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

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QUESTION TIME BRIEF

1

Portfolio/s: Employment and Workplace Safety

ISSUE: ACT Public Sector Workers' Compensation Self-Insurance Performance and Psychological Injury Experience

Key Information:

- The ACT Public Sector work health, safety and wellbeing framework includes approaches to reduce the incidence and impact of occupational violence in workplaces promote mentally healthy workplaces. This framework includes:
  - demonstrating leadership commitment;
  - building the capability of the ACT workforce;
  - designing work to prevent harm and promote health; and
  - embedding systems to ensure a structured and consistent approach.
- 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 early
  - 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:	23/07/2021	
Cleared by Michael Young	Executive Group Manager	Ext: 53095
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TRIM Ref:	CM21/45879	

- A consistent and streamlined approach to identifying and addressing reasonable adjustments for employees moving into the activity based work environments has been implemented.

ACT Public Sector Workers' Compensation Self-Insurance Performance:

- The ACT Government became a licensed self-insurer as of 1 March 2019.
- Self-insurance's support streamlines 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 table illustrates the ACTPS Workers' Comepanstion profile over the last 5 financial years:

ACTPS Workers' Compensation Profile		**Financial Year**				
		2016-17	**2017-18**	**2018-19**	**2019-20**	**2020-21**
Workforce	FTE	22,432	22,432	23,279	24,775	25,172
	Wages ($ billion)	2.1	2.2	2.4	2.6	2.5
Number of claims (Accepted to date)*	% of workforce (annualised)**	2.0%	2.1%	1.8%	1.8%	1.7%
	Physical injry	398	396	354	371	356
	Psychological Injury	61	77	61	68	43
Average cost*	All claim ($)	47,961	44,912	30,822	27,473	15,280
(paid to date)	Physical injry ($)	36,449	29,969	25,743	21,170	14,074
	Psychological Injury ($)	123,075	121,758	60,291	61,862	25,269
Premium	Total cost ($ million)	88.0	69.6	70.5	56.0	56.2
	Per insured worker ($)	3,921	3,101	3,028	2,261	2,231

* The 'Number of Claims' and 'Averge cost' figures are based on information as at 31 May 2021. The figures may change in the future with the emergence of experience.
** FTE assumed to be uniform throughout the year. The incidence of accepted claims rate to date is annualised based on the assumed FTE to date i.e. for the latest incomplete financial year.

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Psychological Injury Experience:

- The following details in relation to psychological injuries are based on:
  - ACTPS WC Fund (WhoG including Canberra Health Services plus Calvary Health Care and University of Canberra) claims data as at 31 May 2021.
- Occupational violence in the ACT public sector:
  - Fifty-nine percent of incidents reported to date in 2020-21 were caused by occupational violence. This reflects 8,105 of the 3,678 reported incidents, which is an increase of three percent from the 2019-20 year.
  - Eighty percent of all occupational violence incidents reported to date in 2020-21 occurred in the Education Directorate, an increase from seventy-five percent in 2019-20.
  - Occupational violence was the cause of twelve percent of all accepted workers' compensation claims reported to date in 2020-21, a decrease from fourteen percent in 2019-20.
- Bullying and harassment in the ACT public sector:
  - The percentage of bullying and harassment incidents reported to date in 2020-21 has remained steady, having decreased in comparison to previous years.
  - Bullying and harassment was the cause of two percent of all accepted workers compensation claims reported to date in 2020-21. This is a decrease from four percent in 2019-20 and seven percent in 2018-19.
- Mental stress (excluding occupational violence and bullying) in the ACT public sector:
  - Four percent of incidents reported to date in 2020-21 were caused by mental stress (excluding occupational violence and bullying). This was an increase from 2 percent in 2019-20 in 2018-19.
  - Mental stress (excluding occupational violence and bullying) was the cause of thirteen percent of all accepted workers' compensation claims reported to date in 2020-21. This was a decrease from fifteen percent in 2019-20 in 2018-19.

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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.

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- 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".

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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	
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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

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QUESTION TIME BRIEF

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 transition 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 will need to 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:	22/07/2021	
Cleared by:	Commissioner	Ext: 62053095
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Lead Directorate:	Chief Minister, Treasury and Economic Development	
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Information Officer name:	Amanda Grey	
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QUESTION TIME BRIEF

- Anyone who employs staff through a labour hire operator, will need to make sure the labour hire provider is licensed.
- WorkSafe ACT is responsible for administering the scheme and has implemented an online application process accessible via the WorkSafe ACT Website.
- As at 26 July 2021, 100 applications for a licence had been received and 55 licences issued.
- The current application fee is a single flat fee of $2,900. Labour hire providers must apply annually for a licence.
- 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 people attending.
- The WorkSafe ACT website is being updated to reflect the outcomes of the Q&A sessions, and further education programs are being planned for late August.
- A public register of all licensed labour hire providers is now available on the WorkSafe ACT Website.
- WorkSafe ACT is working with a number of stakeholders in preparation for the commencement of the compliance program in November.

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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.
- Exemptions have been declared for the following classes of worker:
    - ACT Government 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 orenterprise 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)
    - 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.

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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.

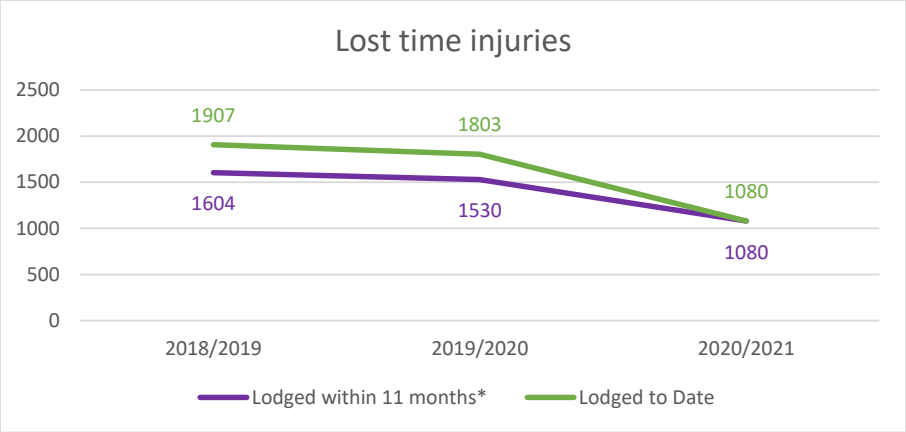
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TRIM Ref:	CM21/45888	

