

Senate Standing Committees on Education and Employment –

Impact of the Government's Workplace Bargaining Policy and approach to Commonwealth public sector bargaining inquiry

CPSU Department of Immigration and Border Protection (including the Australian Border Force) Members Submission

27 October 2016

Terms of Reference

The CPSU DIBP submission relates to all Terms of Reference listed by the Committee.

Who we are and why we're disgusted

There cannot be a more damning example of the Government's failure to conclude bargaining and the negative impact on employees than the case of the Department of Immigration and Border Protection (DIBP).

Bargaining has failed so badly in this department that the Fair Work Commission (FWC) has been forced to step in and take over. The likely outcome of bargaining in this department will be a Workplace Determination made by a Full Bench of the FWC that will not be restrained by the operation of this Government's failed bargaining policy.

The radical nature of the Government's bargaining policy and its impact in DIBP is demonstrated by the fact that their third Enterprise Agreement offer still contains over 190 separate deliberate cuts to employee conditions and rights, while thousands of officers still face cuts to their pay.

That the Government could encourage, promote or allow this outcome for employees performing work that the Government and the Australian community claim to value so highly is unfathomable.

As CPSU members employed in this department we undertake some of the most demanding, time critical, high profile, security related and at times dangerous work in the APS.

Our experience of APS bargaining under the Abbott and Turnbull Governments is one of being disrespected, ignored, and made to feel worthless.

Our conditions of employment have been painstakingly negotiated over more than two decades.

These conditions are designed to provide appropriate financial recognition of our duties, the qualifications and standards required to perform them, the location where they are performed and the time at which we perform them.

In this department we variously work in:

- Immigration Detention Centres, on the mainland and offshore
- The marine unit central to Operation Sovereign Borders
- At air and sea ports
- In remote locations around Australia and overseas, including the Torres Strait, Christmas Island and Thursday Island

- Office buildings
- Our community

Many work areas operate around the clock, 365 days a year. We are deployable to different areas and locations at short notice. Some of us spend up to 6 months of the year away from our families. We regularly deploy to Christmas and Manus islands and Nauru. We work shift work – 24 hours a day, seven days a week and many of us are on-call to return to work at any time of the day or night. We don't get to spend Christmas or Easter or weekends or public holidays with our families. That is why shift work conditions, compensation for working unsociable hours and having a say over working patterns is vitally important to us.

We are required to be armed and trained in Use of Force techniques and personal defensive equipment including firearms. We serve warrants on, detain and personally escort deported people, many of them criminals, to some of the most dangerous places on the planet.

We work hard to keep our communities safe from terrorists, criminals, drugs, firearms, prohibited weapons, paedophiles, hard-core violent pornography, small and large scale migration and citizenship fraud, breaches of visa conditions such as over stayers, and the fraudulent exploitation of foreign workers and students.

We assist the most vulnerable people on the planet, including children and unaccompanied minors, to find refuge through our humanitarian programs.

We deal with millions of clients every year by email, phone and in person in Australia and overseas.

We assess to grant, refuse or cancel millions of visas, temporary and permanent, every year. We grant citizenship to those who make Australia their new home and protect our nation by refusing or cancelling visas and citizenship applications for those not eligible.

We assist the business and education sectors and the tourism sector through the efficient processing of work, holiday and education related visa applications and importation of goods across our border.

We manage the provision of interpreting and translating services to the Australian community including commonwealth and state government, hospitals and other public health organisations and business and community organisations.

We insure the integrity of our migration and border protection programs by tracking, locating detaining, deporting and managing in detention or the community unlawful non-citizens or those at risk of overstaying, breaching conditions, or who pose a risk to the community. We enforce laws to ensure government, business and the community are following customs and migration laws.

We collect in excess of \$1.4 billion of revenue on behalf of the Australian people every year.

We facilitate the efficient and safe passage of people and goods across our borders.

We do this work with decreasing resources and steeply increasing workloads.

We have had years of training to do our jobs effectively. We take our role in protecting our borders and the Australian community incredibly seriously.

We contribute to continuous improvement in the way we do our work.

We are dealing with steadily increasing volumes and workloads with fewer resources.

