



COMMUNITY AND PUBLIC
SECTOR UNION

SPSF GROUP NSW BRANCH
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In Reply Please Quote SE:ndef CN129486

10 March 2021

Ms Deena Amorelli
Chief Human Resources Officer
University of NSW
SYDNEY NSW 2052

By email: Elizabeth.polias@unsw.edu.au

Dear Ms Amorelli,

The Community and Public Sector (CPSU NSW) is writing to you in response to the draft Flexible Work Policy proposed by the University ("the Policy").

The CPSU NSW firstly notes the University introduced a Flexible Work Guidelines document ("the Guidelines") which was effective from 30 September 2019 and has a review date of October 2022.

The CPSU NSW seeks clarification within the proposed draft Policy of the status of the Guidelines and its relationship to the draft Policy. For example, the Policy needs to state whether it replaces the existing Guidelines, or whether the documents are intended to work together with the Guidelines supplementing the Policy.

The clarification of the status of the Guidelines in the draft Policy is critical in providing certainty to staff and managers, supporting good workplace relations and to the fair and equitable access to flexible work across the University. This clarification is also necessary to ensure the proper implementation of the Professional Staff Enterprise Agreement ("the Enterprise Agreement") as it relates to flexible work practises.

It is noted that the draft Policy does not include the Guidelines as a supporting document and there is no indication as to why such a relevant document is not included. The CPSU NSW seeks the inclusion of the Guidelines document in the list of supporting documents to the Policy.

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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.

The CPSU NSW notes that the Guidelines document is a very clear endorsement and encouragement of flexible working practises across the University and this positive intent is missing in the draft Policy.

The CPSU NSW notes that the Guidelines document – “assists staff and the Manager/Supervisor when they are making or considering a request for flexible work.” It is an important tool for staff and managers to implement flexible arrangements in the workplace in a way that benefits staff and the University. It also provides transparency and supports fairness in decisions around flexible work. This purpose should be included in the Policy.

The CPSU NSW notes that the Guidelines document contains a Section called – “The Case for Flexible Work” highlighting the University’s commitment to Flexible Work Practises. The document clearly articulates the benefits of Flexible Work to staff and the University. This includes supporting workplace participation of diverse groups including staff with a Disability, enabling staff to interact with students in different timeframes, enhancing the University’s ability to attract and retain talented staff, helps staff better manage their personal responsibilities including carers responsibilities, improves employee engagement, wellbeing and productivity and is environmentally beneficial in terms of travel and time saving.

The CPSU NSW strongly agrees with the benefits of flexible working as outlined in the Guidelines “Case for Flexible Work”, and submits that these benefits are even more demonstrable in the current climate. The Case for Flexible Work outlined in the Guidelines also helps to facilitate the flexibility provisions in the Enterprise Agreement and to reduce the likelihood of unfair and inequitable flexitime practises across the University.

The CPSU NSW has significant concerns that the draft Policy removes the positive intent of the Guidelines and in its proposed form will lead to the deterioration of workplace flexibility across the University or in particular work Units. The CPSU NSW is also keen to ensure that flexibility does not become a casualty of Workforce Change.

The CPSU NSW seeks that the UNSW affirms its commitment to flexible working practises by incorporating the “Case for Flexible Work” section of the Guidelines into the proposed Policy. This will alleviate staff concerns and provide better support for staff and managers. It also ensures alignment of the Policy with Clause 23.2(a) of the Professional Staff Enterprise Agreement (“Enterprise Agreement”) which recognises the benefits of flexible working arrangements.

The CPSU NSW notes that flexible work is supported across the University, Government and Private Sectors. The NSW Government has recognised the many benefits of Flexible Workplaces including the benefits outlined in the Guidelines. It has endorsed an “If Not, Why Not” approach to flexible work requests, placing the onus on the employer to demonstrate why a request cannot be accommodated. The CPSU NSW submits that this “If Not, Why not” Principle should be contained in the proposed Policy. This approach would also be consistent with the Enterprise Agreement which requires reasonable business grounds to be given for refusal of Flexible Work Arrangements requests. It will also ensure that flexible work arrangements are applied equitably across the University. The CPSU NSW is extremely concerned that while the draft Policy includes various formal flexible working arrangements options, but it has failed to include flexitime as outlined in Clause 23 (c) and 23 (d) of the Enterprise Agreement. This is an extremely serious omission and may lead to the deterioration of flexitime across the University and unfairly disadvantage and potentially discriminate against staff. Any deterioration of flexitime will also have a negative impact on staff wellbeing across the University.

The CPSU NSW also notes that the section relating to informal flexible working arrangements as outlined in the Guidelines is not replicated in the draft Policy. The inclusion of informal flexible work arrangements is an important provision supporting flexibility in individual work units and helps to facilitate flexitime in the Workplace. The CPSU NSW submits that this section of the Guidelines document should be included in the Policy, and informal arrangements should be maintained.

The CPSU NSW notes the many benefits of flexitime. Flexi time has clear advantages and is probably the most common form of flexible work that is used by to staff, and is easily implemented in all work Units. It can apply to all employees and work areas and enables an employee to more easily deal with contingent circumstances in their life which might arise.

The failure to refer to flexitime in the draft Policy has caused significant concern among the PSA membership that this will lead to erosion and inconsistent application of flexitime, as well as leading to possible power imbalances in relation to this issue. The CPSU NSW seeks the inclusion of flexitime in the Policy.

The CPSU NSW notes that flexible working arrangements and practises are extremely important in supporting diversity and ensuring that UNSW meets its legislative obligations in relation to discrimination carers and carer’s responsibilities. The CPSU NSW also notes that flexible work practises are of crucial importance to all staff members and an important mechanism to support staff wellbeing.

The CPSU NSW also notes that remote working has been essential in combating COVID and has become a live issue. The CPSU NSW submits that remote working has demonstrated productivity benefits for staff and the University and is an important flexibility option. The CPSU NSW submits that there should be ongoing discussion with both Unions about the support of remote working including on an ad hoc basis.

In conclusion the CPSU NSW would like to make clear to management that there is concern amongst its members as to the possible impact of this policy if it comes to be implemented. There is a feeling that the draft Policy is not a document that positively promotes flexible work and there is concern about the failure to include the positive benefits of flexible work. There is concern that the draft policy as written will be a barrier to flexible work in the University.

CPSU NSW Industrial Officer, Susan Emery can be contacted about this matter on 0408 249277 or by email at semery@psa.asn.au

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Susan Emery', with a stylized flourish at the end.

Susan Emery
For Stewart Little
STATE BRANCH SECRETARY