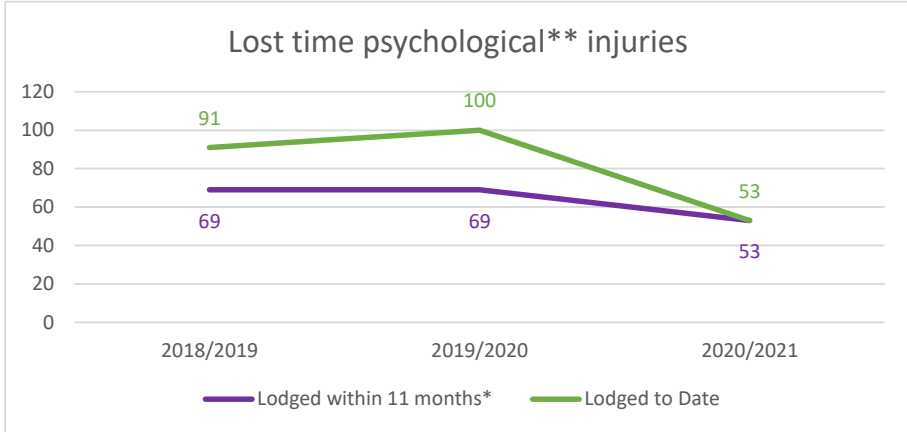
ACT Private SECTOR WORKERS' COMPENSATION 2020/2021 - TREND REPORT As of 31 May 2021

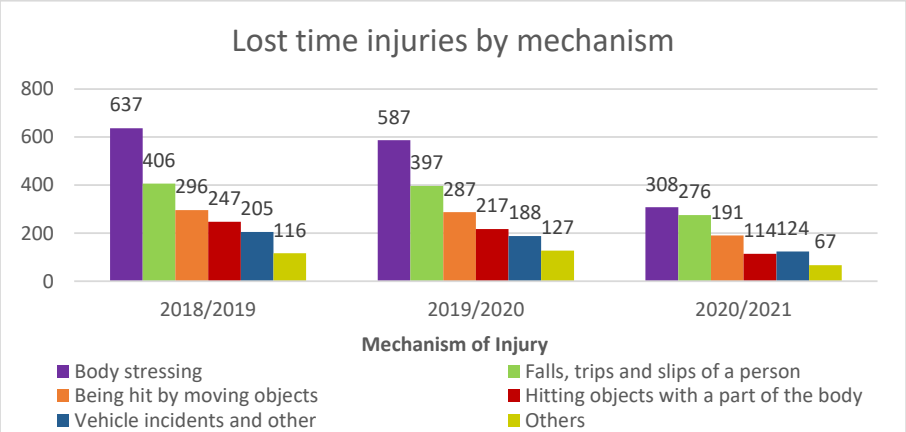
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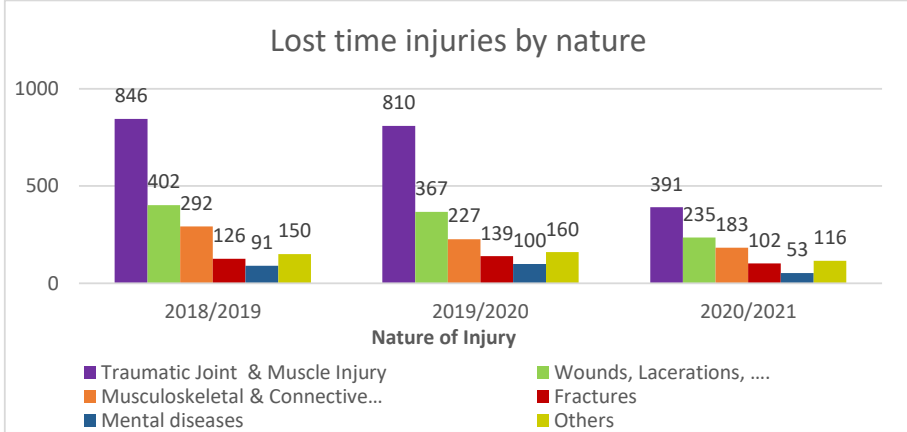
Workplace Safety and Industrial Relations

ALL INDUSTRIES









* Lodged within 11 months from the start of the financial year.

** Injuries with nature coded as 'Mental disease'

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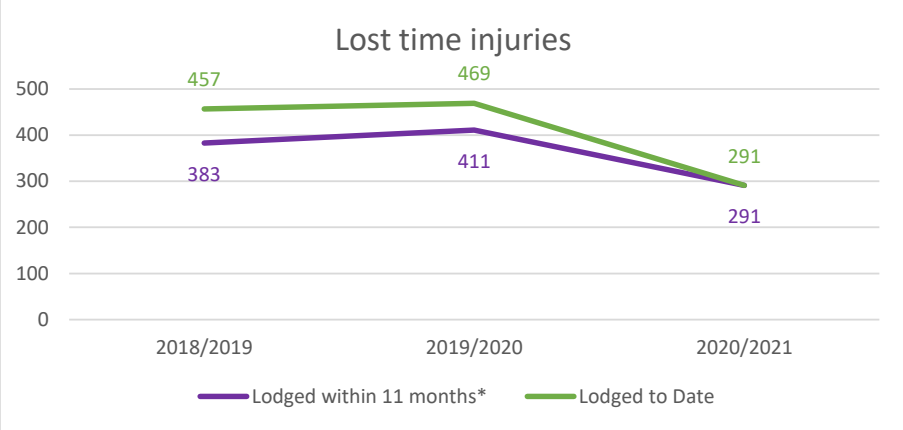
**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

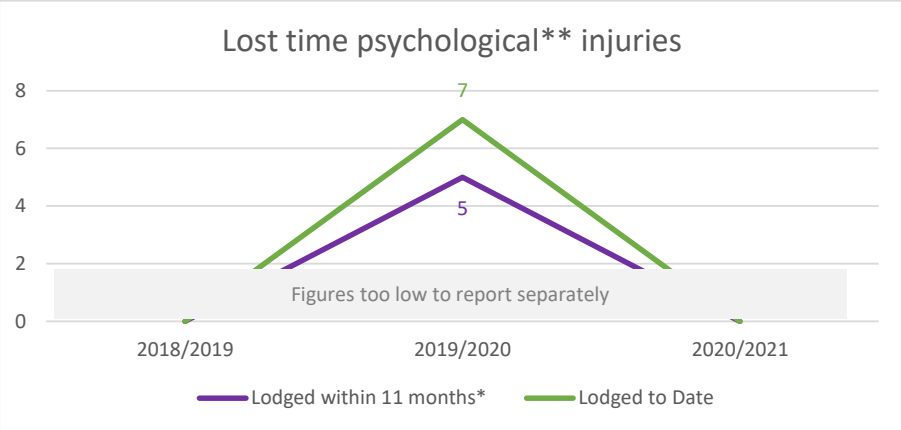
ACT PRIVATE SECTOR WORKERS' COMPENSATION 2020/2021 - TREND REPORT As of 31 May 2021

