

CONSULTATIVE COMMITTEE TERMS OF REFERENCE

Overview

The (committee name and acronym) ('the Committee') is a consultative body established to facilitate meaningful consultation between management and unions on matters arising under the *State Government Departments' Certified Agreement 2009* ('Core EB 2009'), or matters that otherwise impact or may impact upon the workforce of (department).

The Committee is the principal consultative body for unions and management within each agency and is created pursuant to Part 9 of the Core EB.

The parties to the (committee name) are:

<agency>	<union>
<union>	<etc>

1. Objectives

1.1. Facilitate consultation on a broad range of issues, including but not limited to discussion of matters arising under the Core EB 2009, such as:

- a. Organisational change and restructuring
- b. Workload management
- c. Training
- d. Balancing work, life and family
- e. Climate change and workplace sustainability
- f. Union encouragement
- g. Workforce data
- h. Organisational matters such as review of, changes to or introduction of new workforce management policies.

1.2. Provide a forum for a collaborative approach to employee relations in <department>.

1.3. Provide a mechanism for management and unions to identify, raise and discuss current or emerging issues.

1.4. Focus on issues that pertain to the whole department or a significant segment of the workforce, and seek to ensure that local or regional issues are managed at the level or location at which they arise.

- 1.5. Where issues can not be dealt with locally or at the level at which they arise, to assist in resolving issues that are escalated to the Committee for discussion and/or resolution.
- 1.6. Promote and facilitate the flow of information within the organisation and between unions and the department.

2. Principles

- 2.1. The parties agree that employees should be consulted about decisions which may affect their employment or welfare, and that meaningful consultation with affected employees leads to improved organisational outcomes¹.
- 2.2. The Committee and/or relevant associated sub-committees, working parties, local committees or forums, shall be advised of any intention to implement organisational changes that may affect the employment security of employees, prior to the commencement of any planned changes. This shall include all information required to be provided in accordance with the "Introduction of changes" and "Redundancy" clauses of relevant awards².
- 2.3. Consultation, for the purposes of the Committee and associated sub-committees, working parties, local committees or forums, is taken to require the exchange of timely information and a genuine desire for the consideration of each party's views before making a final decision.
- 2.4. It is acknowledged that there is a requirement on the part of the employer to consult prior to the implementation of any major change and that the employer is the final decision-maker.
- 2.5. The Committee operates on a consensus basis. It is not a voting committee.
- 2.6. Members will act with courtesy, honesty and respect towards each other and recognise the respective roles and responsibilities of management and union representatives.
- 2.7. Issues will be managed in a consistent, effective and timely manner.

3. Composition

- 3.1. Committee membership is comprised of equal numbers of union and management representatives.
- 3.2. The number of nominees is to be agreed between the parties. The department will determine who the management nominees will be and unions will determine who the union nominees will be. One party may choose to have additional members only where all other parties agree.
- 3.3. Each party undertakes to notify the other parties of changes in representation when any such changes occur.
- 3.4. Committee members may be represented at meetings by a nominated proxy.
- 3.5. Other persons may attend Committee meetings to observe or contribute to specific agenda items from time to time as appropriate and where agreed between the parties. Guests must be invited by a party and notice of the invitation provided to other Committee members as early as practicable in advance of the meeting.

¹ Section 9.2 (1), Core EB 2009

² Section 7.3(3), Core EB 2009

4. Meetings

- 4.1. It is recommended the Committee convene not less than eight times annually. This number may be varied by agreement of the parties.
- 4.2. Timing and scheduling of meetings is by agreement between the parties. The Committee will continue to meet until such time as the parties agree to alternative arrangements.
- 4.3. A secretariat will be provided by the department and will record and prepare minutes, prepare meeting agendas for distribution, correspondence and perform other relevant administrative tasks.
- 4.4. Attendance at, and activities associated with participation in Committee meetings by nominees such as reasonable travel and preparation time within ordinary working hours, is considered work time.
- 4.5. The CC will be chaired jointly by one union and one management representative. For the purposes of meetings this role will alternate between the management and union chairperson. Either chairperson can call a special meeting of the Committee if required.
- 4.6. Meeting agendas will be prepared by the secretariat and distributed to Committee members not less than three working days in advance of the meeting, unless otherwise agreed.
- 4.7. The secretariat will call for agenda items from Committee members at least one week prior to each meeting instance.
- 4.8. Any Committee member may submit agenda items. Agenda items and supporting material are to be provided to the secretariat not less than five working days in advance of the meeting.
- 4.9. Standing agenda items will include:
 - Attendance and apologies
 - Confirmation of minutes
 - Business arising from previous meeting
 - EB initiative updates
 - Consideration of workforce data reports³
 - New business
 - Next meeting
- 4.10. Minutes of Committee meetings are to be formally documented. Draft minutes are to be provided to Committee members within ten working days after the meeting. Minutes are subject to confirmation by Committee members.
- 4.11. Confirmed minutes are to be made available to staff via the departmental intranet or other similar means.

