

56. CONSULTATION AND JOINT CONSULTATIVE COMMITTEE

Consultation on Proposals for Change

56.1 The provisions of this clause are to be read in conjunction with clause 58 – Notification of Change of the *Public Service Award 1992* and clause 59 – Notification of Change of the *Government Officers Salaries, Allowances and Conditions Award 1989*.

The consultation process in this clause must be followed *before* an Employer’s decision to make a change.

When the Employer has made a definitive decision to introduce a major change, the Award provisions at clause 58 – Notification of Change of the *Public Service Award 1992* and clause 59 – Notification of Change of the *Government Officers Salaries, Allowances and Conditions Award 1989* must be followed.

56.2 For the purposes of this clause the expressions below have the following meanings:

- (a) “change” means situations where the Employer proposes to make a change or changes likely to affect existing practice/s, working conditions or employment prospects of Employees;
- (b) “consultation” means a process that involves the timely exchange of relevant information and the opportunity for discussions between the parties on matters relevant to a proposed change. These discussions are to provide the Union and Employees with a genuine opportunity to contribute to the decision making process.

56.3 The parties acknowledge that decisions will continue to be made by the Employer who is responsible and accountable to Government for the effective and efficient operation of the Agency.

56.4 The parties agree that:

- (a) Consultation must occur prior to the Employer’s decision to make a change.
- (b) The Employer shall, in writing, notify the Union and Employees who may be affected by a proposed change as soon as practicable. To enable genuine consultation to occur, the notification should include, at a minimum, the nature of the proposed change and the effects it is likely to have on Employees.
- (c) The consultation discussion shall commence as soon as possible after the Employer notifies the Union and affected Employees of the proposed change.
- (d) The consultation process will be open and transparent, and the following principles will apply:
 - (i) Employers will ensure appropriate mechanisms and communication

channels are in place to facilitate consultation;

- (ii) the Employer and the Union are to provide all reasonable and relevant information except confidential commercial, business or personal information, the release of which may seriously harm a party or individual;
- (iii) information provided will be clear and with sufficient background information available so that issues are understood;
- (iv) Employers will assess the impacts of change broadly;
- (v) throughout the consultation process, the Employer will provide adequate time, resources and support for information to be considered by affected Employees and the Union and for consultation to occur; and
- (vi) once a change is implemented, the Employer will evaluate and review the change and inform the Union of the review outcomes.

56.5 Where the Employer is proposing change that may result in Surplus employees, they must provide information on their overall workforce composition to the Union and the likely affected Employees as soon as possible. This includes, but is not limited to, data on the use of fixed term contract Employees, casual Employees, labour hire employees and contractors including the:

- (i) number of Employees or persons engaged in each category;
- (ii) position or duties being undertaken by each Employee or person engaged;
- (iii) reason for the arrangement or employment;
- (iv) total duration of each arrangement or employment (including successive contracts); and
- (v) expiry date of contracts (excluding for casual Employees).

Joint Consultative Committee

56.6 The parties recognise the need for effective communication to improve the business/operational performance and working environment in agencies.

56.7 The parties confirm their ongoing commitment to the JCC process.

56.8 Each Agency will have a JCC, for the purposes of consultation under this Agreement, comprising of the Employer or their nominee, Employer nominated representatives and Union nominated representatives, unless it is otherwise agreed between the Employer and the Union to effect consultation through some other means.

56.9 The JCC will convene within 28 days of a written request being received from either party.

56.10 The JCC will determine its own operating procedures.

56.11 JCCs will be a forum for consultation on issues such as:

- (a) development of workload management tools within the Agency;
- (b) industrial issues;
- (c) fixed term contract employment, casual employment and labour hire usage;
- (d) changes to work organisation and/or work practices occurring in the workplace;
- (e) Employer implementation of recommendations from Government decisions, policies and initiatives; and
- (f) Employer implementation of other aspects of this Agreement.

56.12 The consultation process shall comply with the parameters set out in clause 56.4.

56.13 Matters not resolved through the JCC can be referred to the provisions of clause 61 - Dispute Settlement Procedure of this Agreement.