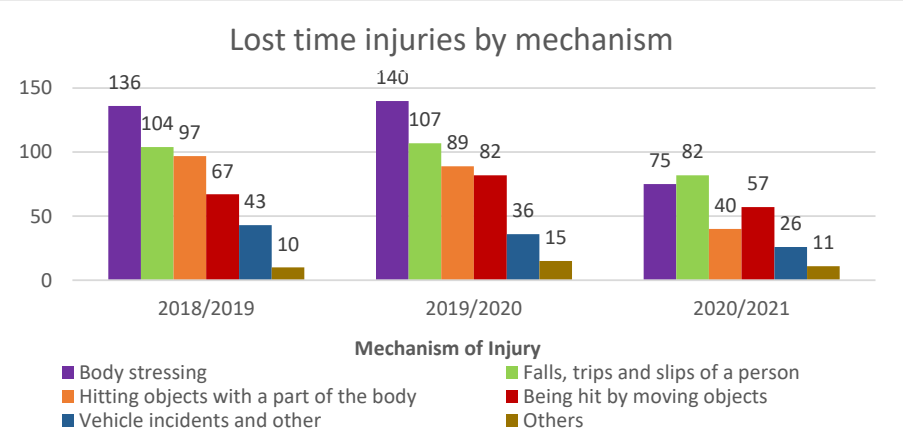
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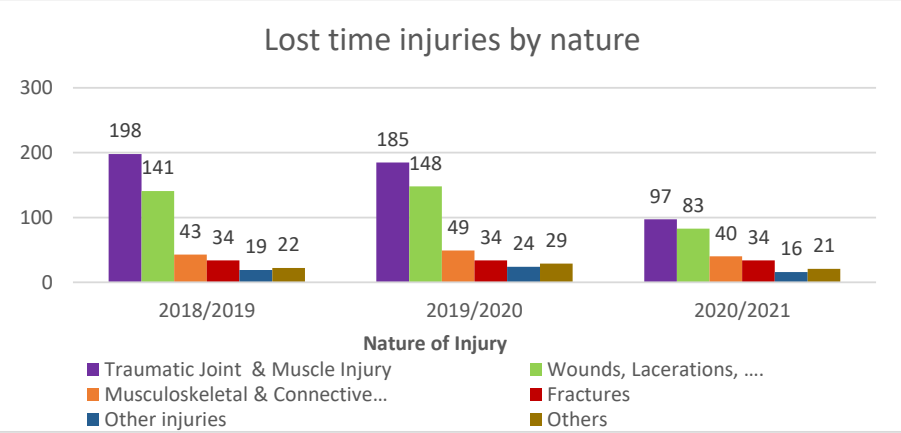
Workplace Safety and Industrial Relations

CONSTRUCTION









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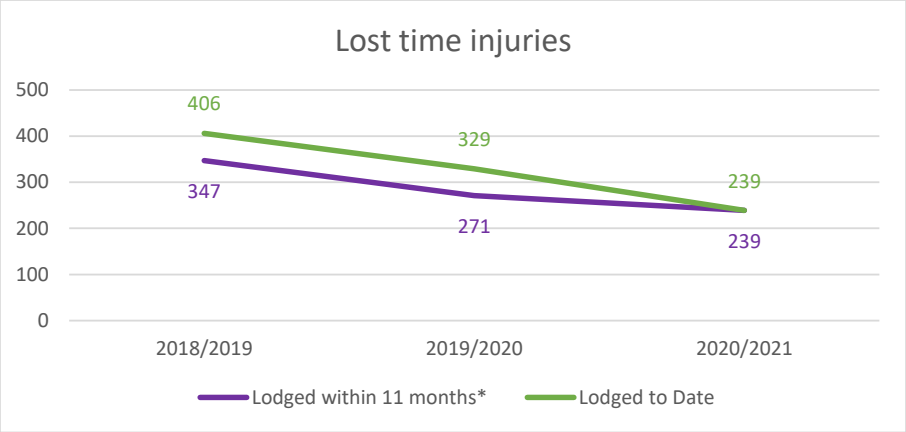
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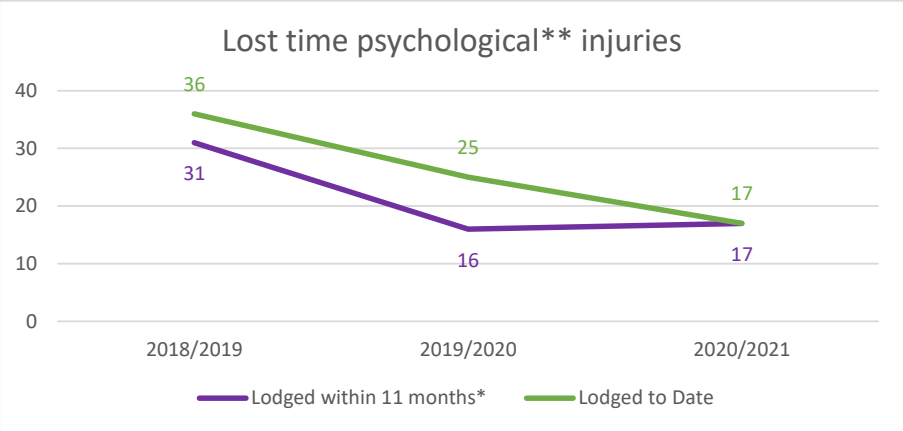
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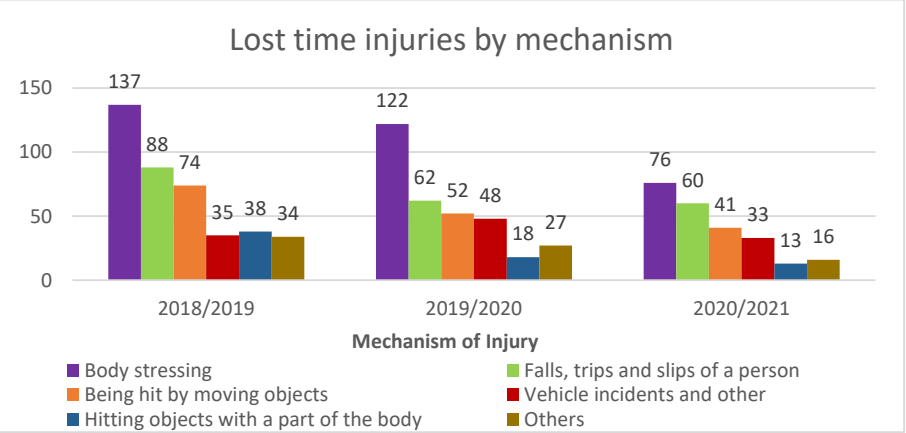
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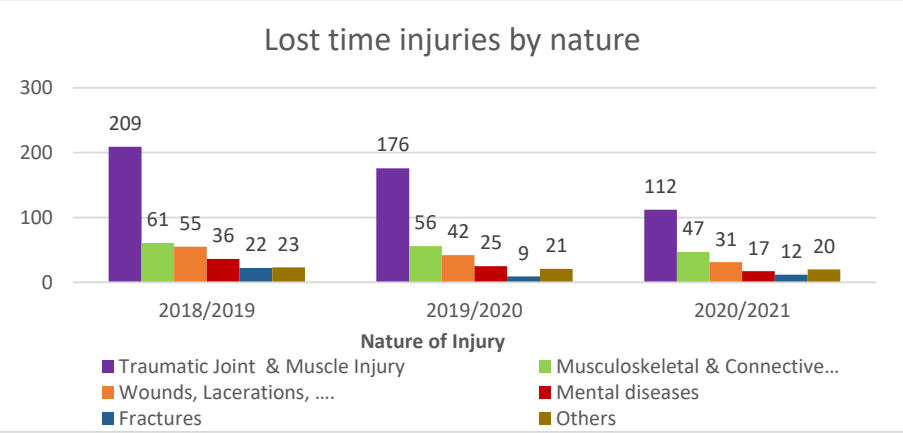
Workplace Safety and Industrial Relations

