

From:
To: [Voss, Tony \(Serco ASPAC\)](#)
Cc: [Waite, Kristine \(Serco ASPAC\)](#); [Kim Villanti](#); [Troy Wright](#)
Subject: Notice of Dispute - ERT Roster
Date: Monday, 16 January 2023 9:36:41 AM
Attachments:

Tony,

Please be advised that a dispute now exists in accordance with Clause 29 of the Corrections and Detention (Private Sector) Award 2010 (**the Award**). Specifically, the CPSU NSW considers the following to have been breached:

27.1 *If an employer makes a definite decision to make major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer **must**:*

- a) *give notice of the changes to all employees who may be affected by them and their representatives (if any); and*
- b) *discuss with affected employees **and their representatives** (if any):*
 - i. *the introduction of the changes; and*
 - ii. *their likely effect on employees; and*
 - iii. *measures to avoid or reduce the adverse effects of the changes on employees; and*
- c) *commence discussions **as soon as practicable after a definite decision has been made.***

27.2 *For the purposes of the discussion under clause 27.1(b), the employer must give **in writing** to the affected employees and their representatives (if any) all relevant information about the changes including:*

- a) *their nature; and*
- b) *their expected effect on employees; and*
- c) *any other matters likely to affect employees.*

I have added my emphasis for your consideration.

On 2 January 2023, Serco decided to unilaterally implement a change to the Clarence Correctional Centre (**CLA**) roster, to the extent that the number Emergency Response Team (**ERT**) employees in Male Maximum were halved. This decision led to an incident on 12 January 2023, whereby five employees were injured as a direct result of the inability of ERT to respond to the matter in a timely manner.

The CPSU NSW understands that you spoke with ERT in a meeting about this change on one occasion, after which the change was implemented.

Serco has an obligation under the Modern Award to do as follows:

- Give notice of the change to the roster to affected employees.
- Give notice of the change to the roster to the employees' representative (that being the CPSU NSW).
- Give notice of these changes to both employees and their representatives in writing.
- Discuss with affected employees and their representatives the likely effect of the changes being introduced.

You are reminded that Clause 27.5(b) of the Modern Award defines a major change as any 'major changes in the composition, operation or size of the employer's workforce or in the skills required.'

It is the firm view of the CPSU NSW that the rostered change recently implemented affects not just ERT, but the remainder of the staff at CLA, including Correctional Case Officers. This is evident, as the consequence of Serco's decision to alter the number of ERT on the Male Maximum roster resulted in the physical harm of five of Serco's employees.

The CPSU requests the following from Serco:

1. Written documentation regarding the proposed changes.
2. The rationale for these changes.
3. Confirmation that Corrective Services NSW was made aware of these changes.
4. The risk assessment carried out by Serco on the changes to the number of ERT in Male Maximum, which I assume was completed prior to the change being made.

Further, we request that a meeting be convened between Serco, the CPSU NSW and CPSU NSW delegates to discuss the changes, as is both required and appropriate under the consultation provisions in the Award. Failure to provide the requested documentation, to act in accordance with the Award and organise a meeting to discuss the proposed changes will leave the CPSU NSW no choice but to escalate the matter in accordance with Clause 29 of the Award.

As the CPSU NSW is entitled to represent the interests of the membership pursuant to Clause 29.7, I expect that any and all correspondence regarding this matter is sent to the CPSU NSW in addition to the affected employees at CLA.

Finally, you are reminded that the status quo provisions under Clause 29.2 apply. The CPSU NSW requests that Serco immediately revert to the roster as it was prior to the changes implemented on 2 January 2023. Your failure to take immediate action in this regard will result in the CPSU NSW relying upon the *Work Health and Safety Act 2011* (NSW) in order to ensure

that the safety of CLA employees is prioritised.

Of course, please don't hesitate to contact me directly should you have any questions or concerns.

Regards,



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We recognise the unique cultural and spiritual relationship and celebrate the contributions of First Nations peoples to Australia

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