We will continue to contribute to innovation within the department into the future including plans that the Department predicts will lead to future savings of up to hundreds of millions of dollars by “reforming the visa and migration framework, improving automation in visa processing, providing self-service options and using more sophisticated assessment capabilities”. These are demonstrable forecast productivity savings that are excluded from the bargaining process as productivity offsets.

Instead we are offered two “productivity options”; to lose conditions and/or our jobs.

And we are absolutely disgusted at our Government’s attempts to rip up our working conditions and cut our take home pay.

Merging Immigration and Customs and creating the Border Force - the background to bargaining

This bargain is particularly complex so we have provided the Committee with an overview of why this is so, before coming to the current concerns of employees.

The Department of Immigration and Border Protection was established in its present form on 1st of July 2015.

DIBP is an amalgamation of the former Department of Immigration and Border Protection (DIBP, itself formerly Department of Immigration and Citizenship (DIAC)), and the Australian Customs and Border Protection Service (ACBPS, formerly the Australian Customs Service (ACS)).

The Australian Border Force is an organisational unit, part of DIBP, ‘stood up’ by legislation within DIBP on 1 July 2015. It has a Commissioner who is a direct report to the Minister for Immigration. Financial accountability for ABF occurs through DIBP.

The two agencies were ‘integrated’ via a Machinery of Government change after this current round of bargaining had commenced. Industrial issues associated with Integration have contributed to the difficulties present during this bargaining round.

They couldn’t pay us

Despite having a greater than normal lead time to prepare for integration the Department still encountered numerous issues with its new, combined payroll system. Many staff were not paid correctly for extended periods of time, pay slips lacked essential detail to enable shift workers to reconcile their hours and leave and information pertaining to leave accrual was either transferred incorrectly or not at all for a number of employees. The new combined payroll area was unable to cope with the number and complexity of issues and resolutions took many weeks and months.

Over one year on, errors are still being uncovered such as a recent employee who was advised on retirement that the merge of the two systems a year ago saw him credited with an extra weeks leave in error and that this issue affects all former ACBPS employees who are shift workers. Employees have found that they are unable to rely on the information provided to them by the Department regarding their entitlements and as such employees are left wondering if they have lost leave and salary as a result.

In addition the Department has undertaken a program of updating Instructional Guidelines and Procedural Instructions that underpin the existing DIAC 2011 – 2014 EA. This EA and the supporting policies were not written to accommodate the former ACBPS work force and the roles they perform.

The Department however has sought not only to update these instructional documents to accommodate the integrated work force but has done it in some cases in such a way that reinterprets some of the existing conditions in order to mirror their Bargaining objectives. For example re-writing the domestic travel policy and removing any reference to “part day travel allowance” currently provided to DIBP employees. This has led to employees feeling deceived about their rights and conditions as they currently exist. It seems clear to employees that if further rights and conditions are moved into unenforceable policy the Department will continue to use its unilateral power to remove or restrict access to these things wherever possible – regardless of any promise of “consultation” that may occur.

More delays

Even once integration was announced it still took six months for the Department to seek permission from Government and then agree with the CPSU to combine the two separate EA negotiations that were occurring at the time. Months of delay caused frustration to employees who could see quite clearly that the only common sense approach was to move to negotiating a new, single agency agreement rather than wasting any further time on the ACBPS EA that would cease to cover the former ACBPS workforce as at midnight on 30 June 2015.

We’re getting less

Due to the way some conditions of former ACBPS employees were preserved prior to the integration many former ACBPS employees who underwent specific training or have moved into work locations or roles that previously attracted compensation have never received the same entitlements as their colleagues despite sitting side by side and performing the same duties. This unequal treatment has caused much resentment of the Department and is viewed as patently unfair by most employees.

Customs had proper pay and conditions

ACBPS was an agency within the meaning of the public service. It had a Chief Executive Officer, and primarily considered itself law enforcement. About 5000 staff were employed performing a complex range of duties, in a 24/7 operational environment in locations around Australia and overseas. Conditions of employment were varied and reflected the skills, duties, qualifications, location and experience of employees performing different duties, at different times and in different locations. These conditions of employment had been negotiated and agreed over the previous 20 plus years of agency based bargaining.

