Minister for Industrial Relations and Workplace Safety
Question Time Briefs
September 2021

Ref No	Page number	Title	Status	Reason for Exemption
1	2	ACT Public Sector Workers' Compensation Self-Insurance Performance and Psychological Injury Experience	Full	n/a
2	5	Portable Long Service Leave Scheme – Legislation Review	Full	n/a
3	7	ACT Private Sector Workers' Compensation Scheme Performance	Full	n/a
4	9	Labour Hire Licensing Scheme	Full	n/a
5	12	Snapshot of Workers Compensation and Work Health and Safety Data	Full	n/a
6	19	WorkSafe Enforcement Activity	Full	n/a
7	23	WHS License Register – Infringement Notice Information	Full	n/a
8	26	Secure Local Jobs Code	Full	n/a
9	28	ACTPS Secure Work	Full	n/a
10	31	ACTPS Enterprise Bargaining Agreements	Full	n/a

This information is released under Section 23(a)(i) of the *Freedom of Information Act 2016* which requires the release of specified documents over five years old. Due to the age of the information being released it may not reflect current legislation or Government policy and phone numbers and webpages mentioned may not still be current.

QUESTION TIME BRIEF

Portfolio/s: Employment and Workplace Safety

ISSUE: ACT Public Sector Workers' Compensation Self-Insurance Performance

Key Information:

- Whole of government policies and programs in place to support early intervention and suitable employment include:
  - Early intervention physiotherapy, including a virtual physiotherapy service developed to provide support to employees while working from home as part of the COVID-19 response
  - Facilitated Discussion program to support employees and managers with early intervention to promote positive workplace relationships and provide assistance early when workplace issues occur
  - The Reasonable Adjustments service provides assistance to employees and managers to identify and implement complex reasonable adjustments
  - Manager training for psychological injury or illness
  - Employee supports to reduce stigma and promote early help seeking behaviour such as the Mental Health Guru program
- Whole of Government policies have been developed for work rehabilitation (including suitable employment and early intervention) and mental wellbeing. These policies focus on an integrated approach through prevention, promotion of health and supporting when illness or injury occur.

Cleared as complete and accurate:	02/09/2021	
Cleared by Michael Young	Executive Group Manager	Ext: 53095
Contact Officer name:	Hana Alnajjab	Ext: 72257
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	Ext: 53095
TRIM Ref:	CM21/55894	

QUESTION TIME BRIEF

ACT Public Sector Workers' Compensation Self-Insurance Performance:

- The ACT Government became a licensed self-insurer as of 1 March 2019.
- Self-insurance's aim is to streamline workers' compensation and better support ACT Government employees that become ill or are injured while at work.
- Being a self-insurer means the Government is responsible for the entire workers' compensation claim management process. This enables greater investment in and better integration of workers' compensation, rehabilitation, and health and safety services.
- The following examples illustrate ways in which services have improved:

<u>Faster access to services</u>

- Upon commencing self-insurance in March 2019, the ACT adopted a policy whereby medical and allied health services are able to be provided immediately upon a claim for workers' compensation being received – rather than waiting for a claim to be determined, as was historically the case. In the event that liability is not accepted, there is no recovery of costs incurred by the insurer.
- During 2020-21, more than 150 workers accessed these services, with over $250,000 in medical and allied health services provided.
- Had they been injured in the period prior to self-insurance, these workers would have had to wait until their claim was determined to receive these services. On average this would have taken more than 27 days in the case of an injury or more than 48 days in the case of a work related disease.

<u>Earlier determination of claims for compensation</u>

- During the 2018-19 financial year, the average amount of time taken to determine a claim for work related injury was 27.4 days and for disease it was 48.6.
- Since commencing self-insurance, the average time taken to determine a claim has reduced for both injury and disease. In the case of injury, the average time taken in 2020-21 reduced by more than half, to 10.1 days and in the case of injury has reduced by more than four days, to 44.8 days.

Cleared as complete and accurate:	02/09/2021	
Cleared by Michael Young	Executive Group Manager	Ext: 53095
Contact Officer name:	Hana Alnajjab	Ext: 72257
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	Ext: 53095
TRIM Ref:	CM21/55894	

QUESTION TIME BRIEF

Psychological Injury Experience:

- The following details in relation to psychological injuries are based on:
  - Workers compensation claims data as at 31 July 2021; and
  - WhoG RiskMan work health and safety indicents reported by 31 August 2021 as at 01 September 2021.
- Occupational violence in the ACT public sector:
  - Fifty-six percent of incidents reported to date in 2021-22 were caused by occupational violence. This reflects 1,062 of the 1, 881 reported incidents, which is an decrease of three percent from the 2020-21 year.
  - Seventy-one of all occupational violence incidents reported to date in 2021-22 occurred in the Education Directorate and nineteen occued in Canberra Health Services, compared to eighty percent and twelve percent, respectively, in 2020-21.
  - Occupational violence was the cause of nil accepted workers' compensation claims reported to date in 2021-22, compared to thirteen percent in 2020-21.
- Bullying and harassment in the ACT public sector:
  - Two percent of incidents reported to date in 2021-22 were caused by bullying and harassment, an increase from one percent in 2020-21.
  - Eighty-six of all bullying and harassment incidents reported to date in 2021-22 occurred in Canberra Health Services.
  - Bullying and harassment was the cause of nil accepted workers compensation claims reported to date in 2020-21, compared to three percent in 2020-21.
- Mental stress (excluding occupational violence and bullying) in the ACT public sector:
  - Five percent of incidents reported to date in 2021-22 were caused by mental stress (excluding occupational violence and bullying), an increase from four percent in 2020-21.
  - Mental stress (excluding occupational violence and bullying) was the cause of nil accepted workers' compensation claims reported to date in 2021-22, compared to thirtheen percent in 2020-.

Cleared as complete and accurate:	02/09/2021	
Cleared by Michael Young	Executive Group Manager	Ext: 53095
Contact Officer name:	Hana Alnajjab	Ext: 72257
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	Ext: 53095
TRIM Ref:	CM21/55894	

QUESTION TIME BRIEF

Portfolio/s: Industrial Relations and Workplace Safety

ISSUE: PORTABLE LONG SERVICE LEAVE SCHEME – LEGISLATIVE REVIEW

Talking points:

- Portable long service leave entitlements are set out in the *Long Service Leave (Portable Schemes) Act 2009* (Portable Schemes Act).
- Entitlements to portable long service leave apply to registered workers of employers in four covered industries, namely the building and construction industry, the community sector, security and contract cleaning industries.
- On 30 July 2020 a motion was passed in the ACT Legislative Assembly committing the then Government to:
    - work with Hair Stylists Australia, the ACT hairdressing industry, employers, employees, employee bodies and registered training organisations to determine how to include hairdressing in the *Long Service Leave (Portable Schemes) Act 2009*; and
    - investigate extending the *Long Service Leave (Portable Schemes) Act 2009* to other non-public sector industries.
- In response to the motion, the then Minister for Employment and Workplace Safety announced that consultation would commence on the expansion of the portable long service leave scheme to hairdressers.

Cleared as complete and accurate:	23/07/2021	
Cleared by:	Executive Group Manager	Ext: 53095
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/45880	

- Since then, the new Government has committed under the *Parliamentary Agreement & Governing Agreement for the 10th Legislative Assembly of the ACT* to "amend the portable long service scheme to ensure more workers receive fair entitlements as they move jobs in their profession".

Cleared as complete and accurate:	23/07/2021	
Cleared by:	Executive Group Manager	Ext: 53095
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/45880	

QUESTION TIME BRIEF

CM21/45881

3

Portfolio/s: Industrial Relations and Workplace Safety

ISSUE: ACT PRIVATE SECTOR WORKERS' COMPENSATION SCHEME PERFORMANCE

Talking points:

- The ACT private sector workers' compensation scheme is privately underwritten.
- As a result it is up to individual insurers to determine the premiums they charge to employers.
- Where an employer is unhappy with the premium offered by an insurer the competitive nature of the industry in the ACT means they have the option of pursuing coverage with another insurer.
- To assist employers in deciding whether the cost of their premium is reasonable, the Government publishes an annual schedule of reasonable workers' compensation premium rates for each industry class.
- The reasonable rates for the 2021-22 financial year are now available on the CMTEDD website.

<u>ACT private sector workplace injury data:</u>

- The actuarial review of the Territory's workers' compensation scheme, published in May 2021, found that in 2019-20:
    - around 18,000 policies were written, at an average premium rate of 1.99 per cent of wages;
    - new work injury and workers' compensation claims remained at historic low levels, with 0.28 lost time claims expected for each $million in wages paid;
    - around $152 million in compensation was paid, covering medical, allied health and rehabilitation services and financial compensation payments for injured workers.