HEALTH CARE AND SOCIAL ASSISTANCE









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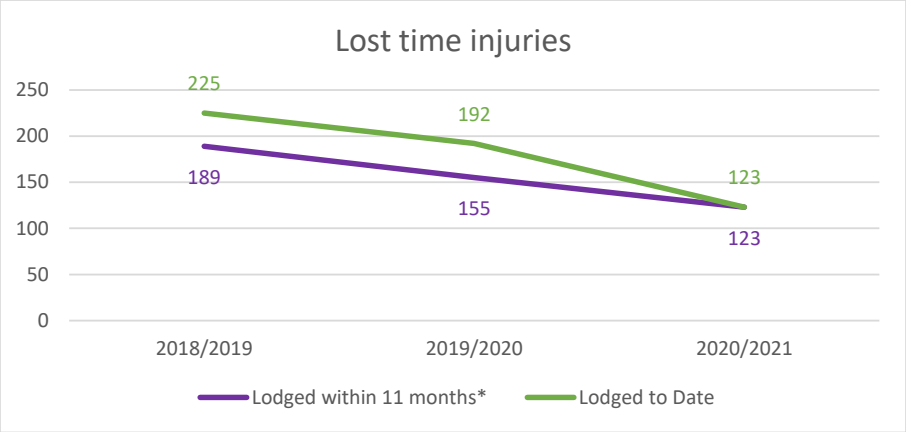
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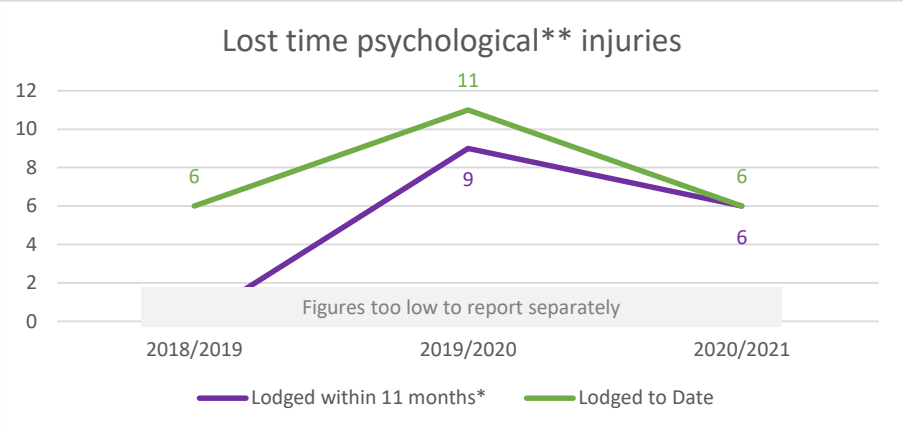
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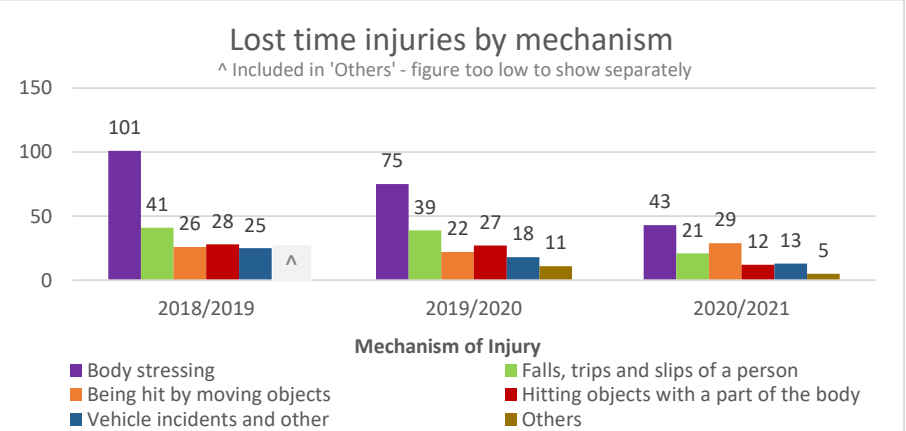
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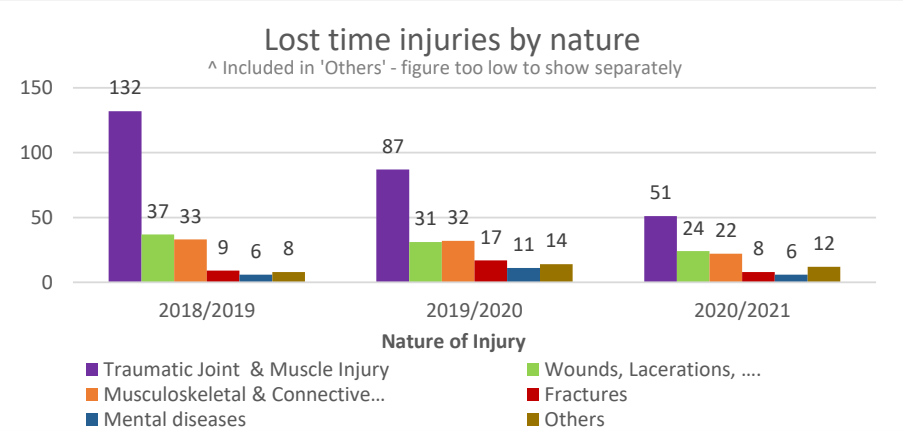
Workplace Safety and Industrial Relations