Immigration had its own complexities

DIBP is a Department of State, with a Secretary and approximately 8,500 employees. These employees also perform a complex range of duties, in a 24/7 operational environment in locations around Australia and overseas. Conditions of employment are varied and reflect the skills, duties, qualifications, location and experience of employees performing different duties, at different times and in different locations. These conditions of employment have been negotiated and agreed over the previous 20 plus years of agency based bargaining.

Paying us differently for the same work and the ‘enhancements’ problem

A major concern to the workforce is the disparity on pay rates, hours of work, conditions, rights and allowances that exist as a result of integration. The Government’s bargaining policy has restricted the Department’s normal managerial ability to address this by banning “enhancements” to conditions. This is being interpreted, nonsensically, by the APSC as preventing the Department from providing a sensible ex-Customs allowance like Use of Force to new employees or current ex-Department employees

because their current EA does not provide a Use of Force allowance and to do so would be deemed an 'enhancement'.

The end result is employees performing the same work, requiring the same skills, at the same location, at the same time being paid more or less than each other, for shorter or longer hours of work than each other. This is a recipe for discontent and resentment toward the employer that is actively maintaining such disparity.

Determinations replacing our Enterprise Agreement

Customs officers' pay got cut in 2015

In late June 2015, in anticipation of ACBPS being stood down on 30 June 2015, two Public Service Act Determinations were issued to 'preserve' some ACBPS conditions of employment for ex-Customs employees transferred to DIBP as part of the machinery of government change.

One was a section 24(1) determination made by the Secretary preserving some conditions of employment. Significantly, this determination did not preserve some conditions of employment critical to ex-Customs employees. The effect of this failure has meant:

- From 1 July 2015, ex-Customs employees working nightshift have suffered a 50% cut to their shift penalty loadings for any hours worked from midnight to 6 am. This has meant cuts to pay of thousands of dollars a year.
- From July 2016 ex-Customs employees at 'top of range' have lost access to an annual performance based lump sum payment that counted for superannuation purposes. The loss of this bonus is worth between \$1200 and \$2700 a year.
- From 1 July 2015 ex-Customs Executive Level staff have lost access to guaranteed 4 days off per year in recognition for additional hours works.

The Determination operates until it is withdrawn or replaced by an enterprise agreement.

The second was a section 24(3) determination made by the relevant Minister. It preserved all ACBPS conditions of employment for Marine Unit employees – both for ex-Customs and future new employees in that area. It operates until it is withdrawn or replaced by an enterprise agreement.

Border Force officers aren't getting Customs pay and conditions

From 1 July 2015, all employees of DIBP have conditions of employment determined by the DIAC Enterprise Agreement 2011-14, with ex-Customs employees having conditions preserved or supplemented by the determinations above.

Critically, an employee commencing in DIBP after 1 July 2015, transferred to the ABF from this date or even an existing employee who undertook training in certain qualifications, does not receive any of the determination conditions of employment.

For example, any employee, either new, existing DIBP or former ACBPS, who receives "Operational Safety Training" which enables the employee to carry personal defensive equipment (including a firearm) in the course of their duties does not receive Use of Force (UOF) Allowance even though they work alongside colleagues who are paid an additional sum for qualification. The same is true for any person trained and working as a Detector Dog Handler commencing after 1 July 2015; they will no longer receive the allowance paid to employees performing that role as at 30 June 2015.

Another example is a Clothing Allowance payable to Investigators, Surveillance Unit employees and some Compliance staff. Former ACBPS employees in receipt of this allowance currently continue to get it whereas new employees or those transferred into these specific areas post 1 July 2015 do not.

The same is true of all the conditions and rights preserved under the section 24(1) determination. This covers everything from working hours, a number of key allowances (even though many more were lost on integration), the requirement for the Department to pay staff performing higher duties the appropriate salary for that level from day one rather than forcing them to work for two weeks without compensation, guaranteed time off for Executive Level employees to compensate them for regular additional hours worked and addition leave and fares assistance for employees working in some remote locations.

We haven't had a pay rise in three years

The last general pay rise paid under the DIAC Enterprise Agreement was on 4 July 2013 (payable on 18 July 2013). It was 2%.

The last general pay rise paid under the ACBPS Enterprise Agreement was in the first full pay period on or after 1 July 2013 of 2%.