Cleared as complete and accurate:	23/07/2021	
Cleared by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/45881	

QUESTION TIME BRIEF

ACT return to work rates

- The ACT participated for the first time in the 2018 Safe Work Australia return to work survey.[1]
- The ACT recorded the highest current return to work rate of all jurisdictions at 86.3%.

[1] https://www.safeworkaustralia.gov.au/collection/national-return-work-survey-2018

Cleared as complete and accurate:	23/07/2021	
Cleared by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/45881	

QUESTION TIME BRIEF

4

Portfolio/s: Industrial Relations and Workplace Safety

ISSUE: LABOUR HIRE LICENSING SCHEME

Talking points:

- The *Labour Hire Licensing Act 2020* commenced on 27 May 2021, with a six-month transitional period to allow labour hire providers operating in the ACT to obtain a licence.
- This means the scheme will fully commence on 27 November 2021.
- The purpose of the labour hire licensing scheme is to:
    - protect labour hire workers from exploitation
    - ensure labour hire service providers meet their workplace obligations and responsibilities to the workers they supply
    - promote the integrity of the labour hire services industry, and
    - promote responsible practices in the labour hire services industry.
- The licensing scheme requires all ACT labour hire providers to hold a licence and demonstrate ongoing compliance with industry standards and workplace laws.
- Labour hire providers that have a labour hire licence from another state or territory must apply for a licence in the ACT.
- Having a licence in another state or territory will, in most cases, streamline their application.

Cleared as complete and accurate:	01/09/2021	
Cleared by:	Commissioner	Ext: 6205 3095
Contact Officer name:	Jackii Shepherd	Ext: 6205 4654
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Amanda Grey	Ext: 6207 2718
TRIM Ref:		

- Anyone who employs workers through a labour hire operator, will need to make sure the labour hire provider is licensed.
- The following types of workers, who are being employed under a labour hire arrangement, are considered exempt and their employer does not need a Labour Hire Licence:
    - public servants
    - high income workers – where a person's annual wages are equal to, or more than, the high income threshold and their employment is not subject to, or covered under, a modern award or enterprise agreement
    - secondees/in-house workers who are employed under genuine secondment arrangements, engaged on a temporary basis for the provider and not engaged on a supply basis
    - a person who is employed by an entity, and only supplied to work within a single business (this usually applies to larger businesses with a 'group' structure), and
    - a director or senior manager of a corporation - where the corporation has not more than 2 directors and that person is the only person who is supplied by the corporation to undertake work for another person.
- WorkSafe ACT is responsible for administering the scheme and has implemented an online application process accessible via the WorkSafe ACT website.

QUESTION TIME BRIEF

- As of 31 August 2021, 170 applications for a licence had been received and 100 licences issued. To date, no applications have been rejected.
- The application fee is $2,900. Labour hire providers must renew their licence annually.
- To assist businesses operating as labour hire providers in the ACT, WorkSafe ACT held Q&A in-person and Webex sessions throughout June, with 155 attendees..
- The WorkSafe ACT website is being updated to reflect the outcomes of the Q&A sessions, and further virtual Q&A sessions are being planned for September and October.
- A public register of all licensed labour hire providers is now available on the WorkSafe ACT Website.
- WorkSafe ACT is working with stakeholders in preparation for the commencement of the compliance program in November.

Background Information

- Labour hire providers who are found to be operating a labour hire business, and do not have a licence on or after 27 November 2021, face fines of up to $128,000 for individuals, and $2,430,000 for a corporation.
- Employers who use an unlicensed labour hire provider, on (or after) 27 November 2021, will also face fines of up to $128,000 for individuals, and $2,430,000 for a corporation.

Cleared as complete and accurate:	01/09/2021	
Cleared by:	Commissioner	Ext: 6205 3095
Contact Officer name:	Jackii Shepherd	Ext: 6205 4654
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Amanda Grey	Ext: 6207 2718
TRIM Ref:		

QUESTION TIME BRIEF

5

Portfolio/s: Industrial Relations and Workplace Safety

ISSUE: SNAPSHOP OF WORKERS COMPENSATION AND WORK HEALTH AND SAFETY DATA

Talking points:

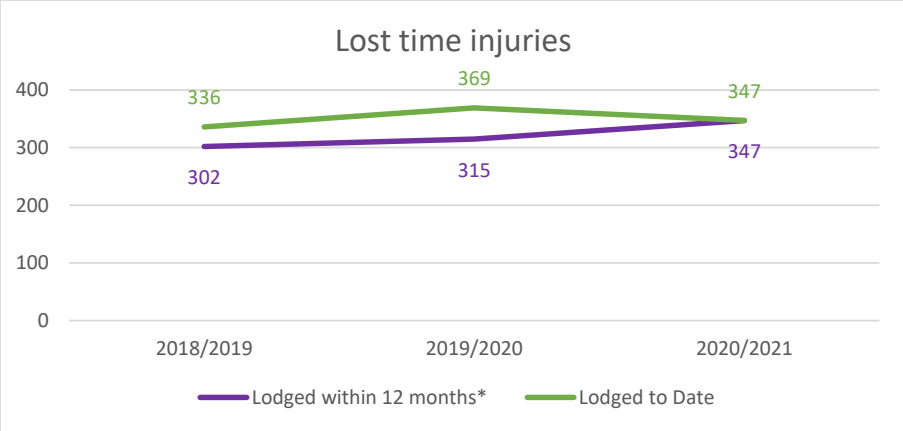
- WorkSafe ACT was established as an independent regulator from 30 April 2020. Key governing documents for the regulator are available on the ACT Legislation Register, including:
    - the Ministerial Statement of Expectations for WorkSafe ACT;
    - WorkSafe ACT's four-year Strategic Plan;
    - WorkSafe ACT's Statement of Operational Intent; and
    - WorkSafe ACT's Compliance and Enforcement Policy.
- Attachment A: provides quarterly private sector workers' compensation statistics as provided to the WHS Council.

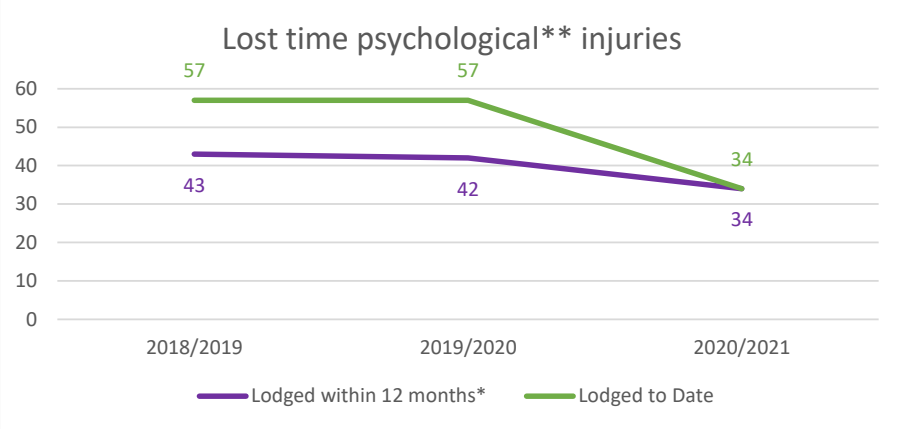
Cleared as complete and accurate:	23/07/2021	
Cleared by:	Executive Group Manager	Ext: 53095
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/45888	

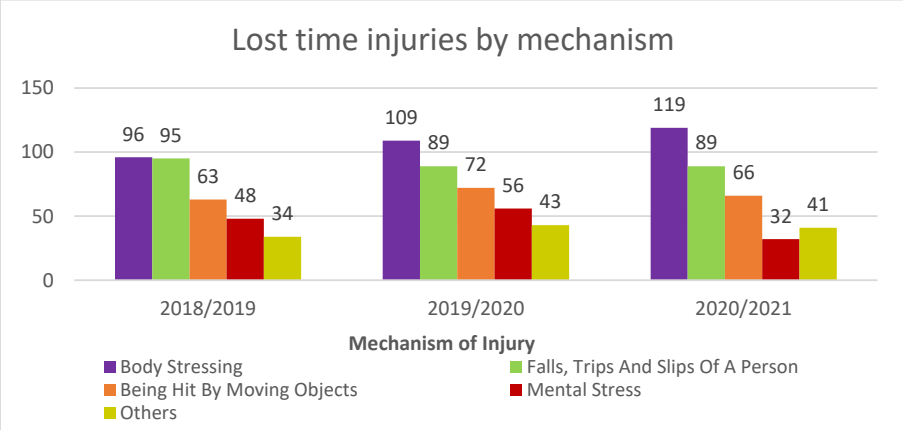
ACT PUBLIC SECTOR WORKERS' COMPENSATION 2020/2021 - TREND REPORT As of 30 June 2021

