

## CPSU NSW and Hunter Valley Disability Services Joint Consultative Committee (JCC) meeting 9 May 2019

### In this update:

1. Demerger of HVDS
2. Ongoing Tickit difficulties
3. Work Health and Safety
4. Bullying and harassment
5. Cluster meeting follow up
6. Next JCC meeting
7. Casual staff

On Thursday 9 May 2019, your delegates and industrial staff from the CPSU NSW met with Hunter Valley Disability Services ('HVDS') to discuss collective member issues at the Joint Consultative Committee ('JCC') meeting which was held at Warabrook.

### Attendees

CPSU NSW representatives and delegates: Dean Allen, CPSU NSW Industrial Officer, Gino Di Candillo, CPSU NSW Organiser, Rachel Smoothy, Kate McGrath and Gavin Dimery (CPSU NSW delegates).

Management representatives: Luke Hughes (HVDS Governance and Transition Manager), Brenda Gledhill (Manager A&R) Julie Melehan (Manager A&R), Karen Ansen (PerformHR) and Sarah Ongley (HVDS Project Coordinator).

### Issues discussed included in part:

#### 1. Demerger of HVDS

As members would be aware HVDS has been undertaking what it calls a 'devolution' of the

business conducted by the HVDS consortium to each of its partner entities.

Regardless of the name used by HVDS this is a major restructure of the business consortium and therefore the CPSU NSW requested consultation with management in accordance with your copied State Award. This occurred when Julia Squire, HVDS Board Chair addressed the HVDS JCC meeting on 1 August 2018 to announce the transfer of disability services from HVDS to the individual consortium partners.

Unfortunately, although HVDS has made occasional assurances that it would properly consult with the CPSU NSW, there has been very little information provided to the CPSU NSW including the May 2019 JCC update that there is *'nothing substantial'* to report.

HVDS also claims that there is *'no confirmed timetable for transition'* which defies belief given that the 2-year anniversary of privatisation is in approximately 6 months' time.

Putting this into context, members will recall that the individual partners of the HVDS consortium were unable to successfully tender for the Hunter disability services in their own right. This raises the question whether HVDS may now be manoeuvring to avoid its contractual obligations with the NSW state government and in accordance with the guarantee of your employment conditions enshrined in the *NDIS (NSW Enabling) Act 2013*.

The CPSU NSW is monitoring the situation and so if members have any concerns regarding changes to your conditions of employment as a result of the



## CPSU NSW and Hunter Valley Disability Services Joint Consultative Committee (JCC) meeting 9 May 2019

demerger/divorce of the business partnership of Finding Yellow, Ability Options or ConnectAbility please contact either your CPSU NSW delegates or industrial staff.

### 2. Ongoing Tickit difficulties

The CPSU NSW has raised member concerns regarding the unreliability of the Tickit system since the first HVDS JCC meeting held in April 2018.

Unfortunately, there have been ongoing failures of the Tickit reporting system even though HVDS recently made assurances regarding claimed improvements to the Tickit system.

At the latest JCC, the CPSU NSW detailed member feedback including HVDS inaction relating to outstanding Tickit items. In one instance a Tickit item had not been actioned after many weeks and therefore the member submitted 2 further reminder Tickit requests and had still not received a response or resolution of the issue as at the date of the JCC meeting on 9 May 2019.

HVDS representatives asserted that this was the first that they had heard of the issue and indicated that in such circumstances the outstanding matter could be addressed by sending a separate email to either your Team Leader or directly to Luke Hughes, Transition and Governance Manager.

In those circumstances, if members have any outstanding or unresolved Tickit items then the CPSU NSW encourages you to write to Luke Hughes or your Team Leader and if the item remains outstanding it is important that you

continue to provide us with any issues with the reporting system.

### 3. Work Health and Safety ('WHS')

The CPSU NSW has previously raised WHS concerns with management throughout 2018 including in relation to substantial WHS breaches by HVDS regarding the work environment and facilities at Warabrook.

In December 2018 the CPSU NSW raised concerns regarding your rights to request Health and Safety Representatives (HSR) in the workplace in accordance with section 50 of the *Work Health and Safety Act 2011*.

In February 2019, HVDS provided the CPSU NSW with a written proposal under consideration by the HVDS Board for the establishment of a Health and Safety Committee (HSC) including a call for nominations of HSC representatives (which is a different process from the election of HSR's).

The CPSU NSW then requested consultation and further particulars of the proposed HSC arrangements including a copy of the so-called 'HVDS WHS Committee Charter' dated 23 January 2019. The CPSU NSW then submitted detailed feedback to HVDS over 2 months ago regarding the proposal to form a Health and Safety Committee.

