

HUMAN SERVICES PORTFOLIO

ACCESS PROTOCOLS

AND

FACILITIES ARRANGEMENTS

FOR THE CPSU

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1.0 INTRODUCTION

- 1.1 These access protocols and facilities arrangements for the CPSU in the Human Services Portfolio Agencies have been developed to promote a professional and collaborative relationship between the respective parties. The purpose of these protocols is to give effect to the Australian Government Employment Bargaining Framework, and in particular, Attachment A of that Framework. These protocols are not intended to reduce or restrict current union facilities or activity within Human Service Portfolio Agencies. Where the current union facilities exist in addition to those provided for in this portfolio those facilities will continue to be provided.

2.0 APPLICATION

- 2.1 Human Services Portfolio Agencies recognise the legitimate role of the CPSU within the workplace and the legitimate role of the CPSU to act on behalf of its members and to organise and bargain collectively.
- 2.2 Both parties are committed to acting in good faith in the application of these protocols and agree to deal with each other in a professional and collaborative manner.
- 2.3 Human Services Portfolio Agencies recognise that workplace delegates have the right to be treated fairly and to perform their role as workplace delegate without discrimination in their employment.
- 2.4 The role of workplace delegates will be respected and facilitated.
- 2.5 In exercising their rights, workplace delegates and the CPSU will consider operational issues, departmental policies and guidelines and the likely effect on the efficient operation of the agency and the provision of services by the Commonwealth.
- 2.6 Human Services Portfolio Agencies shall respect employees' workplace rights, including protecting employees' rights to freedom of association and involvement in lawful industrial activities.
- 2.7 The welfare, privacy, confidentiality and security requirements of Human Services Portfolio Agencies, providers, the public, employees and other organisations will be taken into consideration when applying these protocols.

3.0 FREEDOM OF ASSOCIATION

- 3.1 Human Services Portfolio Agencies respect the principles of freedom of association and recognise that it is every employee's right to freely decide whether or not to join and be represented by the CPSU on workplace matters.
- 3.2 Where employees elect to be represented by the CPSU on workplace matters, this will be respected by the Human Services Portfolio Agencies.
- 3.3 Employees have the right to seek advice and assistance, and to have fair and reasonable access to their workplace delegate. Human Services Portfolio Agencies and the CPSU recognise that an individual's choice to be represented must be respected. Employees also have the right to seek advice and assistance from other persons as nominated by the employee.
- 3.4 Human Services Portfolio Agencies recognise that union visibility in the workplace is important. The wearing of a discreet union lapel pin and/or lanyard, in non face-to-face

customer contact areas, is acceptable. The wearing of a discreet union lapel pin by workplace delegates in customer contact areas is acceptable.

4.0 WORKPLACE DELEGATE

- 4.1 A workplace delegate is an employee of the Human Services Portfolio Agency acting on behalf of the CPSU who has been officially elected by the CPSU as an official workplace representative or delegate. A CPSU official is an employee of the CPSU.
- 4.2 Other persons acting on behalf of the CPSU in a voluntary capacity are also covered by this protocol.
- 4.3 Human Services Portfolio Agencies recognise that workplace delegates speak on behalf of their members in the workplace in relation to workplace matters. The Human Services Portfolio Agencies also recognise the CPSU's right to communicate with all employees. This will be conducted in accordance with these protocols.
- 4.4 Workplace delegates and employees who volunteer to undertake representative roles for the CPSU must recognise their responsibilities as employees of an agency of Human Services, and should not act to prejudice the efficient operations of or service delivery by, that agency, or the performance of their individual duties.