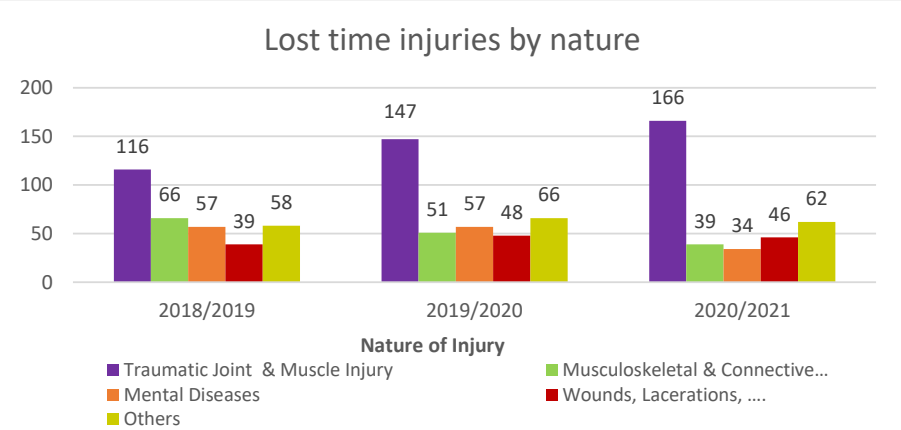
ACT Government

Workplace Safety and Industrial Relations









* Lodged within 12 months from the start of the financial year.

** Injuries with nature coded as 'Mental disease'

*** This report includes only claims where liability has been accepted or is pending determination.

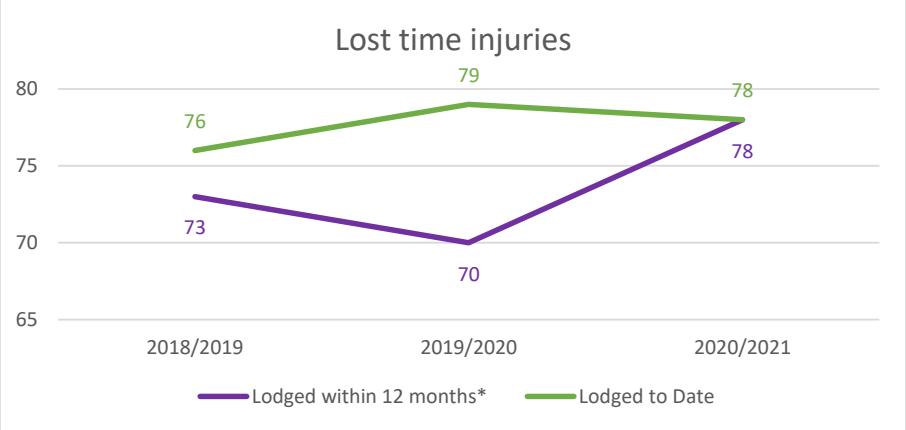
**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

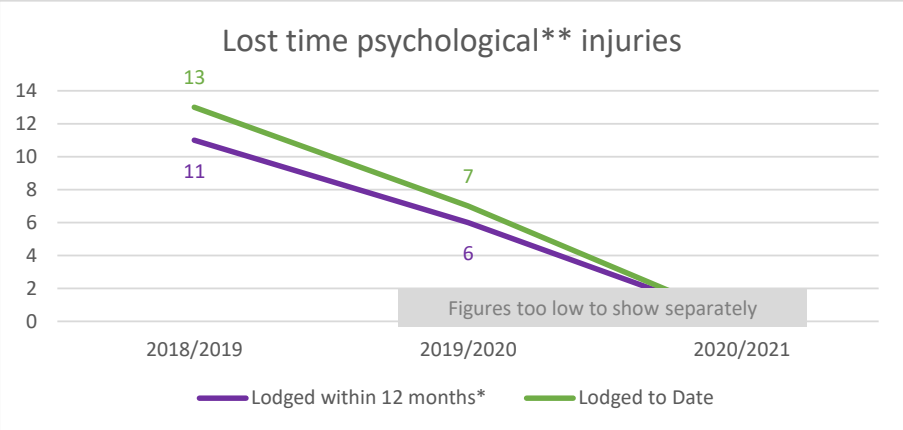
ACT PUBLIC SECTOR WORKERS' COMPENSATION 2020/2021 - TREND REPORT As of 30 June 2021

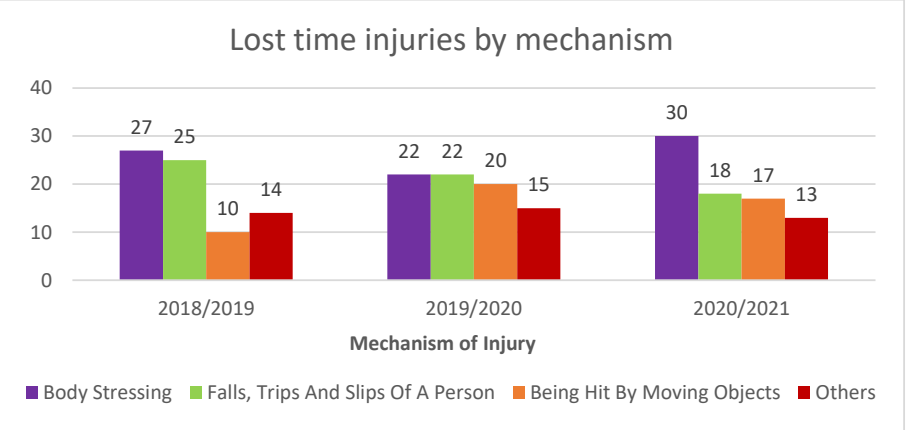
ACT Government

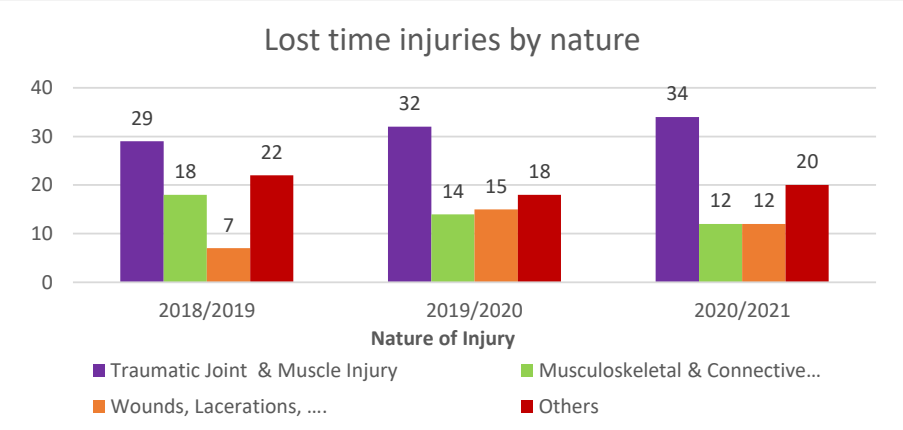
Workplace Safety and Industrial Relations

CANBERRA HEALTH SERVICES









* Lodged within 12 months from the start of the financial year.