Unfortunately, despite assurances from HVDS at the March 2019 JCC that it would respond to the CPSU NSW feedback in a 'week or so' HVDS has still not provided a written response and have



## CPSU NSW and Hunter Valley Disability Services Joint Consultative Committee (JCC) meeting 9 May 2019

clearly been delaying the WHS consultation process for the past 5 months.

In fact, HVDS recently asserted to the CPSU NSW that its WHS obligations as a NSW employer are *reduced* due to NDIS funding constraints.

The CPSU NSW strongly contended that HVDS is mistaken in its flawed interpretation of its WHS obligations as a NSW employer. The CPSU NSW continues to strongly advocate in relation to the work health and safety of our members and we have reiterated our requests for HVDS to urgently comply with its mandatory WHS obligations as every other NSW employer is required to do.

HVDS recently incorrectly reported to staff in the April 2019 Team Bulletin that *'consultations on the implementation of the Health and Safety Committee are nearing completion'*. That is news to the CPSU NSW given that we have yet to sight a response to our detailed written feedback sent several months ago.

In any event, members recently contacted SafeWork NSW in order to request negotiations for the separate establishment of WHS Work Groups and the election of HSR's. This led to intervention by a SafeWork NSW Principal Inspector who then issued a written report to HVDS with strict legal requirements for HVDS to undertake negotiations with CPSU NSW members and your union and to fulfil its legal WHS obligations.

The CPSU NSW reiterated WHS concerns at the latest JCC and HVDS advised that they were *'pleased'* to have the involvement of SafeWork

NSW which must be a first for a NSW employer to be grateful to have the NSW work health safety regulator and prosecution agency intervening in its affairs due to its ongoing WHS failures and delays towards our members and HVDS clients.

The CPSU NSW urges all members to consider nominating for HSR positions and disregard the HVDS claim that previous experience or training is required. The NSW Work Health and Safety legislation clearly states otherwise. The CPSU NSW runs a 5-day accredited training course for members and HVDS are obliged by your Award conditions to release staff from duty on paid leave for HSR training.

If you have any WHS concerns in the meantime, you should raise those immediately with management and if the matter remains unresolved then you may also wish to contact SafeWork NSW on telephone 13 10 50 in order to report your concerns and request further assistance.

### 4. Bullying and harassment

The CPSU has become aware of a number of instances of bullying and harassment of our members and we expressed concerns to the JCC including that some members were reluctant to provide feedback or report particular industrial concerns due to fear of intimidation or recriminations by HVDS management.

HVDS then stooped to a new low by declaring that those members lacked *'fortitude'* although then purported to withdraw the comment. The CPSU NSW strongly objected to the characterisation.



## CPSU NSW and Hunter Valley Disability Services Joint Consultative Committee (JCC) meeting 9 May 2019

Members are reminded that if you have any concerns regarding bullying or harassment in the HVDS workplace that you should lodge a grievance, incident report or a written complaint with management and or discuss the matter with your CPSU NSW delegates or industrial staff. If your concerns are still not resolved by management for example due to the ongoing Tickit system failings or the lack of both a Health and Safety Committee and elected Health and Safety Representatives (HSR's) you might also wish to contact SafeWork NSW on telephone 13 10 50 in order to report your concerns and request further assistance.

### 5. Cluster meeting follow up

The CPSU NSW recently wrote to HVDS regarding member concerns as to the inappropriate tone and content of an email from HVDS management to a number of our members regarding the NDIS.

Sadly, HVDS responded to the JCC meeting that they '*do not resile*' from some of the comments. The CPSU NSW has requested a formal written response and will update members once we have further information.

### 6. Casual staff employed on the Social Community Home Care and Disability Services Industry Award ('SCHADS').

The CPSU NSW has recently written to HVDS regarding circumstances where some of our members and eligible members have been placed on inferior employment conditions other than your copied State Awards. HVDS advised that it will provide a response to the CPSU NSW by 7 June 2019.

### 7. Next JCC meeting

The next JCC meeting for HVDS is scheduled for Thursday 11 July 2019. If you wish to have any collective industrial issues raised by the CPSU NSW, please forward details to your delegate or by writing to [DisabilityCPSUNSW@psa.asn.au](mailto:DisabilityCPSUNSW@psa.asn.au)

### What can I do in the meantime?

You can support the work of the PSA/CPSU NSW by asking your colleagues to **JOIN** their union.

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