5.0 ACCESS TO WORKPLACES

- 5.1 The Human Services Portfolio Agencies and the CPSU expect that all parties will deal with each other in a respectful, professional and collaborative manner.
- 5.2 Unless otherwise agreed, the CPSU's right of entry to Commonwealth business premises will be regulated by the *Fair Work Act 2009* ("the Act") (Part 3-4) and legislative instruments made under the Act, and will occur in accordance with the conditions of a valid entry notice.
- 5.3 When seeking to exercise their right of entry the CPSU should, consistent with the Act, provide an entry notice to the occupier of the premises and, in some cases, the employer, during business hours and at least 24 hours, but not more than 14 days, before the entry. CPSU shall ensure that the entry is being carried out by a permit holder. Upon entry, the CPSU representative must produce their permit if asked to do so and will be accompanied by a Human Services Portfolio Agency employee to an appropriate location having regard to the particular workplace.
- 5.4 Unless a shorter notification period is agreed between the Human Services Portfolio Agency and the CPSU, the CPSU should provide at least 24 hours notice during business hours of intended visits. However, in the interests of maintaining a productive working relationship the more notice the CPSU is able to provide of its request to enter the workplace, the better.
- 5.5 Each Human Services Agency may also establish workplace arrangements (including invitations to enter premises by local managers) for the CPSU to enter workplaces without the need for the legislative right of entry notification provisions to be observed. The CPSU will be accommodated during such visits in a manner consistent with right of entry provisions in the Act. This may include providing access to tearooms, meeting rooms, interview rooms or other rooms as appropriate to the particular workplace and the nature of the visit.
- 5.6 Each Human Services Portfolio Agency will reasonably accommodate the CPSU in the workplace when it enters premises under the right of entry provisions. This may include providing access to tearooms, meeting rooms, interview rooms or other rooms as appropriate to the particular workplace and the nature of the visit.
- 5.7 The use of tearooms must take into account the principles of freedom of association, the utility of the facility by all employees, and will be for informal small discussions only. Permission for the use of tearooms for paid time meetings must be sought from the relevant manager.

6.0 INDUCTION INFORMATION SESSIONS

- 6.1 Where a Human Services Portfolio Agency has a formal face-to-face induction program, the Agency will provide the opportunity for the CPSU to attend the induction program to provide information to new employees. The duration of the CPSU information session will be negotiated between the Human Services Portfolio Agency and the CPSU. The Human Services Portfolio Agency will provide the nominated CPSU official with reasonable notice of induction sessions (including the location, timing and number of employees involved).
- 6.2 The content of presentations at induction sessions will be to inform employees about the role of the CPSU, the services offered by the CPSU, and how to join the CPSU. A membership form may be provided at the induction session. CPSU presentations will be made to new employees as part of the Agency's ordinary induction program. Information may be provided verbally or in hardcopy form and the session will be conducted by a CPSU official or workplace delegate.
- 6.3 The presentation by the CPSU will reflect the professional and collaborative relationship between Human Services Portfolio Agencies and the CPSU.

7.0 FACILITIES FOR WORKPLACE DELEGATES

7.1 General

- 7.1.1 The Human Services Portfolio Agency will make available to CPSU officials and workplace delegates the facilities specified below, subject to reasonable use, and where access and use does not prejudice the efficient operation of, or service provision by, the Human Services Portfolio Agency.

7.2 Meeting rooms, computers and communications

- 7.2.1 Subject to availability, meeting rooms and communication facilities (telephone, facsimile etc) will be made available to CPSU officials during CPSU workplace visits. A workplace delegate will continue to have access to meeting rooms, existing communication and IT facilities, and may use these in the course of their CPSU activities. Such communications must comply with the Human Services Agency's relevant electronic communications and IT facilities policy/policies.

7.3 CPSU Website

- 7.3.1 Human Services Portfolio Agencies will provide a link on the Agency's intranet to the CPSU website for employees to access CPSU information.

7.4 Display of Union Information

- 7.4.1 Workplace delegates may display union information (eg Bulletins, Membership Information) on Human Services Portfolio Agencies' notice boards in non face-to-face customer contact areas, and in tearooms. Union information should not prejudice the ability of the Agency and the CPSU to work together collaboratively and professionally. As such, material placed on notice boards or in tearooms must be factual and must be authorised by the relevant CPSU Official.

7.5 Electronic Communications

- 7.5.1 Human Services Portfolio Agencies recognise workplace delegates' right to communicate and facilitate feedback with members and employees they represent. It is the strong preference of the Human Services Portfolio Agencies that the primary

method of communication should be electronic. Human Services Portfolio Agencies will facilitate electronic communication between workplace delegates, union members and the employees they represent.

7.5.2 From time to time there will be a requirement for a workplace delegate to communicate with employees within their workplace. These communications will be approved by local management.

7.5.3 Where prior approval has been given by a CPSU Lead Organiser and the SES Band 1, Workplace Relations Branch (or approved delegate), Human Services Portfolio Agencies may agree to the distribution of an email by a workplace delegate to employees within their own division, or other divisions, provided:

- That the subject of the email relates to a relevant industrial and/or workplace issue;
- Both parties agree on the facts contained within the email;
- Prior notification of at least 1 full working day has been provided by the Workplace Relations Branch (or approved delegate) to the management of the area where the email will be distributed; and
- where possible employees who request not to receive union communications will be removed from distributions.

7.5.4 Any concerns about the appropriateness of such communication shall be raised with the workplace delegate at the local level, or escalated to the appropriate Human Services Portfolio Agency's management and/or CPSU official.

