSW, made the EOI's permanently open. Coal Services have yet to respond to the request of the CPSU NSW to identify the significance of change between the current PD's and the proposed PD's to warrant the position being redundant/displaced.

**Voluntary Redundancy (VR's)** – Members still await all information to make an informed decision with regard to VR's. The CPSU NSW has outlined that members should be directly appointed to the "like for like" roles in the proposed restructure if their PD has not significantly altered. To date, Coal Services has not been able to provide the CPSU NSW with evidence to support and warrant a redundancy for the staff currently holding these positions. Members feel that the 'offer' of a VR is for Coal Services to save face with the Board and Mining community. The members, as late as the 4 July, have expressed total mistrust of senior management, in particular the General Manager who continuously delivers inconsistency in her presentations to staff. It was clearly articulated by Ms Caldwell at the staff presentation on the 28 May 2018 where she stated:

*"Yes, I can work in this new way – we welcome you and we will support you... We will support you all the way through the process **I can guarantee you that...** We will work with what is best for you. **Iron clad commitment.**"*

This was indicated on the slide titled "Choice" at 15.20 in the video supplied to CSPL NSW at the staff presentation.

The CPSU NSW has continued to ask where the current staff fit into the proposed restructure and identify them to both the CPSU NSW and our members.

The CPSU NSW has also requested the proposed restructure to occur in the following order:

1. Direct Appointments of like positions
2. EOI's for Members
3. VR's for members.

**Position Descriptions PD's** – Coal Services finalised the PD's without consulting the CPSU NSW. The PD's are not in line with the current classification framework within the Agreement, Clause 75, and therefore changed PD's are not agreed too. The CPSU NSW has continually requested Coal Services provide us with the significant changes to justify the current positions being displaced/made redundant, thus the reason the staff needing to reapply for their own

position within the proposed restructure. What was evident in the final PD's was the majority of the roles had not been significantly changed and therefore direct appointment should have been offered to the present incumbent of the role. Please note that the final PD's (not consulted with the CPSU NSW) now contain new criteria for selection with qualifications attached to these roles for the first time, that had not previously been required.

Coal Services has given commitment to the CPSU NSW on a number of occasions to train current incumbents of any skills gap, if required to retain their 'like for like' role in the proposed restructure, and is also contained within the Q and A documents supplied to the CPSU NSW and our members.

**Salaries** – Staff were emailed on 4 June 2018 with new salary bandings (which were inclusive of superannuation) for the proposed roles which are not in line with the current EA and indicate that some roles could result in a significant reduction in pay. Ms Caldwell also stated that “salary maintenance” could apply for a period of up to 6 months which also indicates that staff salaries will be reduced.

**Consultation** – Implementing the proposed restructure prior to completion of consultation. The CPSU NSW still awaits delivery of all information in line with Clause 36.8 of the Agreement:

*“Coal Services will provide employees and the Unions or employee representatives with a written change proposal that will include but not limited to, the proposed timelines for consultation and implementation, relevant financial information, the rationale, objectives and aims of the proposed change, organisational charts and position descriptions and likely effects of the change upon employees, including proposed redundancies and workload implications”.*

**Direct Appointment** – Psychometric Assessments were originally presented to the CPSU NSW as only being required for those who are not directly appointed to roles and after the EO1 process has been completed. Coal Services have since without consultation with the CPSU NSW indicated this is now mandatory for all positions except Senior Management applying for Group 1 positions. These three positions, which all staff were entitled to apply for, were released prior to the proposed PD's of all jobs being finalised. CPSU NSW members feel there is no need for Psychometric testing, when they have either recently undertaken an Assessment or have had longevity of employment with Coal Services.

**External Appointments** – Initially staff were advised that all positions would be internal in the first instance. However, members have advised that correspondence was received on 26 June 2018 indicating that announcements regarding internal and external applicants will be made on particular dates.

**Transparency** – The CPSU NSW have requested information on how the proposed restructure positions will be advertised (internally prior to externally) after direct appointments have been made, including the interview process and how it will be independent, transparent, fair, equitable and merit based.

Lack of independence, transparency fairness and equity has already been identified with the interviewing panel of Group 1 positions having only the General Manager and Deputy General Manager on the interviewing panel.

**Health and Safety** – Senior Management have been advised of a number of incidents where managers were attending locations post 28 May 2018 unannounced. The request of the CPSU NSW to remove managers from sight in the interim were ignored. These managers were under

instruction to ask staff what their intentions were. Some of these managers are new and have had no working relations with our members. Hence, staff were extremely reluctant to converse with them. This has and is continuing to cause an enormous amount of anxiety and stress. The angst of our members is at the point where they are seeking medical advice and treatment.

Q and A's have confirmed that the Board, CFMEU and the NSW Minerals Council have been *"kept fully informed throughout"* and have agreed to the process currently being implemented by Coal Mines Insurance. They also stated *"they understand the need for change and support this initiative as an opportunity for CMI to make tangible improvements to the way we support workers and their employers."*

The CPSU NSW seek to meet with board members to discuss this matter further and request that a copy of this correspondence be forwarded to all board members.

For further enquiries or to arrange to have a meeting please contact [ibraithwaite@psa.asn.au](mailto:ibraithwaite@psa.asn.au) or phone 0400859630.

Yours sincerely,



**Troy Wright**  
**Assistant State Branch Secretary**