

Hunter Valley Disability Services update

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1. HVDS transfer of business working party meeting – 14/11/19

On Thursday 14 November 2019, your delegates and industrial staff from the CPSU NSW met with Hunter Valley Disability Services (HVDS) at Warabrook for the first Transfer of Business working party meeting followed by the Joint Consultative Committee (JCC) meeting to discuss collective member issues.

HVDS provided an update including that the final date for the transfer of business has been pushed back to 4 February 2020 to coincide with the pay period. The working party also discussed issues relating to expressions of interest to transfer employment to an alternative consortium partner, secondary employment across the consortium partners, the opportunity to cash out annual leave upon transfer and member concerns regarding Salary Packaging.

The CPSU NSW requested a statement of leave accruals be furnished to all staff as at the time of transfer of the business. Current printouts do not list balances relating to Family and Community Service leave and HVDS has undertaken to provide particulars of all leave accruals to transferring staff.

HVDS indicated it will update the FAQ shortly reflecting the matters discussed by the working party which will next meet on 28 November 2019.

Members are reminded to submit any feedback to HVDS or you should contact your CPSU NSW delegates who have been attending Team meetings throughout November.

2. HVDS JCC meeting – 14/11/19

Issues discussed included in part:

- (i) An update on EOI's for temporary positions for Team Leader Level 2 units.
- (ii) **Work Health and Safety arrangements**
The HVDS Health and Safety Committee, which has unfortunately never convened a meeting during its short existence, and the recent election of Health and Safety Representatives (HSRs) will become obsolete following the transfer of business from HVDS in February 2020.

Members are encouraged to familiarise themselves with the SafeWork NSW publication *Worker Representation and Participation Guide* found [HERE](#) and the PSA/CPSU NSW publication *Health and Safety Representatives in your workplace* found [HERE](#).

If you have any WHS concerns in the meantime, you should raise those immediately with management and the HSRs paul.kelman@hvds.org.au and victoria.nyman@hvds.org.au 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.



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The CPSU NSW is currently preparing a WHS survey to members and a separate bulletin will be circulated in the near future with full particulars and the link.

(iii) Future JCC meeting arrangements with Ability Options, ConnectAbility and Finding Yellow following the transfer of business

The CPSU NSW wrote to each of the consortium partners in early October 2019 requesting consultation in respect of future JCC and work health and safety arrangements in light of the impending transfer of business.

To date, ConnectAbility and Finding Yellow have indicated that they will not be adopting the HVDS Terms of Reference for conducting the JCC meetings or the HVDS Health and Safety Committee arrangements. Ability Options has yet to provide a written response to the request for consultation. We will update members further in the near future.

(iv) **Members currently on workers' compensation** The CPSU NSW has received concerning reports that members in receipt of workers' compensation have been unnecessarily blocked by HVDS including in relation to Return to Work obligations.

The CPSU NSW was assured by the HVDS management representatives that HVDS would adhere to its legal obligations and that all current workers' compensation claimants will continue to be managed by the workers' compensation insurer upon transfer to the consortium partners in February 2020. The CPSU NSW will provide further updates to members in the near future.

3. Next JCC meeting – 16/1/20

The next JCC meeting with HVDS is scheduled for 16 January 2020. If you wish to have any collective industrial issues raised by the CPSU NSW, please forward details to your delegate or by writing to CPSU.NSW@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. Recent communications (and lack of) by the HVDS consortium partners regarding future consultation arrangements appear to reflect that HVDS still fails to understand its consultation obligations.

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

HVDS has now filed a defence with the FCC partially admitting some of the case against it.

The next step directed by the Judge is for the parties to attend a mandatory mediation conference on 4 December 2019. If the matter cannot be resolved at the mediation conference for example because HVDS refuses to participate



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in good faith and attempt to resolve the matter, then it will be necessary to proceed to a hearing before the Judge and seek orders against HVDS (and MNCDS) for payment of penalties for breaching the Award.

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

Your CPSU NSW staff

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What can I do in the meantime?

You can support the work of the CPSU NSW by asking your colleagues to [JOIN](#) their union. If you are not a member, there has never been a more important time to join your union.

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