** Injuries with nature coded as 'Mental disease'

*** This report includes only claims where liability has been accepted or is pending determination.

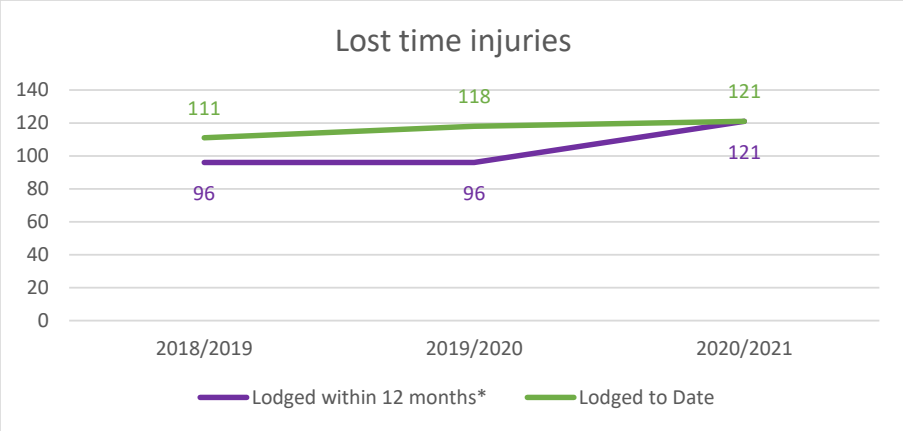
**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

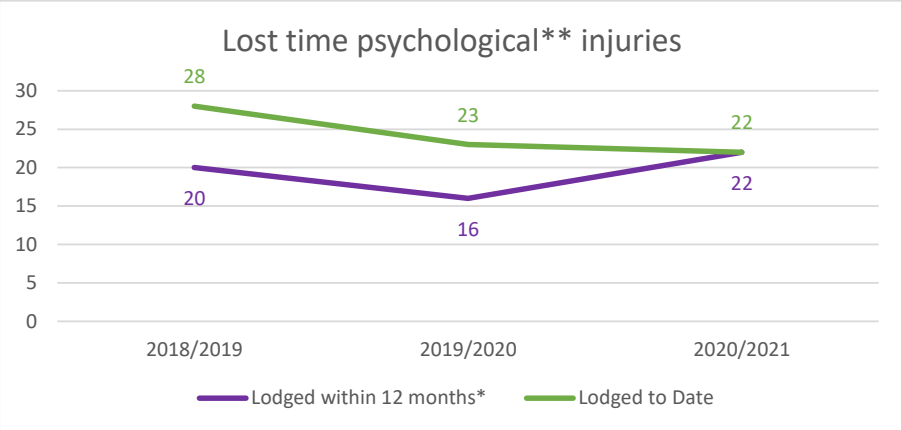
ACT PUBLIC SECTOR WORKERS' COMPENSATION
2020/2021 - TREND REPORT
As of 30 June 2021

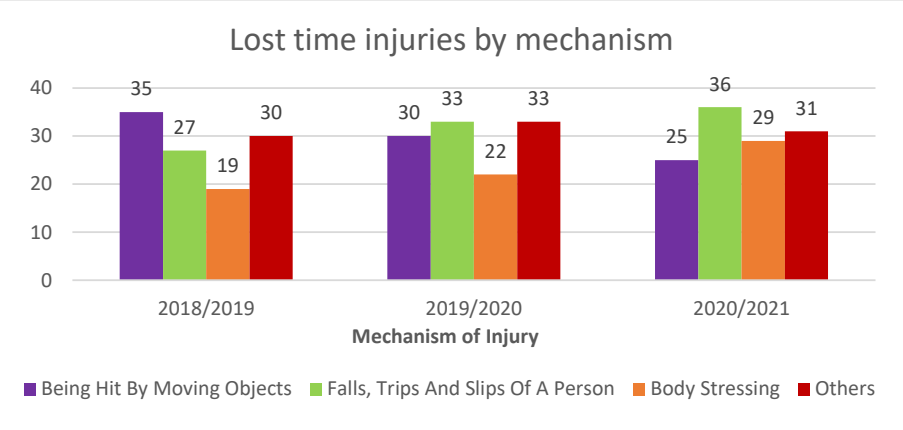
ACT Government

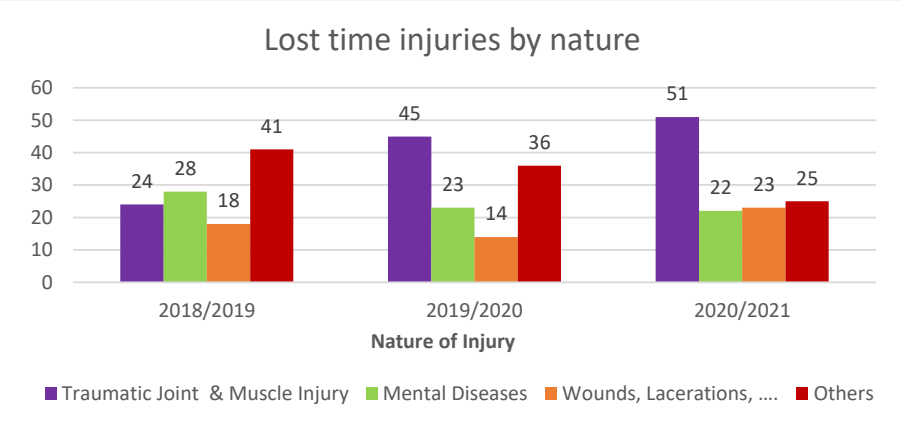
Workplace Safety and Industrial Relations

EDUCATION









* Lodged within 12 months from the start of the financial year.

** Injuries with nature coded as 'Mental disease'

*** This report includes only claims where liability has been accepted or is pending determination.

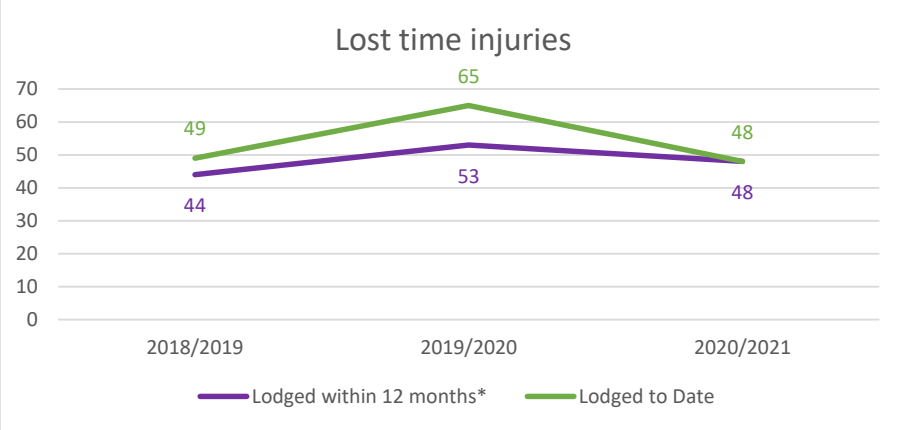
**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

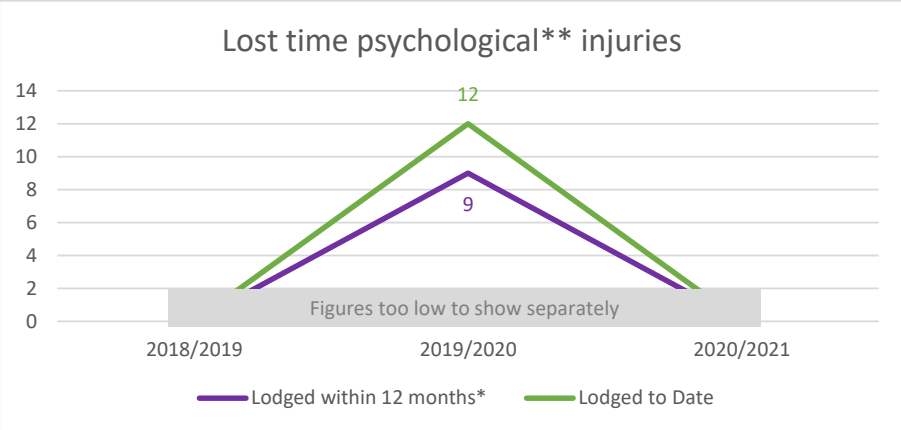
ACT PUBLIC SECTOR WORKERS' COMPENSATION 2020/2021 - TREND REPORT As of 30 June 2021