RETAIL TRADE









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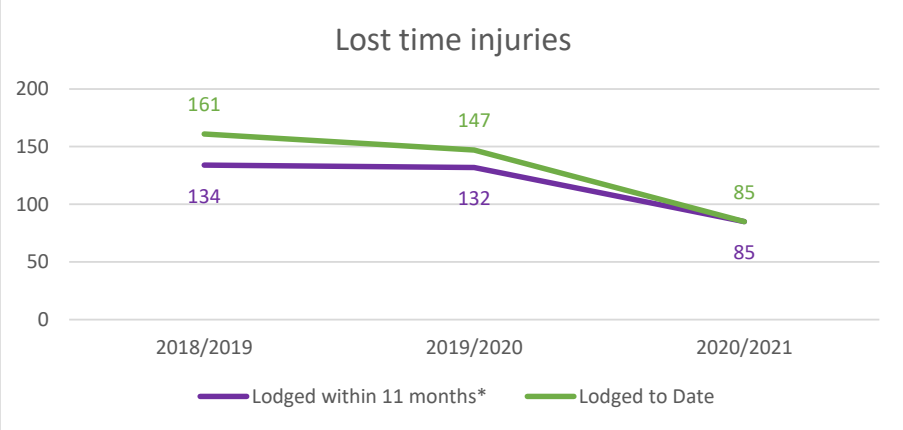
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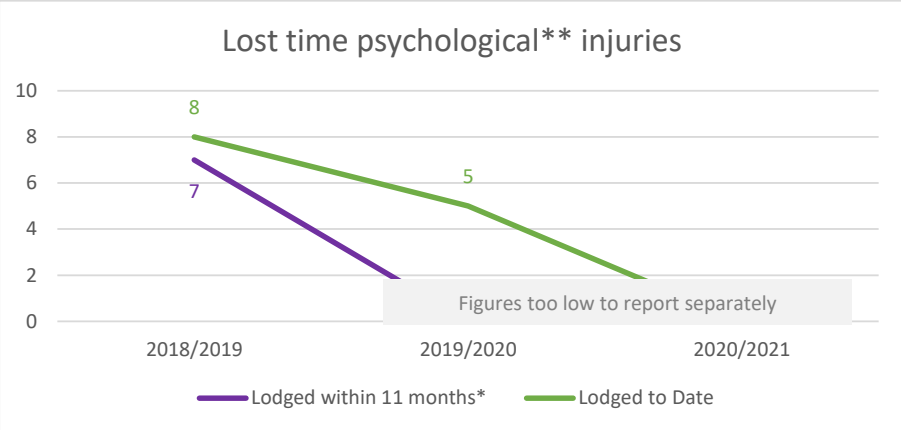
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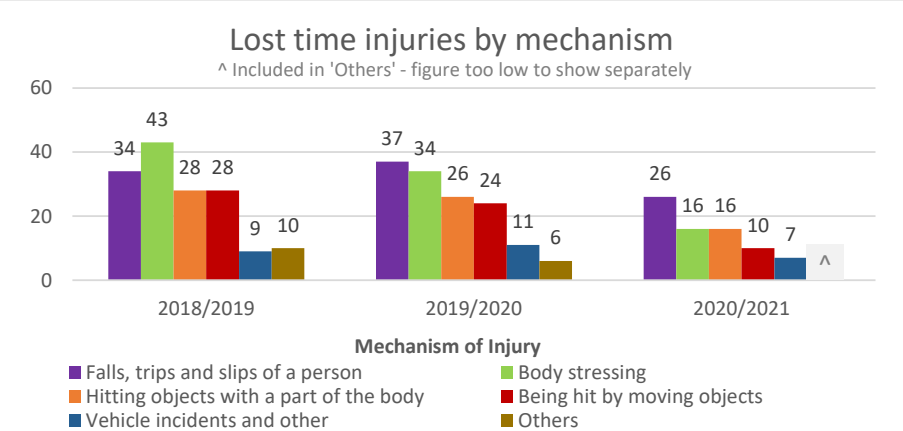
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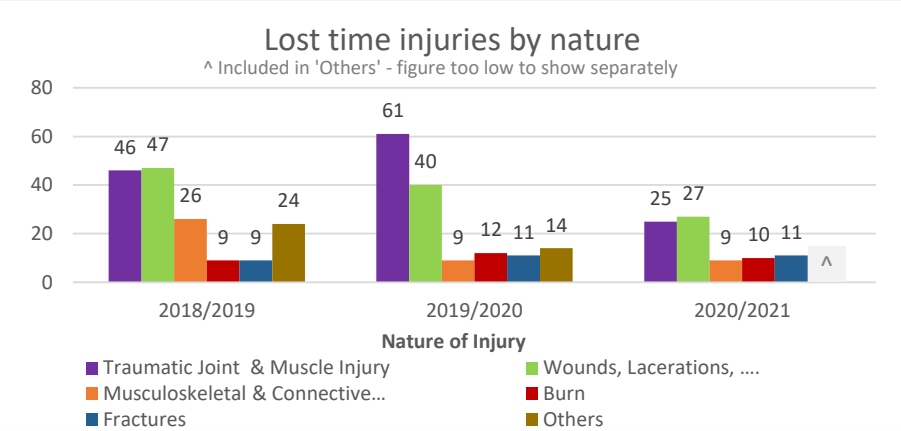
Workplace Safety and Industrial Relations

