

Statements made by PSMO Director Frank Ogle

I understand this is a difficult time for all state service employees. However, I have serious concerns in that you have chosen in your membership publications to inflame the situation by either misinterpreting the positions that have been discussed informally and formally and the status of the information provided to you.

The meeting on Tuesday was a genuine effort by PSMO, in good faith as the employer's representative, to consult you on proposals being developed.

The purpose of the meeting was to explain the range of proposals and to document your reaction to each of these proposals. In addition, as a result of feedback provided by unions the proposals have been modified and/or clarification provided.

Throughout the meeting it was emphasised that the only decisions taken at the time were Agencies had established internal vacancy management processes and the Workforce Renewal Incentive Program had been introduced.

Emphasis was placed on the fact that the package of proposals were to be considered as part of deliberations by government. The draft documents produced and information provided related to employment proposals under development that would be considered as part of the budget considerations and reforming the Tasmanian State Service. This is the normal administrative support and processes undertaken to inform government

In relation to the Draft Ministerial Direction on Vacancy Control it was made clear that the processes under Section 47 would be followed (and the words in the MD reflect this), specifically:

- The State Service Commissioner (SSC) would have to accept the recommendation by the Head of Agency. Agencies would need to satisfy the SSC of genuine attempts to redeploy the employee
- A Central Vacancy Management Group within PSMO would be established to match vacancies and employees accepted as surplus by the State service Commissioner.
- It would be a matter to the SSC to the Heads of Agency that redeployment was not available.

Response from CPSU & HACSU

The situation has become inflamed because the government is indicating it intends to back flip on clear promises made before the last election to rule out making public sector workers forcibly redundant or terminate their employment through Section 47. We make no apology for reporting the facts to members

The purpose of the meeting for unions was to gain an understanding of the process the government intends to use to cut public sector jobs to provide some initial feedback and to report this understanding to our members. In spite of comments made in the media by Premier Lara Giddings that Unions had somehow broken her confidence, at no stage did PSMO advise Unions that the meeting was confidential. If this had been the case then we would have seriously considered attending the meeting given the unreasonable limitation on reporting back the information to our members.

As PSMO are only putting one set of proposals to government it is ridiculous to imply these were just some vague ideas that shouldn't be taken seriously until approved by Cabinet. We hope Cabinet reject the process proposed and remove any mechanism to forcibly terminate public sector workers. We would be the first to applaud. Of serious concern is that PSMO had no other options to discuss with Unions. Therefore Cabinet will only have the PSMO option in front of them when they make their decision. Not too much of a choice we think!

This is a requirement under the Act but one that the MD carefully ignores.

This is not what the MD says. It makes it clear the Head of Agency would declare the employee surplus under Section 47 and advise the Secretary of DPAC they are surplus. The central vacancy management group would then seek to redeploy and if after 6 months they were unsuccessful they would advise the State Service Commissioner inter agency transfer is not available. The MD makes no mention of the State Service Commissioner accepting the employee as surplus.

We are not entirely sure what this means

An undertaking was given to modify the Draft Ministerial Direction to clarify issues and incorporate issues raised by all stakeholders and provide a copy to you. It was indicated this will occur within the next couple of days.

It is disappointing that you have chosen to misrepresent the facts and made untruthful allegations, which include (but not limited to): -

- The MD attempts to usurp the role of the SSC.
- The MD assumes the SSC will automatically accept the central vacancy management process
- Suitability for redeployment is based on skills only
- Agencies only need to try for one day to redeploy internally, when in an answer to a question you raised you were specifically informed that the SSC would need to satisfy himself as to the genuine attempts by the Agency to redeploy their employee.
- Criteria was not provided in relation to Targeted Voluntary Redundancy - in fact a clear indication was given that the critical criteria would be the "likelihood of redeployment" and the process being developed was to test the ability to redeploy prior to an Redundancy being approved by the Secretary DPAC.
- Processes discriminate against particular workers.

The draft MD states the Head of Agency would declare the employee surplus under Section 47 and advise the Secretary of DPAC they are surplus. The central management group would then seek to redeploy and if after 6 months they were unsuccessful they would advise the State Service Commissioner inter agency transfer is not available. When asked if this was the start of the State Service Commissioner's redeployment process or the end it was indicated this was the end of the process. Where in this process has the statutory office holder been allowed to determine his own process and fulfil his obligations under the Act. The MD arrogantly usurps the role of the SSC by assuming he will accept a process determined by the employer.

Clause 5.3 of the draft MD indicates knowledge, skills, qualifications and experience are the criteria to be considered in a suitability assessment. The point we made was that other issues relevant to the employee such as family responsibilities, career opportunities, location etc are not considered before an employee is assessed against a vacant position and if suitable required to take the position.

PSMO was asked what the minimum period from being declared surplus to being advised redeployment was not possible and the answer provided was 6 months and 1 day. This indicates it is possible for an Agency to notify a person they are surplus one day and declare them surplus under Section 47 the same day – i.e. they could look for internal options for a minimum of 1 day. Given the significant numbers of employees who could be deemed to be surplus as a result of the Budget decisions it is conceivable that this could occur.

PSMO made it clear that a voluntary redundancy would not be offered to all employees on the redeployment. Unions were advised that a redundancy may be offered after 3 months on the Sec 47 redeployment list however this would be entirely up to the Agency responsible for the employee to offer the redundancy. This would most likely happen in very few cases and only when the likelihood of redeployment in the next 3 months was low. There is no criteria for the redundancy offers, therefore the possibility of discrimination and inappropriate use is high.

The lack of clarity around which workers will be targeted and which workers will be offered voluntary redundancies leaves the process open to discrimination.

- Proposals in relation to Managing Performance was an attempt to terminate poor performing employees without redundancy – During the meeting it was made clear that the proposed legislation change was totally separate from the redeployment process. The draft proposal was focused on reform and making all parties responsible for performance to the level documented in performance management plans. In previous discussions you have advised the issue of managing poor performance has been a major concern of your membership. In fact you indicated your support for performance management, including under performance in a presentation to the Legislative Council last month

Despite your inappropriate actions I intend to honour PSMO commitments made to you and other unions, namely:-

- Modify Draft Ministerial Direction on Vacancy Control and forward unions an updated version;
- Include the union position and reaction to proposals being presented to government.

The CPSU & HACSU continue to support performance management. We do not support Heads of Agency having the power to terminate on the basis of alleged under performance because some have shown an inability to use such powers fairly in the past. We do not support the Premier having this power unless the process for using it is defined in the Act. Leaving it in a MD is not sufficient as recent experience has shown that MDs can be drafted, signed and implemented without consultation.

Unions hope the modified MD reflects the feedback we provided at the meeting. If so we can assume the MD will be about genuine redeployment and will not culminate in Section 47 termination.