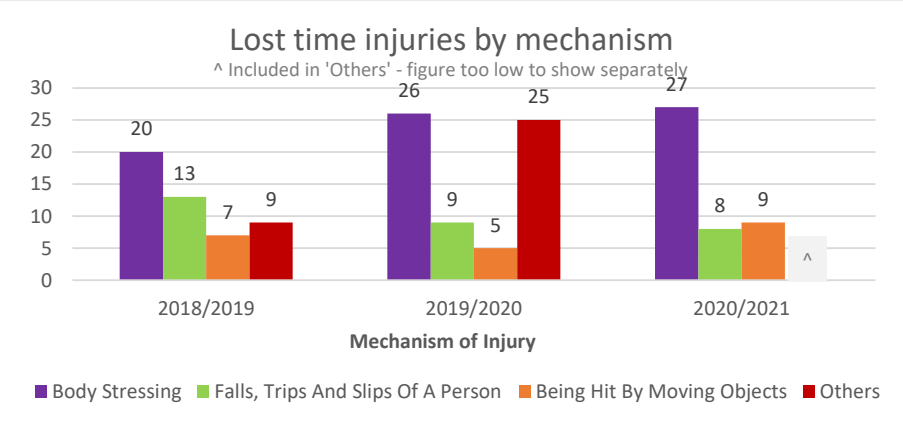
ACT Government

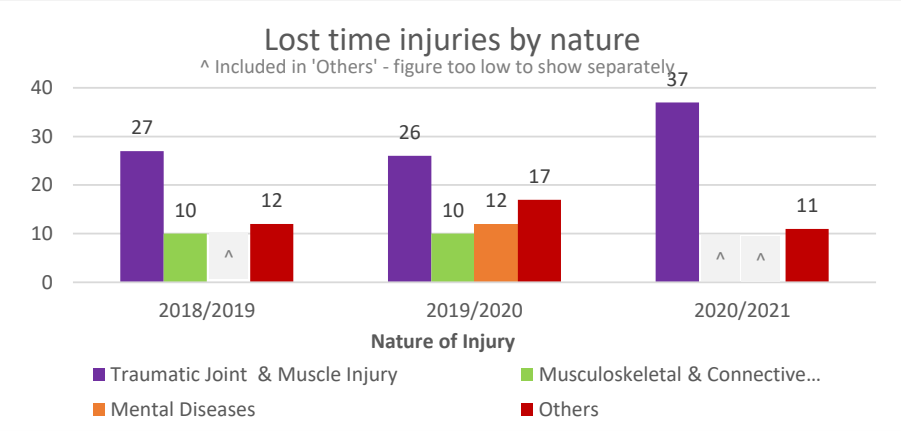
Workplace Safety and Industrial Relations

JUSTICE AND COMMUNITY SAFETY









* Lodged within 12 months from the start of the financial year.

** Injuries with nature coded as 'Mental disease'

*** This report includes only claims where liability has been accepted or is pending determination.

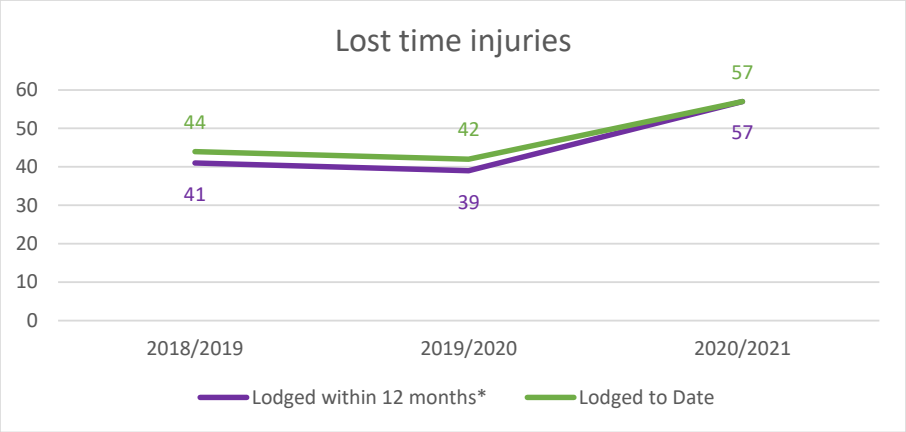
**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

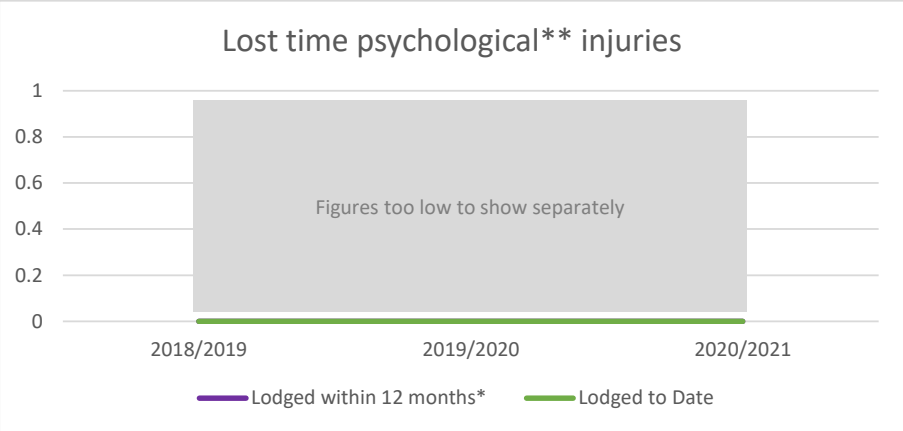
ACT PUBLIC SECTOR WORKERS' COMPENSATION 2020/2021 - TREND REPORT As of 30 June 2021

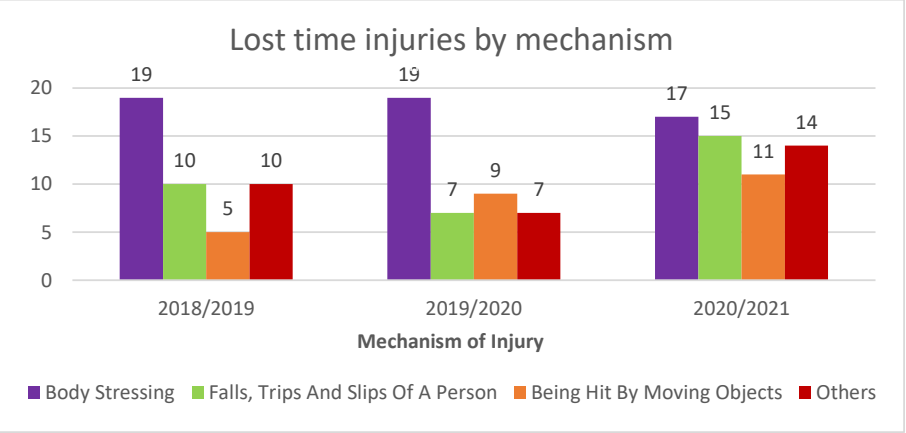
ACT Government

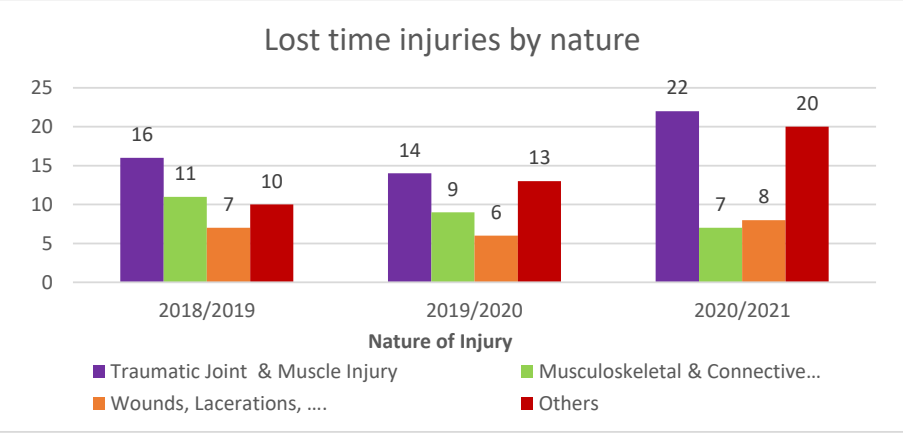
Workplace Safety and Industrial Relations

TRANSPORT CANBERRA AND CITY SERVICES









* Lodged within 12 months from the start of the financial year.