³ These are the reports referenced in section 7.3(5) of the Core EB.

5. Dispute resolution

- 5.1. Committee members will use their best endeavours to resolve issues at the Committee level to avoid grievances or disputes arising. If consensus is unable to be reached the dispute settlement procedures set out in Part 15 of the Core EB 2009 will apply.

Appendix 1: Relevant provisions of the Core EB 2009

APPENDIX 1: RELEVANT PROVISIONS OF THE CORE EB 2009

...PART 7: EMPLOYMENT SECURITY AND PERMANENT EMPLOYMENT

7.1 *Employment Security*

The Government is committed to maximum employment security for tenured public sector employees by developing and maintaining a responsive, impartial and efficient public service as the preferred provider of existing services to Government and the community.

7.2 *Permanent Employment*

The parties are committed to maximizing permanent employment where possible. Casual or temporary forms of employment should only be utilized where permanent employment is not viable or appropriate. Agencies are encouraged to utilize workforce planning and management strategies to assist in determining the appropriate workforce mix for current and future needs.

7.3 *Organisational Change and Restructuring*

- (1) The Government is committed to providing stability to the public sector by limiting organisational restructuring and contracting-out of services.
- (2) These commitments are effected through the Government's *Employment Security Policy* and the *Policy on the Contracting-Out of Government Services*.
- (3) All Government departments and agencies covered by this Agreement shall provide in writing to the members of their Consultative Committee (CC) of their intention to implement organisational changes that may affect the employment security of employees, prior to the commencement of any planned changes. This shall include all information required to be provided in accordance with the "Introduction of changes" and "Redundancy" clauses of relevant awards. Departments and agencies are also required where requested to provide relevant unions with a listing of the affected staff comprising name, job title and work location.
- (4) It is acknowledged that management has a right to implement changes to ensure the effective delivery of public services. The consultation process will not be used to frustrate or delay the changes but rather ensure that all viable options are considered. If this process cannot be resolved at the CC (or equivalent) in a timely manner either party may refer the matter to CCF for resolution.
- (5) The parties agree that agencies should report to unions on a quarterly basis the current status of employment practices within the agency. This report should be provided on a quarterly basis at the CC. Specifically, the report should detail the following:
 - (a) a snapshot of the current workforce including the total number of employees, the number of employees by appointment type (permanent, temporary and casual), stream allocation;
 - (b) a report on the variance from the previous quarter in the use of casuals, temporaries and the number of people engaged through labour hire;
 - (c) the number of people engaged through labour hire;
 - (d) any significant variance in the number of permanent employees;
 - (e) the conversion of temporary employees to tenured status.
- (6) Permanent public sector employees will not be forced into unemployment as a result of organisational change or changes in departmental priorities. Where changes to employment arrangements are necessary, there will be active pursuit of retraining and alternative placement

opportunities. There is a responsibility on the employee to meaningfully participate in the opportunities made available. Agencies and employees will comply with all relevant Directives (as amended). Where an employee refuses to participate or cooperate in these processes, the full provisions of the directive pertaining to retrenchment may be followed to the extent of their applicability.

- (7) All provisions and entitlements relating to organisational change and restructuring can be found in the directives relating to early retirement, redundancy and retrenchment and employment arrangements following workplace change (as amended) which will apply for the life of this Agreement.
- (8) Agencies must provide relevant information to the relevant union/s when it intends to apply the provisions of the directive (as amended) relating to early retirement, redundancy and retrenchment where an employee may be genuinely redundant or is to possibly be retrenched. Such information must be provided at the same time the Agency's intentions are communicated to the employee. An affected employee must be provided with notice of the Agency's intention to make redundant or retrench the employee sufficient to allow the employee to seek relevant independent advice.

...PART 9: CONSULTATIVE COMMITTEES

9.1 Central Consultative Forum (CCF)

There will be a joint union/employer CCF to oversee the implementation of the certified agreement. The CCF will comprise senior officers from agencies of the Queensland Government and relevant unions. The CCF will meet as required. Any party to this Agreement may seek to convene of a meeting by contacting the nominated Chair and identifying the issue/s for discussion.

9.2 Consultative Committees (CC)

- (1) The parties agree that employees should be consulted about decisions which may affect their employment or welfare, and that meaningful consultation with affected employees leads to improved organisational outcomes.
- (2) In recognition of clause 9.2 (1), each agency will have a joint union/employer CC. The CC will be used to facilitate consultation on a broad range of issues, including but not limited to discussion of matters arising from this Agreement such as:
 - a) Workload Management (Part 16)
 - b) Organisational Change and Restructuring (Part 7)
 - c) Climate Change (Part 20)
 - d) Training (Part 3)
 - e) Union Encouragement (Part 12)
 - f) Balancing Work/Life and Family (Part 22)
 - g) Organisational matters such as the review of, changes to or introduction of new workforce management policies.