History of Bargaining 2013 to present

It took nine months until they'd negotiate

CPSU members formally presented their collective bargaining position to management in DIBP and ACBPS in December 2013.

With both EAs nominally expiring on 30 June 2014, lodgement of claims prior to expiry was a normal feature of bargaining in the APS as it allowed for substantial negotiations prior to the nominal expiry date (NED). If a 'replacement' agreement can be agreed prior to the NED of the agreement it is relacing there is no 'gap' between agreements, no gap between pay rises (depending on the terms agreed), no need for back pay, and no exposure to protected industrial action (PIA). This would represent efficient bargaining.

DIBP did not agree to commence bargaining until 30 June 2014, the day the agreement nominally expired. This was two full months after the Government released its Bargaining Policy. They claimed they could not bargain without the release of the Government's bargaining policy. This policy was released in April 2014. ACBPS delayed even further, not commencing bargaining until September 2014.

Two years and no deal

In April 2015, in recognition that the agencies would be integrated from 1 July 2015, bargaining commenced on an integrated basis for a single agreement. At around this time DIBP and ACBPS announced their *"desire to have a single set of terms and conditions for all employees performing similar work."*

That desire has not manifested itself in the three offers they have made to date.

The number of bargaining meetings conducted since 2014 is now over 23, many of multiple days, involving a management team, a CPSU team and multiple individual or 'independent' bargaining

representatives. Management have also conducted at least three national 'roadshow tours' involving extensive travel by senior managers.

So many cuts not even our bosses voted Yes to these deals

DIBP has made three Enterprise Agreement offers to staff, with the highest No votes by staff across the Australian Public Service.

DIBP took 21 months after we lodged our claim before putting an agreement to staff in September 2015.

1. The September 2015 offer

- a. Offered 3.4% pay rise over three years (well below the then effectively mandated Government maximum of 4.5% over three years)
- b. Cut a range of allowances meaning many employees would have suffered a cut to take home pay (even after the 3.4% in pay rises)
- c. Removed many conditions and rights as a result of Government 'streamlining' requirements
- d. Failed to address disparities in wages, hours, allowances and conditions between former Customs and former Departmental employees
- e. Was rejected by 91.3% of staff.

This September 2015 offer was rejected by 91.3% of staff. This meant not even the Executive level managers required to advocate the agreement to other employees could have themselves voted for it.

2. The March 2016 offer

- a. Offered 6% pay rise over three years
- b. "Grandparented" some of the allowances cut in the September 2015 offer but with limiting conditions such as only maintained until the employee is promoted (even if performing duties in the same work area)
- c. Maintained other allowance cuts from the September 2015 offer meaning many employees would have suffered a cut to take home pay
- d. Removed many conditions and rights as a result of Government 'streamlining' requirements
- e. Failed to address disparities in wages, hours, allowances and conditions between former Customs and former Departmental employees
- f. Was rejected by 80.9% of staff.

This offer was rejected by 80.9% of staff.

3. The November 2016 offer

- a. Offers 4.7% pay rise over three years – (well below the then mandated Government maximum of 6% over three years)
- b. Maintains "Grandparenting" of the allowances from the March 2016 offer but with limiting conditions such as only maintained until the employee is promoted (even if performing duties in the same work area)
- c. Maintains other allowance cuts from the September 2015 and March 2016 offers meaning many employees will suffer a cut to take home pay

- d. Maintains the removal of many conditions and rights as a result of Government 'streamlining' requirements
- e. Fails to address disparities in wages, hours, allowances and conditions between former Customs and former Departmental employees
- f. Is being voted on from 31 October 2016 to 7 November 2016

Protected Industrial Action

"...the FW Act creates what the Explanatory Memorandum justifiably describes as a "right" in employees to take protected industrial action in support of claims for an enterprise agreement. That legislation may properly be seen as the means by which Australia has given effect to its important obligations under the International Labour Organisation Conventions particularly Convention no. 87 Freedom of Association and Protection of the Right to Organise 1948 and Convention No, 98 Right to Organise and Collective Bargaining 1949, both ratified by Australia in 1973."¹

Whereas protected industrial action underpins collective bargaining, and is a common feature in enterprise bargaining rounds in other sectors; in the public sector, the taking of protected industrial action is not an option of first resort.