** Injuries with nature coded as 'Mental disease'

*** This report includes only claims where liability has been accepted or is pending determination.

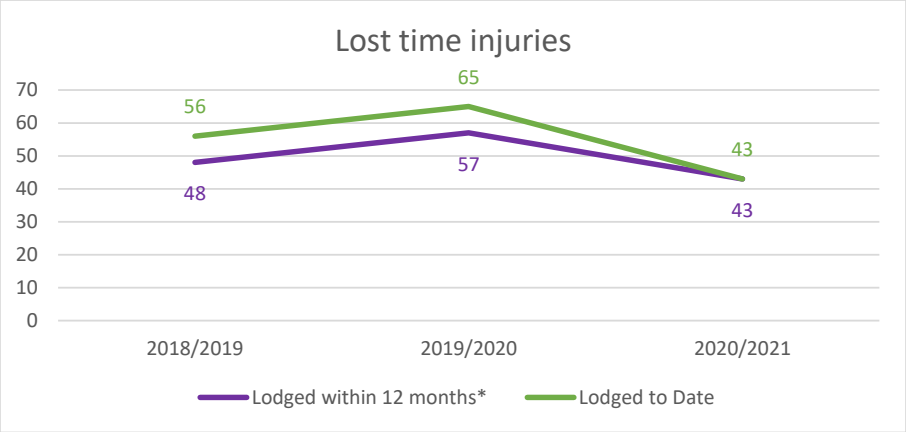
**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

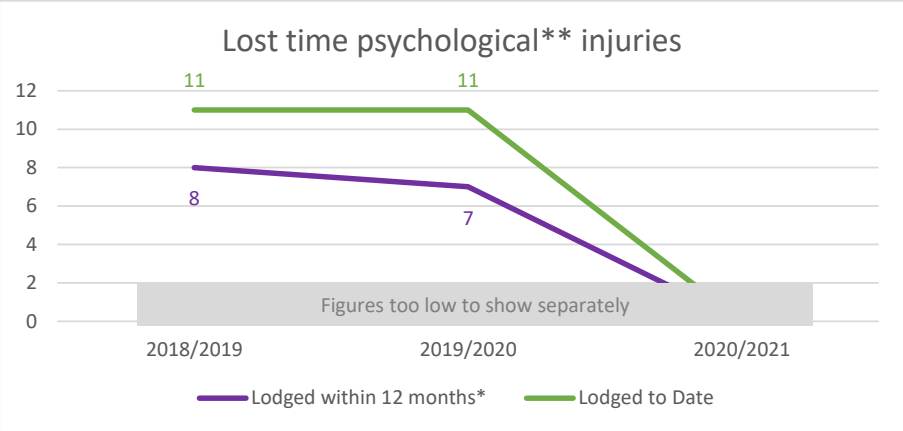
ACT PUBLIC SECTOR WORKERS' COMPENSATION 2020/2021 - TREND REPORT As of 30 June 2021

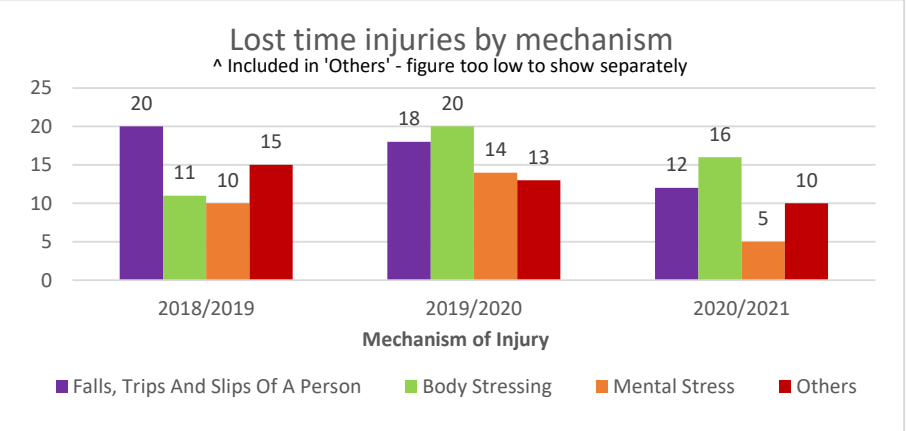
ACT Government

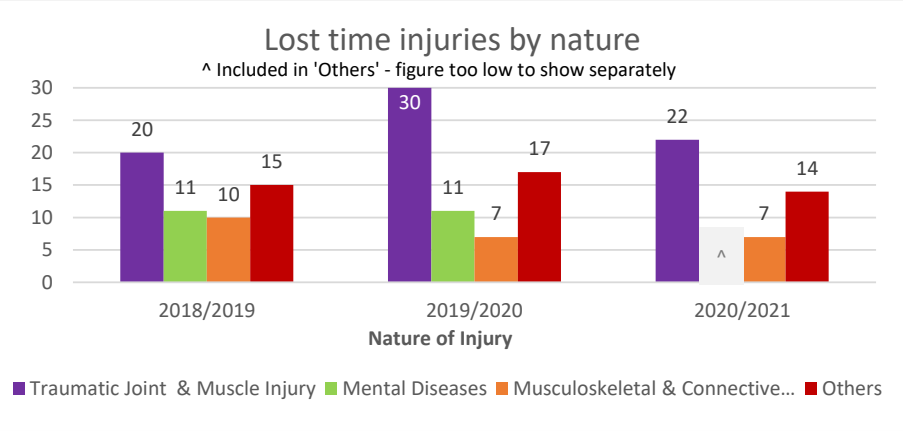
Workplace Safety and Industrial Relations

OTHERS









* Lodged within 12 months from the start of the financial year.

** Injuries with nature coded as 'Mental disease'

*** This report includes only claims where liability has been accepted or is pending determination.

**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

QUESTION TIME BRIEF

6

Portfolio/s: Industrial Relations and Workplace Safety

ISSUE: WORKSAFE ACT ENFORCEMENT ACTIVITY

Key points

- The safety of workers, the community and staff is the highest priority for the independent regulator, WorkSafe ACT.
- The Work Health and Safety (WHS) Commissioner's role is to protect workers through regulatory compliance and enforcement activities. These activities, together with providing advice and information about the obligations that Persons Conducting a Business or Undertaking (PCBUs) must comply with under the legislation, assist in the development of a strong safety culture. This includes compliance with COVID safety.
- WorkSafe ACT has to date played an active role in assisting the AFP and Access Canberra to enforce compliance with the current Health Directions, particularly in residential construction.
- Engagement with the commercial construction sector has been carefully planned for its return to work on 3 September 2021. WorkSafe ACT will issue appropriate safety alerts regarding COVID safety compliance and meeting obligations under the WHS Act.
- WorkSafe ACT will continue to engage in surveillance to detect non-cmpliance across all industries, but with a focus on construction.

Cleared as complete and accurate:	01/09/2021	
Cleared by	Commissioner	Ext: 6207 0360
Contact Officer name:	Jackii Shepherd	Ext: 6205 4654
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Amanda Grey	Ext: 6207 2718

TRIM Ref:

QUESTION TIME BRIEF

Enforcement Activity During COVID-19 Lockdown

(reporting range 13 -31 August 2021)

- WorkSafe ACT continues to proactively complete surveillance activities to detect non-compliance, with particular focus in the construction industry.
- 128 surveillance activities have been conducted during the current Territory lockdown up until 31 August 2021
    - 67% of surveillance activities have been in the construction industry.
- 7 matters have been referred to the AFP for further action, with 5 of these in the construction industry, and 2 in retail.
- WorkSafe ACT has been responding to a high number of enquiries, largely regarding exemptions to undertake work during lockdown. A majority of these cases have come from PCBUs in the residential construction industry.
    - There have been over 40 email enquiries, and over 50 phone calls.
    - Where indicated, emails were also referred to the relevant authority such as ACT Health, the Human Rights Commission or the AFP.
- WorkSafe ACT continues to refine its data collection processes as lockdown continues to enable accurate reporting on all interactions.

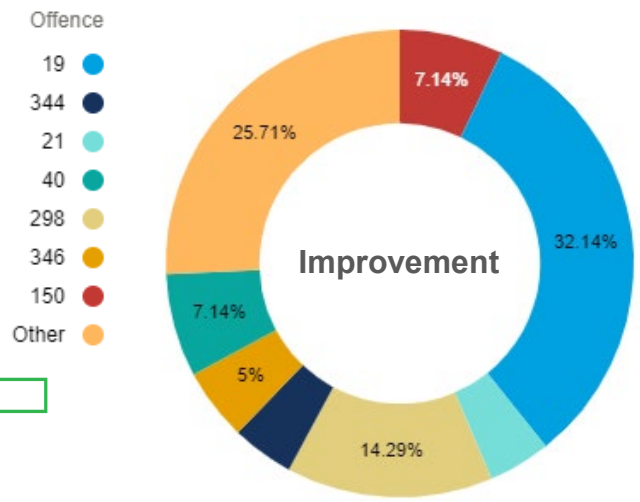
Cleared as complete and accurate:	01/09/2021	
Cleared by	Commissioner	Ext: 6207 0360
Contact Officer name:	Jackii Shepherd	Ext: 6205 4654
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Amanda Grey	Ext: 6207 2718

