Submission to the Senate Inquiry into the conditions of employment of state public sector employees and the adequacy of protection of their rights at work as compared with other employees

My name is Amanda Ross, I was employed in the Public Service Commission (PSC) between March 2010 and November 2012 when I took a voluntary redundancy, holding the position of Principal Advisor, Ethical Standards (AO8). Prior to that I had been a permanent public servant in various roles since 1991.

At the PSC I was the delegate for the Together Industrial Union of Employees.

1. The PSC post-election environment

The change in government was felt very quickly at the Public Service Commission (PSC).

The, in my view negative, attitude toward public servants in the parliament, set the tone in the PSC.

It was clear that only a few areas of the PSC were of interest: the Public Sector Industrial Relations (PSIER) teams moved over from the Department of Justice and Attorney-General; the team that had been running the voluntary separation process, who took on public sector restructuring and the redundancy process; the Chief and Senior Executive Services team who were busy with senior appointments; and the Communications team.

Other teams, already in limbo due to a long caretaker period during the election, received no or little direction, including the Policy team who provided specialist human resource services to the public service and my team: Ethical Standards.

Decisions were made at senior levels with, it appeared, involvement of only a small number of staff. Other teams were usually not aware of a decision until it was announced across the public service. For example, the directives relating to employment conditions were not discussed with the Policy team nor with Industrial Relations officers involved in enterprise bargaining negotiations in the public service.

2. The restructure process round 1: Ethical Standards branch

Ethical Standards comprised the ethics team and the Public Interest Disclosure (PID) team overseen by one Director.

The PID team, 4 officers, were all temporarily engaged at the PSC. BetweenApril andJune 2012 3 of these officers left and were not replaced. In July the Directors of the Ethical Standards and Policy teams were seconded to the Commission of Audit. These team were merged under one Director as the Legislation and Policy team. Both teams had been advised about this change. Officers continued to

undertake their former duties, however as the senior officer of the ethics team I worked across both ethics and PID functionsat this time to finalise major reports.

3. The restructure process round 2: Legislation and Policy team formed

In July a realignment of the PSC was announced.

Consultation

At a staff forum, staff were shown the new structure, which moved some teams and officers around but did not cut any positions. Staff were advised that this was an interim structure.

It was in this forum that 4 officers from PSIER found out that they were moving to the Legislation and Policy team by reading their names listed there on the PowerPoint slide.They were given no clear reasons for this; they continued to work on their former duties, in particular enterprise bargaining negotiations.

Neither staff nor the union were consulted about the changes in a way that offered opportunities to influence decisions.

At this forum we were told that there would be no staff cuts. Management seemed most surprised that this was a concern and emphasised that there was a place for everybody in the new structure. Some three weeks later we were to find how misplaced and deceptive those reassurances were.

Culture of fear

It was noticed by Legislation and Policy team members that most were over the age of 50 and team members began to 'joke' that this was the departure lounge. One team member was advised not to say this in case management acted on such 'expectations'.

It was clear to us that, assurances about no job losses notwithstanding, our team was much larger than the others. We felt like sitting ducks.

4. Restructure process round 3: Legislation and Policy team cuts announced

Three weeks after the above changes it was announced in a staff forum that further changes were required, principally to the Legislation and Policy and Communications teams. Management indicated that about 10 positions would be cut. The Executive Directors were to develop new team structures and staff would know as soon as possible if they would be affected. Other teams were also to be restructured; several teams were quarantined from the process. The

process did not affect any Senior Executive Service positions. In fact the numbers of SES at the PSC have increased since the change of government.

Staff in restructured teams could indicate interest in taking a redundancy at any time in the process. If they wanted to stay they could apply for vacancies at level or lower.

Consultation

As union delegate I sought advice about how management knew the number of positions to be cut, I was advised this was based on an assessment that there were more staff than needed in the Legislation and Policy team and less than needed in the Communications team and it seemed unlikely that people in the former would have the skills to fill vacancies in the latter.

We were able to gain commitment that staff who were to be displaced could apply for vacancies in other teams. It was clarified that staff who were not affected could not apply for positions.