ACCOMMODATION AND FOOD SERVICES









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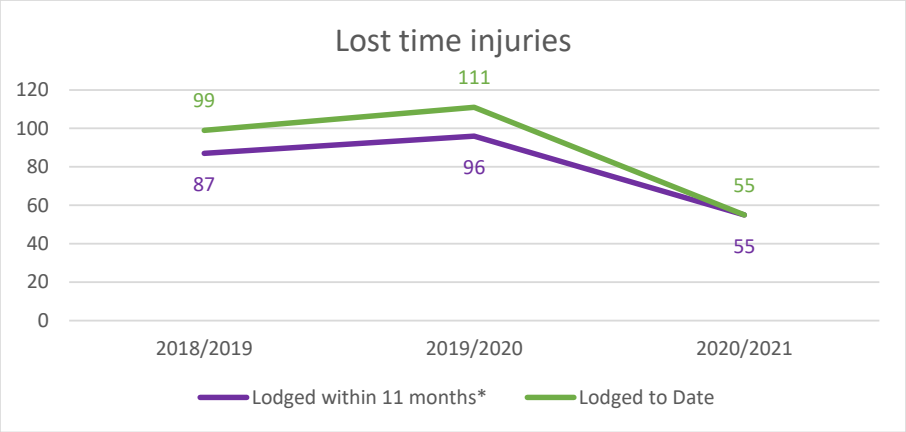
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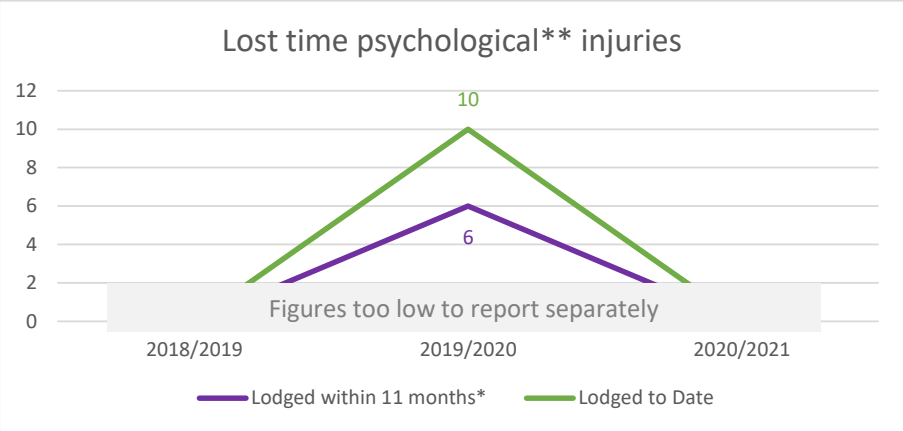
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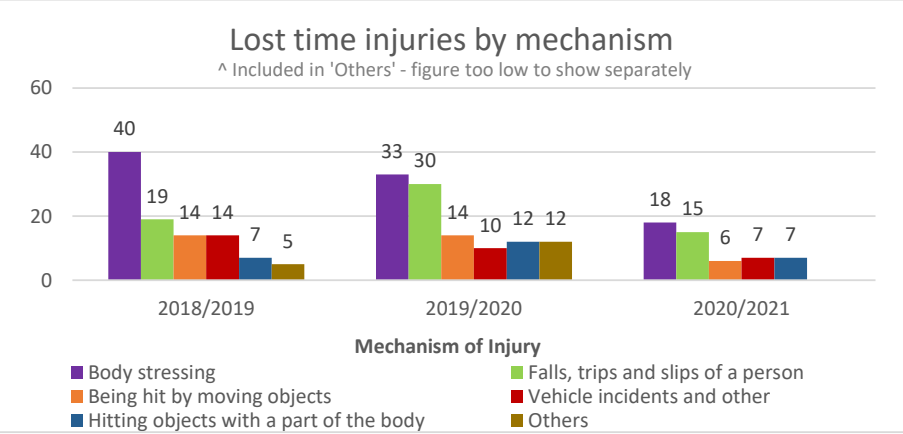
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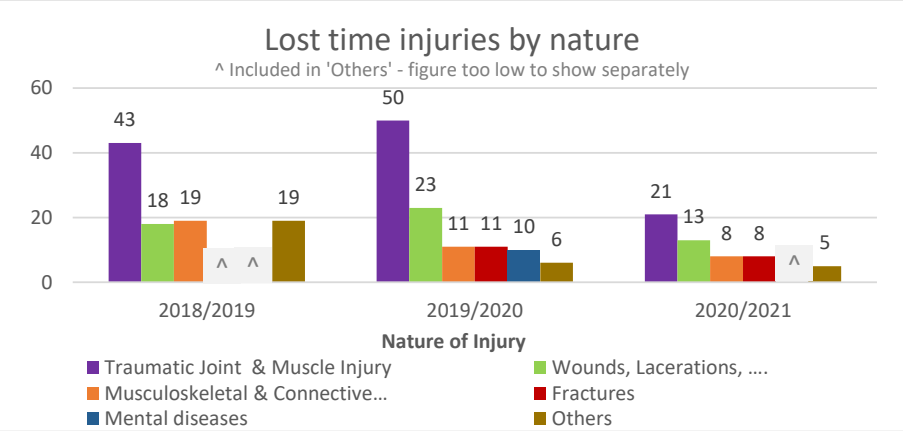
Workplace Safety and Industrial Relations

ADMINISTRATIVE AND SUPPORT SERVICES









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** Injuries with nature coded as 'Mental disease'

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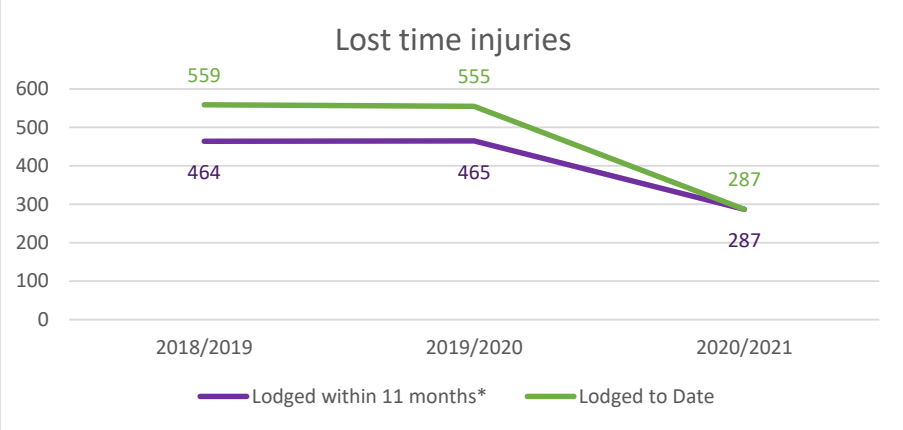
**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