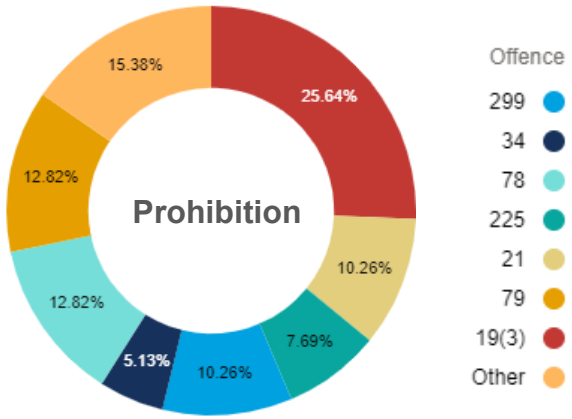
TRIM Ref:

July-August compliance activities

Overall compliance activities

	July	August
Work place visits	115	93
Improvement notices	72	71
Prohibition notices	25	14
Infringements Total value	3 $10,800	7 $18,000





Workers Compensation

	July	August
Infringements Total value	5 $7,500	2 $3,000
Premium Recoveries Total value	7 $168,506	2 $24,402
Default notices	7	-

Labour Hire Licensing

	July	August
Applications received	53	59
Licences issued	44	32

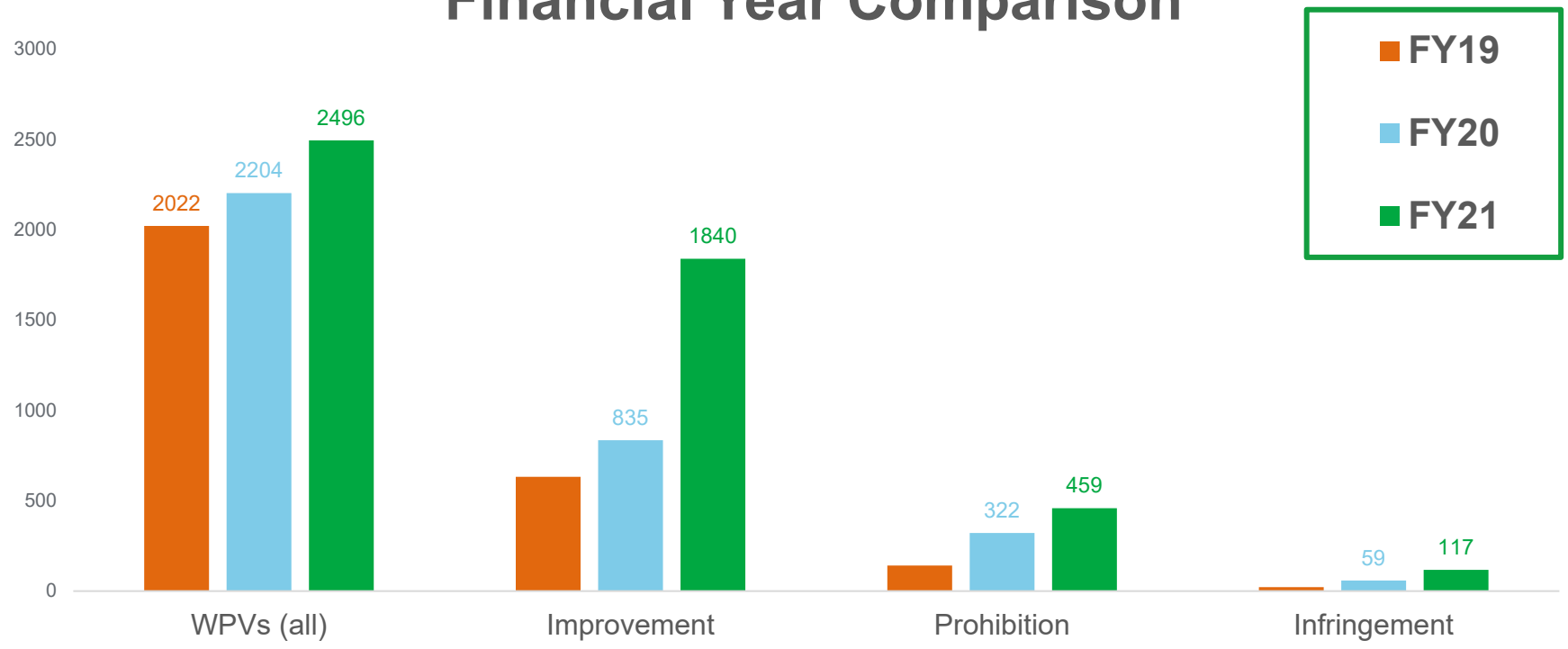
Since the scheme commencement in May:

170 applications received

100 licences issued

WORKSAFEACT

WorkSafe ACT Regulator Activity Financial Year Comparison



Fiscal year	WPVs (all)	Improvement	Prohibition	Infringement
FY21	2496	1840	459	117
FY20	2204	835	322	59
FY19	2022	633	142	22

Data accurate as at 22/07/2021

WORKSAFEACT

QUESTION TIME BRIEF

CM21/36640

7

Portfolio/s: Industrial Relations and Workplace Safety

ISSUE: WHS LICENCE REGISTER – INFRINGEMENT NOTICE INFORMATION

Talking points:

- The *Work Health and Safety Regulation 2011* requires WorkSafe ACT to publish a public licence register for WHS licences issued under our work health and safety laws.
- The following WHS licenses are included on the public register:
    - asbestos assessor and removal licences;
    - high-risk work licences; and
    - major hazard facility licences.
- The purpose of the register is to encourage compliance with our WHS laws by licence holders, to better protect the health and safety of our workers and the community.
- Consistent with the purpose of the register, should licensees be issued with an infringement notice, information about the notice may be published in accordance with guidelines made for the register.
- The licence register is available on WorkSafe ACT's website.

Background Information

- The licence register is published on WorkSafe ACT's website and will be incrementally populated in phases when infringement information is available.
- Guidelines have been made that set out the information that will be published on the licence register, including:
    - Licence number and type;
    - licensee business details; and
    - information about safety related infringement notices issued on the licensee.
- Details of infringement notices will remain on the register for two years from the date of the offence, or for five years, if the licence holder receives more than two infringement notices within 24 months.

Cleared as complete and accurate:	21/06/2021	
Cleared by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/32830	

- Once fully populated the register will list the relevant details of all WHS licensees for asbestos assessor and removal licenses; high-risk work licenses; and major hazard facility licences. There are currently no licences issued for a Major Hazard Facility in the ACT.
- Details of the licensee available on the register will not include personal information or employer information.

Cleared as complete and accurate:	21/06/2021	
Cleared by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/32830	

QUESTION TIME BRIEF

CM21/~~3664~~55902

Portfolio/s: Workplace Safety & Industrial Relations

ISSUE: Secure Local Jobs Code

Key Information

- Commencing on 15 January 2019, the Secure Local Jobs Code is designed to ensure government contracts are only awarded to businesses with the highest ethical and labour standards.
- The Code ensures that the government's purchasing power is used to reward businesses who do the right thing by their workers can compete for government work on a level playing field.
- Businesses tendering for construction, cleaning, security or traffic management work are required to hold a Secure Local Jobs Code Certificate and meet specific workplace standards on:
    - pay and employment conditions;
    - insurance, tax and superannuation;
    - health and safety, including training and inductions; and
    - collective bargaining, freedom of association and representation rights.
- Businesses that want to provide services worth more than $200,000 to the ACT Government also need a Code Certificate.
- To receive a Secure Local Jobs Code Certificate, businesses need to apply through the Secure Local Jobs Code Registrar.
- Businesses must engage an independent Secure Local Jobs Code Approved Auditor to conduct an audit and assess whether they meet Secure Local Jobs requirements and can apply for a Secure Local Jobs Code Certificate. Approved Auditors facilitate lodgement of the application with the Registrar once their audit of the applicants business operations is complete.
- Approved Auditor costs are met by businesses applying for a Secure Local Jobs Code Certificate. Pricing for audits vary for each Auditor and by business size.
- The Government does not charge to issue a Secure Local Jobs Code Certificate to businesses.
- The Secure Local Jobs Code Advisory Council is a ministerially appointed council with members drawn from both employee and employer representative groups.
- Advisory Council's role is to advise the Minister about the operation of the Code and matters in relation to local jobs and procurement.