4.1 The new structure

When new team structures were announced it became clear that the only positions to be spilled were Director positions across the PSC, except one, and all the positions in the Legislation and Policy team. All other staff, bar one officer whose position was downgraded, were transferred into the new structure at level. This heightened our perception that people had been put in the Legislation and Policy team so we could be made redundant.

Director position numbers were retained. In the Legislation and Policy team 6 AO8 level positions were reduced to 2. AO7 positions were reduced from 4 to 3. Positions were created at lower levels.

Consultation

Affected staff were asked for feedback on the team structures. This was difficult to provide, as we had no information about the program of work for the team, no role descriptions and no rationale for the new structures: they were just squares on a page.

4.2 Process to select people for positions

We were told that this was not a process for choosing people who could do a job; rather the organisation needed the 'right' person for the job. All role descriptions for the Legislation and Policy team from Director to AO4 had legal qualifications as highly desirable, although officers had been undertaking similar work without these qualifications. Role descriptions required demonstrated experience in managing legal reform at the AO8 level and in assisting this at the AO7 level, equivalent or transferable skills were not referred to.

Applicants were to provide a 2-page statement against the selection criteria and provide the names of 2 referees. Some people were made to use referees who were potentially competing with them for the same position.

Normally a referee report tests a selection panel's view of an applicant. I was approached as a referee. The report requested information that was not included in the role description. I felt I was being asked to carry out the panel's assessmentin a process designed to screen candidates out, rather than to protect their employment where possible.

Consultation

Senior management met with the union organiser and myself as delegate. Clarification was provided but there was no real input into the process. Affected staff sought to have the selection process changed to no avail.

Working environment

It was horrible, people in the Legislation and Policy team felt targeted and were in shock that, having given so much service and having reached senior positions of knowledge and expertise, we were going to be pushed out. Stress was palpable and as delegate I was very aware of people's distress.

The rest of the organisation stayed well away from us, including our Executive Director and other senior management. Some were even seen to turn around rather than continue down our corridor. The 'support' we got was 'you are welcome to talk to me' in meetings, on the floor management stayed away and made very little effort to find out how people were faring. Otherwise the support was: 'we encourage you to contact employee assistance' at staff forums and all-staff emails.

We supported each other, thank goodness we are skilled people, because that was all the support we got!

5. Mitigation – the process did not seek to maintain our employment

At the beginning of the process none of us had any intention of seeking a voluntary redundancy.

Obviously, given the changes to the structure, most people could only be retained if they sought lower level positions.

The environment was so toxic that 1 person sought a redundancy after hearing about the process, 3 decided to take the 'hint' after seeing the new structure. Another 2 decided after seeing the position descriptions. Another decided due to the referee process.

While personal circumstances play a part in deciding how to respond to such circumstances, I had had every intention of maintaining my employment in the public service but for the change process implemented and the terrible way it treated people.

Working in the PSC we had no confidence in the sector-wide deployment process being run by our agency: it did not appear to be provide significant numbers of placements. In all the circumstances it appeared that redundancy was the only viable option.

As some employees sought redundancy, management could have transferred remaining employees into positions, but declined to do so.

Of the 4 people, below Director, who continued with the process only one was recommended for employment at level. Another was appointed at level after intervention from senior management, and another was appointed to a position one level below, after negotiation with senior management. The final person to take a redundancy was offered employment 2 levels below their substantive level.

That is, the process run in the PSC treated people appallingly: we were isolated into a team targeted for redundancy. The way we were managed communicated that our expertise and knowledge were not valued. Moreover management managed to construct difficulties with each staff member, as if the process was not belittling enough.

All in all, the process implanted for the PSC restructure was highly effective in getting people to leave: of the 11 people in the Legislation and Policy team, below Director, only 3 remain with the PSC.

Even prior to the process being truly finalised, 9 positions were advertised on the open job market.

Events at the PSC should be of great concern to continuing public servants as this process of discarding peopleso that the 'right' people can be employed is the model being pushed for further restructuring. All people who left had significant experience providing independent, expert advice on human resources and industrial relations, including to both labor and coalition governments and had demonstrated their ability to be professional and flexible over and over.

In my view the process used in the PSC will contribute to a public sector that is not neutral and that misunderstands its responsibilities to balance responsiveness to government with objective, independent and impartial advice that is in the best interests of the public.