7.5.5 Human Services Portfolio Agencies agree to facilitate a CPSU email to all employees three times a year, as requested, to inform employees about the role of the CPSU, the services offered by the CPSU, and how to join the CPSU. CPSU all staff communication will be distributed once it has been authorised by the relevant CPSU Executive member and SES Band 1, Workplace Relations Branch.

8.0 TRAINING FOR WORKPLACE DELEGATES

- 8.1 Human Services Portfolio Agencies recognise the benefit of having trained workplace delegates in the workplace.
- 8.2 Workplace delegates may be released from their normal duties to undertake training on paid time for up to two days per calendar year for development activities necessary to perform their role with the CPSU. Such leave will have regard to the relevant leave provisions of the Human Services Portfolio Agency's collective agreement. Reasonable notice of a request to attend training must be provided and approval is subject to the Agency's operational requirements or efficient service delivery but will not be unreasonably withheld.
- 8.3 Additional paid or unpaid leave for workplace delegates may be approved by Human Services Portfolio Agencies in special circumstances.

9.0 PAID AND UNPAID TIME

- 9.1 Human Services Portfolio Agencies recognise the right of CPSU officials and/or workplace delegates to reasonable paid time to provide information and seek feedback from employees. Such communication/consultation should reflect the needs of the workplace and not disrupt the effective operations of a workplace, and should not unreasonably impact on any individual's ability to do their job. This is particularly relevant in service delivery areas of the respective agencies.
- 9.2 Workplace delegate-to-member communication will be kept to a minimum during paid time. Both the workplace delegate and their manager should ensure that the amount of time spent

on CPSU related activities during normal paid work hours does not unreasonably impact on the workplace delegate's ability to perform the duties which they are employed to perform.

- 9.3 Workplace delegates may have access to paid time for specified activities as outlined in clause 9.3. Access to paid time may be withdrawn if it is prejudicing the efficient business operations of service delivery by, the Agency. In order for workplace delegates to carry out their roles effectively and efficiently, and subject to the Agency's operational requirements, paid time activities for workplace delegates may include:
- presenting information to new employees at induction sessions;
 - participation in consultative forums (this will be in accordance with the terms of reference and membership) ;
 - attendance at Fair Work Australia where their attendance is required (for example, if representing an employee on an individual workplace matter);
 - participation in joint Human Services Portfolio Agency and CPSU briefings to employees on significant workplace matters;
 - paid time of 1 hour per month for CPSU Section Councillors to participate in CPSU Section Councillor teleconferences;
 - formal representation of an employee, at the request of an employee, regarding individual workplace matters;
 - providing information to and seeking feedback from employees in the workplace;
 - providing support and advice to employees, at the request of an employee, regarding workplace matters
 - consulting with colleagues and the union;
 - the right to participate in collective bargaining on behalf of those they represent;
 - paid time for members of the CPSU Governing Council to attend the biannual CPSU Governing Council meetings; and
 - paid time for elected CPSU workplace delegates to access two days of paid leave per calendar year for development activities necessary to perform their role with the CPSU. To facilitate this, the CPSU will provide the SES Band 1, Workplace Relations Branch, with a list of elected CPSU representatives in each Agency.
- 9.4 Subject to operational requirements, unpaid time for workplace delegates may be approved to attend other CPSU organised events.
- 9.5 In the interests of all persons, workplace delegates should seek the approval of their team leader or manager to undertake any CPSU related activity during paid time as soon as possible. The workplace delegate should inform the team leader/manager of the date, time, likely duration and nature of the activity.
- 9.6 Approval for paid time activities will not be unreasonably refused. Where a team leader/manager has refused to approve a request the matter may be escalated to the appropriate Human Services Portfolio Agency's management and/or CPSU official.

10.0 ISSUES – DISCUSSION AND ESCALATION PROCESS

- 10.1 Where issues or difficulties arise regarding the application of these protocols, the parties share a joint aim of resolving the issue or difficulty in a professional and collaborative manner. The matter should, wherever possible, be managed at the local level in the first instance. Where this does not resolve the issue, the matter should be escalated to the appropriate Human Services Portfolio Agency management and/or CPSU official. The

CPSU and each Human Services Portfolio Agency shall appoint a contact person for the purposes of resolving matters associated with this protocol.

- 10.2 Where an issue arises and it cannot quickly be resolved at the workplace level, the CPSU representatives shall advise the CPSU contact of the matter and the manager or supervisor shall advise the relevant Agency contact. Discussions shall occur between the relevant contact persons, with a view to resolving the matter, as quickly as practicable.
- 10.3 If necessary discussions shall occur between the DHS Secretary and the CPSU National Secretary.