At the agency level, the CC may agree to establish standing committees, sub-committees, or other additional consultative structures (such as Local Consultative Committees or Climate Change Committees) with agreed terms of reference/operating principles.

- (3) The parties recommend that in addition to CCs, agencies facilitate and encourage the operation of consultative forums at the local level. These forums allow for consultation, engagement and

dispute resolution directly between affected employees (through their union delegates to the committee/forum) and the relevant decision-makers.

- (4) Each agency will develop, in consultation with the relevant unions, a framework for the conduct of consultation within the agency within six months of the date of certification of this Agreement. This framework should take into account the organisational structure of the agency, the different parties that should be involved in consultative processes, and the interaction between various consultative mechanisms.
- (5) This Agreement, through various provisions, allocates a number of roles and responsibilities to CCs which agencies will ensure occur in accordance with the provisions of this Agreement and the Terms of Reference template for CCs. The parties to this Agreement agree to review and update the Terms of Reference template for CCs within six months of the date of certification of this Agreement.

PART 10: COLLECTIVE INDUSTRIAL RELATIONS

- (1) The Government acknowledges that structured, collective industrial relations will continue as a fundamental principle of the management of agencies and public sector units. The principle recognises the important role of unions and the traditionally high levels of union membership in the public sector. It supports constructive relations between management and unions and recognises the need to work collaboratively with relevant unions and employees in an open and accountable way.

...PART 16: WORKLOAD MANAGEMENT

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- (3) Agencies are obliged to consider the impacts on workloads when organisational change occurs, particularly those impacts arising from the introduction of new programs and from machinery of government changes. Management at the local level should undertake appropriate consultation with affected employees when implementing organisational initiatives including machinery of government changes that may have an impact on the workloads of affected employees.
- (4) ...
- (5) In addition, the parties agree that each Consultative Committee (CC) will deal with the issue of workload management. The activities of the CC in the area of workload management should include, but not be limited to, the following:
 - (a) To undertake research on local workload management issues;
 - (b) To address specific workload issues referred by staff of work units, union officials and/or management;
 - (c) To develop expedient processes for referral of workload issues to the CC;
 - (d) Based on research, develop strategies to improve immediate and long term workload issues;
 - (e) To assess the implications of workloads from a workplace health and safety perspective and refer relevant matters to the workplace health and safety committee.
 - (f) To consider the impacts on workloads when organisational change occurs, particularly those impacts arising from the introduction of new programs and from machinery of government changes, and make recommendations to affected workgroups on the management of potential workload issues where appropriate.

PART 17: FAIR CAREER PATHS

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- (2) Each agency, in consultation with the relevant CC, will ensure it has a review process in place to allow aggrieved employees the opportunity to raise concerns about the work value assessment (utilising the Job Evaluation Management System (JEMS) or other approved methodology) of their position. These processes will provide the opportunity for consultation with the relevant union and may include a union representative as part of the process.

PART 19: CLIENT AGGRESSION

The parties recognise that client aggression is a workplace health and safety issue affecting some public sector workplaces and agree that violence and aggression by clients towards staff is not acceptable. The Government, through Workplace Health and Safety Queensland of the Department of Justice and Attorney-General, will review and update its publications dealing with occupational violence. On completion of this review and within twelve months of certification of this Agreement, Government will consult with public sector unions about implementation of strategies consistent with Workplace Health and Safety Queensland publication to manage the risk, and respond to incidents, of client aggression.

PART 20: CLIMATE CHANGE

The parties acknowledge that responding to the risks of dangerous climate change is one of the most critical challenges presently facing employers and workers alike. The Government recognises that staff play an important and necessary role in implementing any sustainability measures in the workplace and as such, a joint approach represents the best way to achieve the Government's sustainability objectives.

...PART 22: BALANCING WORK/LIFE AND FAMILY

- (1) The Queensland Government recognises the increasingly complex interplay between people's work and personal lives and the challenges involved in managing work, family and lifestyle responsibilities. It is committed to helping employers and employees establish workplace practices that improve work-life balance, and have introduced a variety of initiatives on work and family.

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- (5) Workplace arrangements supported by the Queensland Government to assist employees in balancing work, family and lifestyle responsibilities include (but not limited to):
 - Leave arrangements – e.g. carer's leave, study/training leave, career breaks, cultural leave, flexible access to long service leave, purchased leave;
 - Policies relevant to parenting and pregnancy – e.g. paid/unpaid parental leave, pre-natal leave, spousal leave, breastfeeding facilities, lactation breaks;
 - Flexible working arrangements – e.g. telecommuting, job sharing, flexible hours of work or accrued day off (ADO) arrangements, transition to retirement arrangements, compressed working weeks, averaging ordinary hours;
 - Additional work provisions – e.g. employee services, health programs, exercise facilities, relocation assistance.
- (6) Agencies should monitor the implementation and uptake of work-life balance policies across their workforce in consultation through agency Consultative Committees.