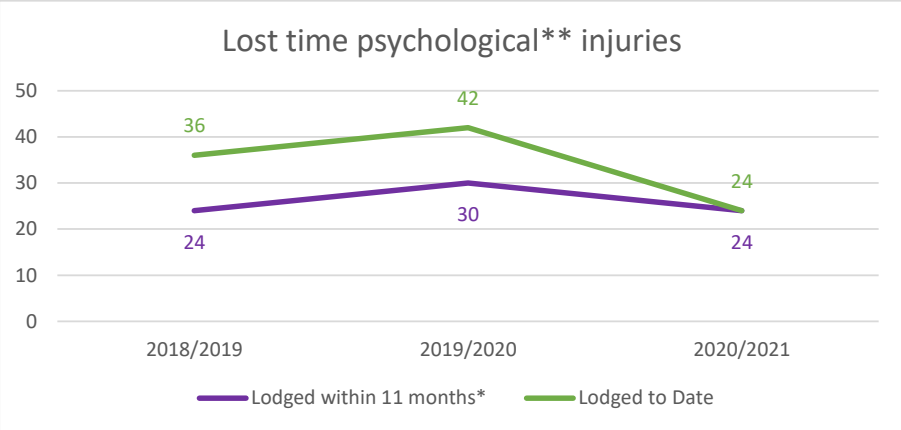
ACT PRIVATE SECTOR WORKERS' COMPENSATION 2020/2021 - TREND REPORT As of 31 May 2021

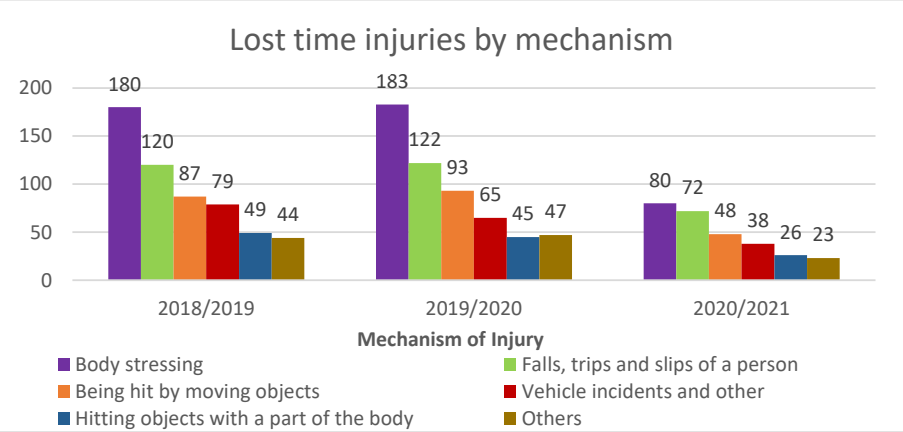
ACT Government

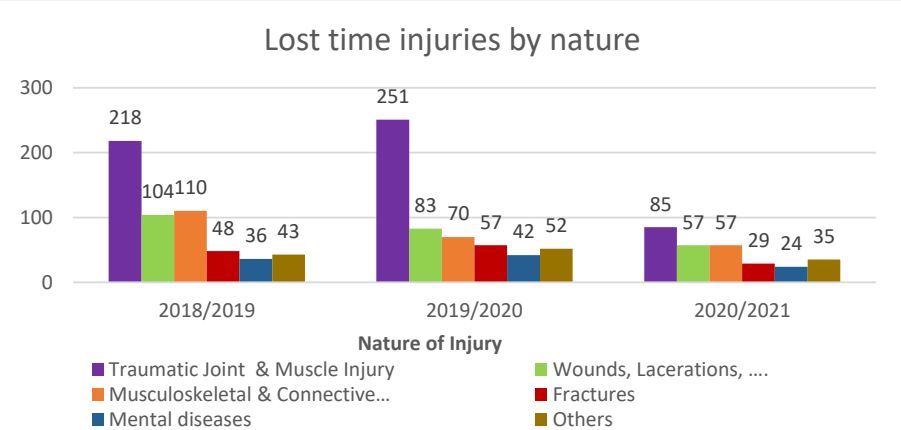
Workplace Safety and Industrial Relations

OTHERS









* Lodged within 11 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 Relatons and Workplace Safety

ISSUE: WORKSAFE 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 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.
- The Government has made its expectations about WorkSafe ACT's priority and focus clear. On 1 July 2020, the then Minister for Employment and Workplace Safety delivered the Statement of Expectations (SOE) to the WHS Commissioner. The SOE highlighted current and emerging issues which required priority action.
- WorkSafe ACT responded with its Statement of Operational Intent which it has systematically been implementing to address the priority matters identified in the SOE.
- An updated SOE will shortly be provided to the WHS Commissioner to inform the development of compliance plans for 2021-22.

Cleared as complete and accurate:	22/07/2021	
Cleared by	Commissioner	Ext: 62070360
Contact Officer name:	Leanne MacLaughlan	Ext: 62071505
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Amanda Grey	Ext: 6207 2718

TRIM Ref: TRSY21/32553

QUESTION TIME BRIEF

Operation Safe Prospect

- The SOE refers to the two deaths on construction sites in early 2020, and the need to improve the safety culture in the construction sector in the ACT with an ongoing compliance program.
- As a result, Operation Safe Prospect was launched in August 2020 and is WorkSafe ACT's ongoing campaign to improve safety standards in the residential construction industry.
- Under Operation Safe Prospect, WorkSafe ACT inspectors visit greenfield and brownfield sites across the Territory to ensure WHS obligations are being met.
- During the last financial year, as a part of Operation Safe Prospect, Worksafe ACT inspectors have issued the following notices:
  - 241 Improvement Notices
  - 88 Prohibition Notices
  - 18 Infringement Notices
- On site, inspectors check to make sure sites are compliant, with six key risk categories being identified as priorities:
  - Fall from heights – including unsafe scaffolding
  - Site security
  - Site signage
  - Housekeeping

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Cleared for release	Yes	
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TRIM Ref: TRSY21/32553

  - Electrical hazards, and
  - Amenities.

- In April 2021, inspectors conducted 25 workplace visits at 19 residential construction sites in Throsby. Only one site was compliant and did not receive any notices. In total, 31 improvement notices, 8 prohibition notices, and 4 infringement notices were issued.
- Further, one site was shut down due to multiple safety breaches, including an unsupervised electrical apprentice, a lack of housekeeping, and risk of falls.
- Additionally, WorkSafe ACT is engaging regularly with stakeholders and the media about Operation Safe Prospect as a way to further improve compliance and raise awareness of obligations.
- WorkSafe ACT held a residential construction forum on 24 June 2021 with participants from academia, government, industry and employee groups, as well as representatives from other WHS regulators and Safe Work Australia.
- Engagement with the construction industry will continue as WorkSafe ACT refreshes its residential construction strategy to reflect feedback from the construction forum.

QUESTION TIME BRIEF

Early Education and Child Care

- Between 2 November 2020 and 31 March 2021, WorkSafe ACT visited 45 childcare centres, issuing 179 improvement notices and 1 prohibition notice for WHS breaches.
- The prohibition notice was issued due to safety risks from exposed wires on an electrical power board.