Cleared as complete and accurate:	~~29/07/2021~~02/09/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	David Robertson	Ext: 54534
Lead Directorate:	Chief Minister, Treasury and Economic Development	

ACT Government

QUESTION TIME BRIEF

- In late 2020, the Advisory Council undertook a review of the operation of the Code in accordance with their obligations under s22ZD the the *Government Procurement Act 2001*.
- The Advisory Council delivered their endorsed review report to the Minister for Industrial Relations and Workplace Safety on 24 December 2020.
- The review report delivered 10 recommendations to government, centred around three main themes, to support and enhance the successful operation of the Code:
    - *Legislative amendments* to enhance the efficacy of the Code (including enhancing the Registrar's powers to promote compliance with Code obligations).
    - *Governance arrangements* (including the introduction of a two-stage procurement evaluation process and support for information management enhancements to improve Code operations).
    - *Resourcing requirements* (including additional resources to support the operation of the Code and enhance compliance though increased investigation, educational and engagement activities).
- The Advisory Council's review report and recommendations have been considered by Government and have been accepted. Implementation of the recommendations is currently being progressed.
- As of Monday, 30 August 2021:
    - There are 2047 Code Certified entities.
    - There are 29 Approved Auditors (with an additional two pending approval).
    - There have been 2 audits initiated by the Registrar.
    - There are 5 active investigations based on complaints received.
    - On 23 August 2021, 43 investigations commenced as a part of a Registrar compliance project. 2 have been finalised and 41 remain under active investigation.
    - 12 Code Certified Entities have received sanctions for non-compliance with Code obligations since the Code came into force.

- ~~At of Thursday, 22 July 2021:~~
    - ~~There are 2030 Code Certified entities.~~
    - ~~There are 26 Approved Auditors (with one pending training to make 27).~~
    - ~~There are 4 active investigations based on complaints received.~~
    - ~~There is currently 74 investigations pending which have been initiated by the Registrar. Of the 74 pending investigations, 17 have commenced with a~~

Cleared as complete and accurate:	~~29/07/2021~~02/09/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	David Robertson	Ext: 54534
Lead Directorate:	Chief Minister, Treasury and Economic Development	

~~Notice of Investigation being sent. There were two audits initiated at the request of the Registrar. One of these audits is now completed with an outcome of 'no further action'. There is still one audit underway which is pending the delivery of the approved auditors report.~~

- ~~12 Code Certfied Entities have received sanctions for non-compliance with Code oligations.~~
  - ~~There has been 1 sanction issued in 2021 from 69 completed investigations. 7 sanctions were issued in 2020 and 4 sanctions were issued in 2019.~~

Background Information

- Information about the Secure Local Jobs Code and how to apply for a Secure Local Jobs Code Certificate can be found at www.procurement.act.gov.au/securelocaljobs.

Cleared as complete and accurate:	~~29/07/2021~~02/09/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	David Robertson	Ext: 54534
Lead Directorate:	Chief Minister, Treasury and Economic Development	

QUESTION TIME BRIEF

CM21/ ~~4591055~~903

Portfolio/s: Workplace Safety & Industrial Relations

ISSUE: **ACTPS Secure Work**

Talking points:

- The ACT Government is committed to providing secure and where possible, ongoing employment and recognises the adverse social and financial effects insecure work has on workers.
- The ACT Government is working to meet this commitment through ~~three work streams~~two distinct pieces of work which taken together make the 'Secure Employment Package':
    - the continuation of the ACTPS Insecure Work and Outsourcing Taskforce ('the Taskforce') - a joint Union and Government Taskforce to examine the use of insecure work and outsourcing in the ACTPS with an updated ~~;developing~~ process~~es~~ to facilitate the new requirements of the *Fair Work Act 2009* where casual employees can in certain circumstances request conversion to permanency; and
    - developing a legislative response to implement a Secure Employment F~~f~~ramework to assess whether outsourced work that could be performed by public servants should be insourced.
- Stakeholder engagement has commenced on the Secure Employment Framework that is being developed to assess whether outsourced work could be insourced and performed by public servants.
- A discussion paper has been circulated to government directorates, public sector bodies, and ACT unions.
- The Taskforce was established as part of the 2017-2021 Enterprise Agreement round. Provisions were included in the new enterprise agreements to facilitate the conversion of jobs to more secure forms of employment. These provisions complemented pre-existing provisions dealing with the minimisation of casual and temporary employment, privatisation and outsourcing.

Cleared as complete and accurate:	~~29/07/2021~~03/09/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Russell Noud	Ext: 76019
Lead Directorate:	Chief Minister, Treasury and Economic Development	

- ~~The Taskforce Conversion Policy was finalised in 2019 and sets out the process and criteria for assessing positions for conversion. In accordance with the Conversion Policy,~~ Tthe Taskforce is systematically reviewing temporary and casual employment to assess if there are jobs that should be made permanent. Where jobs are identified for conversion, the enterprise agreement provisions allow for the Head of Service to appoint existing employees without further merit processes, providing certain criteria are met.
- To date, four rounds of conversions have taken place.
- A fifth round is currently underway. This round will focus on the new requirements of the *Fair Work Act 2009* where casual employees of more than 12 months' standing and with a regular pattern of hours of work over at least 6 months may request conversion to permanent employment.
- ~~The Government has agreed to introduce further initiatives to ensure that work is not contracted out when public servants could do the work.~~
- ~~The Government is working through the policy and stakeholder engagement aspects of the ACTPS Secure Employment Framework.~~

Background Information

- To date, four rounds of conversions have taken place. A total of 1283 casual and temporary employees have been assessed against the criteria of the conversion policy and out of these, 286 employees have been converted to permanent employment. Out of the 286 employees converted, 247 were on temporary contracts and 39 were casual.
- The latest conversion round was conducted in July 2021. A total of 250 employees were assessed and 103 (97 temporary and 6 casual employees) met the criteria of the Conversion Policy and were approved for conversion to permanency by the Head of Service.
- While enterprise bargaining has commenced to replace the current agreements, the Taskforce will continue its work and is currently in the process of commencing a fifth round of temporary and casual employment assessments. The fifth round will have a strong focus on casual conversion and will include additional assessment criteria from the recent Fair Work Act 2009 amendments on casual conversion requirements.
- For those that did not meet the criteria, the reasons included:
    - the roles were for a specific project that would not continue past the project end date;
    - the employee was backfilling another role;
    - the employee was already appointed or going through an alternate appointment process e.g. streamlining or via merit selection;

Cleared as complete and accurate:	~~29/07/2021~~03/09/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Russell Noud	Ext: 76019
Lead Directorate:	Chief Minister, Treasury and Economic Development	

- the employee did not meet the duration requirement of 2 or more years within the position; or
- the employee declined the offer of conversion.

QUESTION TIME BRIEF

CM21/55904

Portfolio/s: Chief Minister

ISSUE: ACTPS ENTERPRISE BARGAINING AGREEMENTS

Talking points:

- Enterprise bargaining is an opportunity to support change and strengthen ACTPS employment arrangements.
- The Government remains committed to a consultative and inclusive approach to industrial relations.
- In previous bargaining rounds the Government has provided increases to pay and superannuation, and also improved the terms and conditions of employment enjoyed by the Government's workforce.
- This has supported our ability to attract and retain workers which ensures that we have the right people on board to provide services to the ACT community.
- With the exception of the Fire Fighters', Nursing and Midwifery and Teachers' agreements, all ACTPS enterprise agreements expire on 31 October 2021. The *Fair Work Act 2009* provides that an expired agreement continues in force until replaced.
- Bargaining has formally commenced and regular meetings with the unions, are scheduled on a fortnightly basis. The first bargaining meeting involving the unions was held on 12 April 2021. Out of session discussions are also being scheduled where specific technical matters require further discussion. Bargaining has been conducted online more recently due to the Pandemic.
- In response to the COVID-19 Pandemic, discussions around the Nurses' and Midwives' Enterprise Agreement have focussed on building a package which will facilitate the engagement of Student Nurses to assist with the Territory's response. Working closely with the Australian Nursing and Midwifery Association (ACT Branch), arrangements are now in place for Nursing students to assist in our vaccination and testing centres.

Cleared as complete and accurate:	~~03/09/2021~~08/09/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Dr Damian West	Ext: 75397
Lead Directorate:	Chief Minister, Treasury and Economic Development	

QUESTION TIME BRIEF

- The Government looks forward to working with workers and their unions to achieve good outcomes for the community.

Background Information

- The current enterprise agreements require bargaining commence by the end of February 2021. It has commenced slightly later than that, but that time will be made up.
- The aim is to have bargaining complete by the expiration of the current agreements (31 October 2021), but that will depend on the complexity of the claims made.

Cleared as complete and accurate:	~~03/09/2021~~08/09/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Dr Damian West	Ext: 75397
Lead Directorate:	Chief Minister, Treasury and Economic Development	

Formatted: Font: 11 pt

Formatted: Normal, Space After: 0 pt, No bullets or numbering