

CPSU NSW and Mid North Coast Disability Services Joint Consultative Committee (JCC) meeting 21 May 2019

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On Tuesday 21 May 2019, your delegate and industrial staff from the CPSU NSW met with Mid North Coast Disability Services (MNCDS) to discuss collective member issues at the Joint Consultative Committee (JCC) meeting which was held at Port Macquarie.

The JCC is an ongoing consultative committee where CPSU NSW industrial staff and delegates are able to consult with management on workplace matters of mutual interest and concern in accordance with clearly defined principles in your copied State Awards.

The CPSU NSW is pleased to report that the meeting with management was both positive and encouraging and your union looks forward to further collaborative engagement with MNCDS.

Attendees

CPSU NSW representatives and delegates: Dean Allen, CPSU NSW Industrial Officer, Asren Pugh, CPSU NSW Regional Organiser, Nick Gluckstern-Hill, CPSU NSW delegate.

Management representatives: Michelle Hodge, General Manager, Angela Johnston, General Manager People & Culture, Christine Brear, People & Culture, Business Partner, Fiona Witt, Fiona Witts, Manager Accommodation and Respite, Karen Ansen (PerformHR).

Issues discussed included:

1. Demerger of MNCDS

Members have expressed concerns in relation to the demerger of the MNCDS business consortium.

The CPSU NSW raised members concerns at the JCC and requested an update.

MNCDS reported that there are no significant changes planned for the business as we approach the two-year anniversary of privatisation on 6 September 2019. MNCDS gave an assurance that it will be "business as usual" and advised that an internal staff bulletin will be circulated by Julia Squire, MNCDS Board Chair in the near future.

The CPSU NSW understands that four of the five partners in the MNCDS consortium are made up of Ability Options or its subsidiaries and therefore there will be minimal, if any changes to the operation of the business consortium following the September 2019 anniversary.

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 demerger, please contact either your CPSU NSW delegates or industrial staff.

CPSU NSW would like to confirm that in addition to the two-year employment guarantee, staff will



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continue to be employed under the copied state instruments until such time as a new Enterprise Agreement between employees and MNDS is negotiated or for a period of up to five years ending on 6 September 2022.

Your conditions of employment are guaranteed for two years and up to five years in accordance with the *National Disability Insurance Scheme (NSW Enabling) Act 2013* and anything otherwise would constitute a breach of that legislation and the contractual obligations of the MNCDS consortium entered into with the NSW State Government. Should that arise the CPSU NSW will pursue legal options.

Should an enterprise agreement be negotiated at some stage up to September 2022, you will have the opportunity to vote on whether you agree with what is proposed. If you are a union member, the CPSU NSW will work with you and negotiate with you.

2. Terms of Reference for JCC meetings

In 2018, the CPSU NSW provided a draft Terms of Reference (TOR) to MNCDS in order to negotiate some agreed terms or parameters for how, when and what we can meet with MNCDS on a regular basis to consult with management on your behalf and to discuss matters of mutual interest and concern in accordance with your copies State Awards.

MNCDS has now retained an external Human Resources contractor to negotiate on their behalf.

The CPSU NSW will negotiate directly with the MNCDS contractor in order to seek to finalise the

TOR and to ensure certainty of consultative and collaborative arrangements with your employer in accordance with clearly defined Award conditions of your employment.

3. Right of entry and attendance of CPSU NSW officials at team meetings

The CPSU NSW and MNCDS discussed right of entry arrangements for the attendance of CPSU NSW officials at MNCDS work sites on an ongoing basis.

MNCDS has agreed to provide particulars of upcoming MNCDS Team meetings and Team leader contact details.

In the coming weeks, Asren Pugh, CPSU NSW Regional Organiser, will be visiting members and therefore if you have any workplace or Award concerns would you please contact Asren or the CPSU NSW as below?

4. MNCDS employment policies and procedures

Members will recall that the CPSU NSW previously requested consultation with MNCDS in relation to a number of its policies which were being reviewed at the time of the April 2018 JCC meeting.

Unfortunately, MNCDS did not consult as it is required to do in accordance with your copied State Award and that led to the CPSU NSW lodging a dispute with the Fair Work Commission.

As the meeting on 21 May 2019 was our first JCC meeting with MNCDS since 2018, the CPSU NSW requested clarification from MNCDS as to how it



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will consult regarding its employment policies and procedure updates and new policies in the future.

MNCDS advised that there are no plans to amend or introduce any new employment policies in the near future.

MNCDS advised that it has taken the CPSU NSW question on notice and will provide a response at a later date.

The CPSU NSW reiterated that the requirements of consultation are clearly defined at *Clause 65.1* of the *Crown Employees (Public Service Conditions of Employment) Award 2009*.

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

The CPSU NSW has recently written to MNCDS regarding circumstances where some of our members and eligible members have been placed on inferior employment conditions other than your copied State Awards. MNCDS advised that it will provide a response to the CPSU NSW by 10 June 2019.

6. Next JCC meeting

The next JCC meeting for HVDS is scheduled for Tuesday 16 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

What can I do in the meantime?

You can support the work of the 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.

Contact details

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