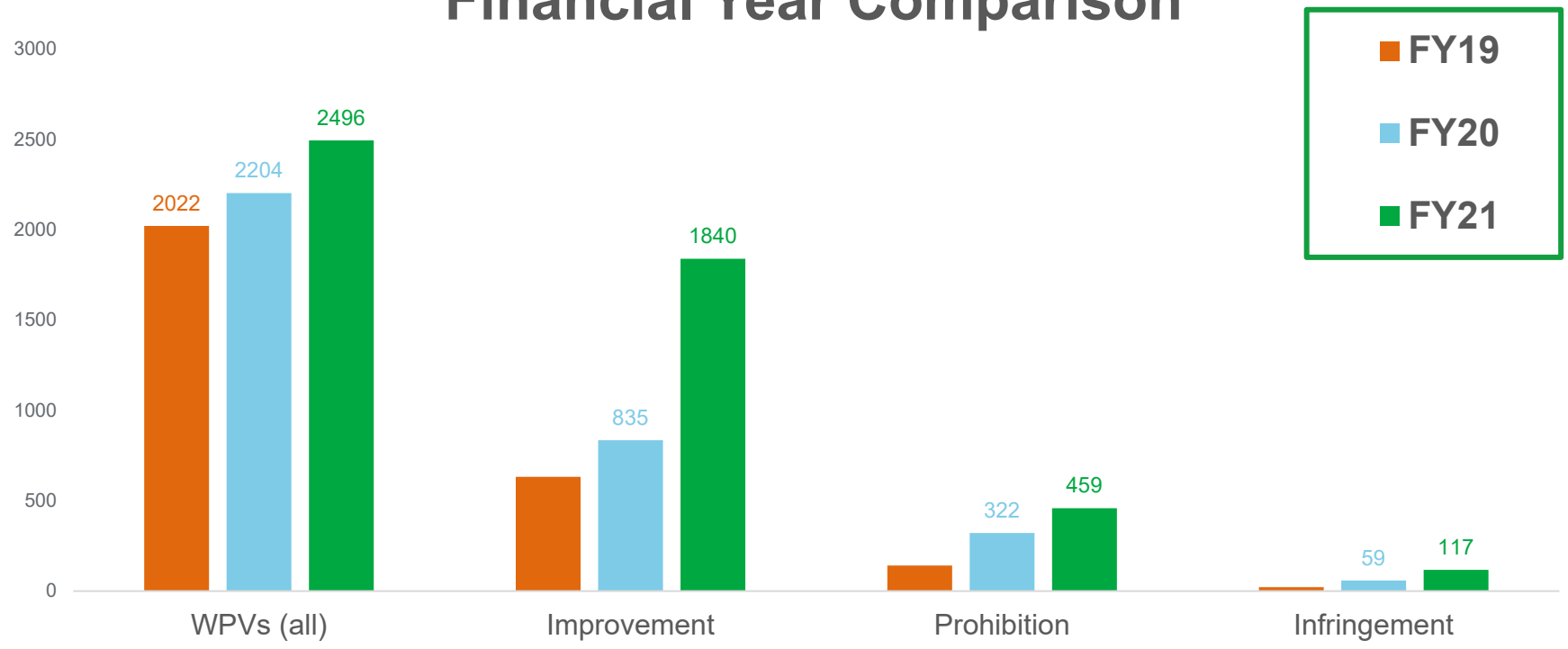
Education and Training

- WorkSafe ACT has commenced a compliance program across the vocational eduction training (VET) industry, with 6 sites visited to date.
- This program will see over 30 sites inspected to ensure PCBUs have appropriate systems in place to protect workers in this industry. This includes compliance with the *WHS (Preventing & Responding to Bullying) Code of Practice 2012*.
- In addition, WorkSafe ACT is undertaking a compliance program in the private schools sector, including Territory universities, to improve WHS practices and culture. The program will also gather insights into how the sector has managed psychological hazards associated with the COVID-19 pandemic and will also increase awareness of the People at Work (PAW) tool.

Cleared as complete and accurate:	22/07/2021	
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Contact Officer name:	Leanne MacLaughlan	Ext: 62071505
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Amanda Grey	Ext: 6207 2718

TRIM Ref: TRSY21/32553

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.
- 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

CM21/36641

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:	~~21/06/2021~~29/07/2021	
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	

- 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.
- At of ~~Tuesday, 16 June 2021~~ Thursday, 22 July 2021:
    - There are ~~1924~~ 2030 Code Certified entities.
    - There are ~~29~~ 26 Approved Auditors (with one pending training to make 27).
    - There are ~~5~~ 4 active investigations based on complaints received.
    - There is currently ~~133~~ 74 investigations pending which have been initiated by the Registrar. Of the ~~133~~ 74 pending investigations, 17 have commenced with a Notice of Investigation being sent. There ~~are~~ were two audits ~~underway which have been~~ 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 ~~61~~ 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.

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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/ 4591036642

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
- ~~As part of this commitment, t~~The ACT Government is working to meet this commitment through three work streams which taken together make the 'Secure Employment Package':
  - the continuation of the ~~established 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;~~.~~
  - developing processes 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 framework to assess whether outsourced work that could be performed by public servants should be insourced.
- 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.
- 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, the 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

Cleared as complete and accurate:	~~21/06/2021~~29/07/2021	
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	

Service to appoint existing employees without further merit processes, providing certain criteria are met.

- To date, ~~three~~ four rounds of conversions have taken place~~, with a fourth round currently underway~~.
- 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.~~A total of 988 casual and temporary employees have been assessed against the Conversion Policy and 183 employees have been converted to permanent employment.~~
- 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;
    - the employee did not meet the duration requirement of 2 or more years within the position; or
    - the employee declined the offer of conversion.

- ~~Overall, in the time period the Taskforce has been running the current workforce statistics show that there has been a decrease in temporary and casual employment and an increase in permanent employment from the 2018/2019 financial year to the 2019/2020 financial year as follows:~~

~~**2018/2019**~~

~~Employment Type Percentage~~

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Contact Officer name:	Russell Noud	Ext: 76019
Lead Directorate:	Chief Minister, Treasury and Economic Development	

Permanent	76.0%
Temporary	17.2%
Casual	6.8%

2019/2020

Employment Type	Percentage
Permanent	78.1%
Temporary	16.5%
Casual	5.4%

- In the same period there has been an increase in workforce by 1216.8 FTE between the 2018/2019 and 2019/2020 financial year periods, which means the above figures understate the effect.

QUESTION TIME BRIEF

CM21/45911

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.
- 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:	26/07/2021	
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	

TRIM Ref: CM21/45911