

## Hunter Valley Disability Services update

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### 1. Agreement reached on Terms of Reference for JCC meetings

The CPSU NSW and HVDS have reached agreement on a written Terms of Reference ('TOR') listing the parameters for the conduct of JCC meetings. HVDS had recently ceased discussions with the CPSU NSW due to a range of reasons including apparent intransigence to adhere to the mandatory obligations of your copied State awards.

A positive outcome of the TOR includes that HVDS withdrew a previously stated and unrealistic 'red-line objection' to a fundamental award obligation to *'provide an opportunity for consultative decision making by the involvement of the CPSU in the decision making process'*.

### 2. Resumption of HVDS JCC meetings

On Wednesday 18 September 2019, your delegates and industrial staff from the CPSU NSW met with Hunter Valley Disability Services ('HVDS') at Warabrook to discuss

collective member issues at the Joint Consultative Committee ('JCC').

This was a more productive meeting following recent disappointing HVDS management actions including the unilateral cancellation of the 11 July 2019 JCC meeting.

### Issues discussed included in part:

- (i) Recent announcements by HVDS relating to IT changes and the IHSS restructure. HVDS acknowledged that it had not properly consulted with the CPSU NSW in relation to the IHSS changes as is required by your award.
- (ii) An update on the HVDS demerger arrangements presented by Julia Squire, HVDS Board Chair. The CPSU NSW will fully update members once further information currently under consideration by the HVDS Board has been provided to the CPSU NSW.
- (iii) A HVDS Position Description apparently amended from 6 pages to eleven pages without consultation with the CPSU NSW.
- (iv) Work Health Safety update. HVDS advised that the new Health and Safety Representatives (HSR) (Paul Kelman [Paul.Kelman@hvds.org.au](mailto:Paul.Kelman@hvds.org.au) and Victoria Nyman [Victoria.Nyman@hvds.org.au](mailto:Victoria.Nyman@hvds.org.au)) will be provided with relevant HSR training in November 2019. Members are encouraged to make contact with your



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new HSR's and particularly to forward any hazard reports to your HSR's or to raise any WHS concerns you may have around safety in the group homes.

The CPSU NSW was assured by the HVDS management representatives that HVDS would adhere to its mandatory award obligations particularly in relation to consultation as well as in respect of the ongoing legal guarantee of your employment conditions.

### 3. Next JCC meeting

We have requested a further JCC meeting date with HVDS during early December 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)

### 4. Federal Circuit Court prosecution

The CPSU NSW recently advised members that we have commenced prosecution proceedings against HVDS and MNCDS in the Federal Circuit Court of Australia ('FCC').

The CPSU NSW commenced the FCC proceedings because both HVDS and MNCDS have breached the *Crown Employees (Public Service Conditions of Employment) Award 2009* by failing to establish an effective means of consultation as required by the award and despite numerous representations from the CPSU NSW throughout 2018-19.

The proceedings have now been assigned to a FCC Judge who recently made Orders for the management of the proceedings.

At this stage, our lawyers are currently in the process of exchanging correspondence with the legal representatives for HVDS and MNCDS.

The next step will involve the parties meeting for a mandatory mediation conference on 4 December 2019.

The CPSU NSW will provide further updates to members in the near future.

### 5. Dispute regarding HVDS breach of the Rostering Principles

This week, the CPSU NSW notified HVDS of a dispute in relation to a breach of the *Crown Employees Ageing, Disability and Home Care – NSW Department of Family and Community Services (Community Living Award) 2015* ('the CLA') specifically in relation to the Rostering Principles.

HVDS advertised a fixed term position relating to a Team Leader vacancy without meeting its obligations under the Award and pursuant to Clause 6 off the Rostering Principles.

The job listing for a HVDS Team Leader role has been placed with an external recruitment website as well on the Connect Ability website. HVDS disappointingly failed to live up to its recent assurances at the JCC meeting on 18 September 2019 that HVDS would now meet its mandatory award obligations.



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Members will recall that the PSA/CPSU NSW obtained Orders from the NSW Industrial Relations Commission in August 2017 for the Rostering Principles to be enshrined in the CLA and therefore any breach of the Rostering Principles (found [HERE](#) and the Procedures found [HERE](#)) is a breach of the CLA.

The CPSU NSW met with HVDS management on Monday 30 September 2019 to seek to resolve the dispute.

The CPSU NSW can now report that the matter has been resolved with HVDS agreeing to temporarily suspend the external recruitment and to circulate an EOI to HVDS staff for this role and any future roles.

### **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.**

