

2.18 Consultative Arrangements policy

The Consultative Arrangements policy (the Policy) outlines the Commission's formal mechanisms for achieving effective consultation between management, employees and unions.

The NSW Government and the Public Service Association of NSW (PSA) share an understanding that communication, information and consultation between management, employees and unions is critical to the development of a strong, vibrant, effective, equitable and efficient public service. It is recognised that to achieve these objectives all public services agencies need to have effective channels of communication and consultative arrangements in place.

This policy sets out the procedures for genuine and ongoing commitment to consultation, effective communication and the facilitation of productive outcomes.

Document Control

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1. Definitions

CEO	Chief Executive Officer
Commission	Law Enforcement Conduct Commission
JCC	Joint Consultative Group <u>Committee</u>
JSCC	Joint Staff Consultative Committee
LECC	Law Enforcement Conduct Commission
PSA	Public Service Association
WHS	Work Health and Safety

2. LECC Values

The LECC values of trust, integrity, accountability, service, and teamwork are the basis of a values-led workplace culture. The Commission requires your behaviour and conduct to comply with the LECC Code of Ethics and Conduct.

3. Overview

We aim to be a cohesive and effective Commission. Effective communication between employees and management is crucial to achieving this goal. The statement of intent in the *Crown Employees (Public Service Conditions of Employment) Award 2009* state that the:

'...award aims to consolidate, in the one document, all common conditions of employment of staff employed in Departments, to encourage the consultative processes at the service-wide and the various organisational levels, to facilitate, as appropriate, greater flexibility in the workplace and to help ensure that the excess hours, accumulated as a result of Departmental work requirements, are not forfeited.'

Both management and unions have a legislative responsibility to develop effective consultative mechanisms.

This policy has been developed in line with NSW Treasury Circular (NSW TC 14/23), *Consultative Arrangements Policy and Guidelines 2012*.

4. What is consultation

Consultation is an effective mechanism for management and employees, through their union, to meet on a regular basis in order to discuss and determine matters of common interest. Consultation is:

- accepting that there is a common interest in the success of the organisation;
- developing cooperative attitudes towards solving problems rather than resorting to confrontation; and
- recognising that all employees in the Commission have the potential to be

innovative and creative about every aspect of their work.

Consultation enables employees, through their union, to participate in and influence decisions that directly affect them at the organisational level. It is a means of improving communication, information sharing and understanding.

Consultation is most readily achieved through management/union consultative committees formed to consult on either single or multiple issues involving or affecting the organisation or employees.

5. Joint Consultative Committee

The Commission and the PSA are committed to strengthening consultation in the workplace. To facilitate the consultation process, the Commission and the PSA have agreed to establish a Joint Consultative Committee (JCC).

The JCC is the forum by which LECC management and the PSA meet to discuss issues and proposed major changes in the workplace that are likely to have a significant effect on employees and provides an opportunity for the union to formally raise collective workplace issues and progress industrial issues on behalf of members.

A separate committee the Joint Staff Consultative Committee (JSCC) has been formed to allow direct consultation between Management and staff, it is acknowledged that issues may overlap and be raised at both the JCC and JSCC. A summary of the objectives and purpose of the JSCC can be found at point 12.

6. Membership of the JCC

6.1 Commission representatives

The CEO will nominate up to three (3) representatives from statutory officers and Division managers as well as the Manager Human Resources to represent the Commission on the JCC.

6.2 The PSA's representatives

Up to three (3) workplace delegates as nominated from time to time by the PSA Workplace Group and one PSA official.

7. Objectives of the JCC

The aim of the JCC is to open dialogue between parties and to ensure good and timely consultation between management and employees on matters likely to impact on the

work environment.

Matters that can be discussed include, but are not limited to:

- Machinery of government changes
- Enterprise bargaining
- Workplace reform
- Restructuring and redevelopment
- Establishing a commercial focus to the organisation or parts of the organisation
- Changing work practices to create a more flexible workforce
- Staff turnover and absenteeism
- Improving performance and quality issues
- Introducing new classification(s)/classification scale(s)
- Introduction of new technology or electronic systems
- Government reforms and sector-wide policies
- Agency reforms
- Legislative changes

Although a separate consultative committee has been established under the WHS legislation, it is acknowledged that there may be need for WHS discussions at the JCC.

8. Frequency of meetings

Meetings will be held on a quarterly basis, at a time and place agreed by JCC members, provided that a special meeting may be convened whenever requested by the Commission, PSA officials or a PSA Workplace Group.

It is agreed that all attempts will be made to ensure that each meeting will run for no longer than an hour.

9. Conduct of meetings

The chair of the JCC will be the Commission's Human Resources manager.

A LECC representative will prepare an agenda for the meeting. This agenda will list actions from earlier meetings as well as new items requested by members.

All actions, decisions and/or agreements, and issues where no agreement is reached by the JCC, will be minuted and a draft circulated to members for consultation within a week of the meeting about which the minutes relate for consultation. The minutes will be formally adopted at the next committee meeting and a formal record will be maintained by the minute taker.

10. Advice and further information

Feedback, comments and suggestions about this Policy can be directed to Human Resources.

11. Relevant legislation

- *Crown Employees (Law Enforcement Conduct Commission) Award 2017*
- *Crown Employees (Public Sector – Salaries 2017) Award*
- *NSW Industrial Relations Act 1996*
- *Fair Work Act 2009*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Regulation 2014*
- *Government Sector Employment Rules 2014*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*

12. The Joint Staff Consultative Committee (JSCC)

The objective of the JSCC is to play an active role in the continuous improvement of the performance of the LECC by providing a formal consultation forum for Commission-wide issues.

The JSCC will consider issues with Commission-wide significance, as referred by LECC staff and management. Such issues can be referred through JSCC representatives or directly through the Chair. The Committee is recognised as a formal mechanism to collate and examine issues and bring them to the executive. The Committee is also a formal mechanism for the executive to consult broadly with staff.

As the LECC's staff consultative body, the JSCC will provide a formal forum for communication and consultation on policies and procedures deemed relevant by the executive or the Committee. The JSCC will focus on issues which have Commission-wide impact. The JSCC can make strategic suggestions for investigations, monitoring, prevention or education work.

The JSCC is not the forum to address staff grievances against individuals, performance management and allegations of misconduct unless they have a Commission-wide impact.

Matters that can be discussed include, but are not limited to:

- Machinery of government changes
- Enterprise bargaining
- Workplace reform

- Restructuring and redevelopment
- Changing work practices to create a more flexible workforce
- Improving performance and quality issues
- Introducing new classification(s)/classification scale(s)
- Introduction of new technology or electronic systems
- Government reforms and sector-wide policies
- Agency reforms
- Legislative changes
- People Matters Survey results and actions

The JSCC will not be involved in reviewing operational decisions, such as the conduct of:

- Integrity Investigations
- Oversight investigations or monitoring
- prevention research projects
- legal matters

The JSCC operates in line with the JSCC Charter and while established as a separate consultative committee it is acknowledged that at times issues raised at the JSCC will be discussed at the JCC.

13. Monitoring and review

This Policy will be reviewed in accordance with the policy review schedule specified in the document control metadata and at other times if new information or organisational change warrants an amendment. Scheduled and other revisions of this Policy will be completed in consultation with interested parties to ensure relevance and effectiveness.