The taking of protected industrial action in DIBP was preceded by numerous employer-initiated delays to bargaining, in a context where the employer was unwavering in their pursuit of cuts to rights and entitlements and emphatic in their refusal to consider any improvements to working conditions.

Protected Industrial Action in the APS, undertaken by CPSU members, does not take place in a vacuum. It is usually a last resort response to an unreasonable position being taken by an employer.

The current round of bargaining has seen the most extensive protected industrial action engaged in by CPSU members in DIBP (including the ABF) in recent times. That this is the case is reflective of the failed approach to bargaining that the Commonwealth has taken in this round.

Last resort

The enterprise agreements covering workers in the ACBPS and DIBP reached their nominal expiry dates on 30 June 2014. It was open to CPSU members to apply to take protected industrial from that point onwards. Indeed, it would be difficult to resist a conclusion that to do so would have been justified in the context of both agencies refusing to bargain for about 4 months purportedly on the basis that there was no government policy mandate to do so, and a further two months without reason at all. However, members in DIBP chose to engage in negotiations instead, and only when it had become apparent that DIBP was either unable or unwilling to engage in bargaining except to pursue a radical agenda of cuts to conditions.

CPSU members did not apply to take PIA until April 2015, by which time over 9 months had passed since the nominal expiry dates of the enterprise agreements which covered them, and their pay had been frozen since July 2013.

All PIA taken by CPSU members would have, and could have, been avoided by the simple act of the Government issuing a bargaining policy that did not seek radical cuts to employee wages, conditions, allowances and workplace rights.

¹ *Construction, Forestry, Mining and Energy Union v Woodside Burrup Pty Ltd and another* [2010] FWAFB 6021 (6 August 2010) at 37

Protected Industrial Action application

On 29 April 2015, CPSU members in the DIBP and ACBPS applied to the Fair Work Commission (FWC) for a Protected Action Ballot Order (PABO).

After the PABO Application was made, but before it was determined, the CPSU engaged in discussions with representatives of DIBP over a number of days. The outcome of those meetings was the formation of a list of exclusions which were agreed in writing between the parties, and filed in the Fair Work Commission in the PABO Application proceedings. This list of exclusions was based on the roles and positions which DIBP advised the CPSU were essential for national security. In total, the CPSU negotiated over 50 exemptions of members from taking PIA. CPSU agreed to extend the notice of all action from 3 to 7 business days.

DIBP did not oppose the PABO, which was granted by the FWC on 8 May 2015 and a PAB was concluded on 5 June 2015.

CPSU members approved the taking of industrial action with an average 95% support for all forms of PIA balloted.

Taking Protected Industrial Action

CPSU members have taken periods of PIA with the objective of obtaining a fair and reasonable EA. Every time a major round of PIA has been taken, the Government or DIBP have changed or improved the offer being made.

CPSU members have at all times taken PIA in accordance with the orders of the Fair Work Commission and in a safe manner. CPSU members working in DIBP are expert and professional, and feel a deep sense of responsibility in their roles. ABF members who work on the front line are acutely aware of the requirements of their roles and have approached the taking of PIA in a considered and safe manner. Having applied to take PIA in April 2015, and become able to do so in June 2015, CPSU members did not commence taking serious and sustained PIA until September 2015. From these dates alone it can be seen that CPSU members did not frivolously or unreasonably take PIA. This sustained September 2015 action was taken following the worst Enterprise Agreement offer in the Department's history being made to staff.

Overall, the Industrial action engaged in by CPSU members, while significant, has not been without precedent in the tourism and transport industry. Numerous examples of PIA taken at airports abound. Aviation security screening of outbound passengers is predominantly performed by contracted security providers and industrial action has occurred during enterprise negotiations. Perhaps the most extreme example of industrial action in the tourism and transport industry was in 2011 when Qantas took the decision to ground its entire fleet.

Challenging the right to Strike

The Fair Work Act 2009 provides numerous mechanisms for employers and governments to mitigate against the effects of protected industrial action.

In addition to the negotiated exceptions to PIA and extended notification periods, DIBP relied on the full suite of mechanisms available to it to combat its employees' right to strike.

DIBP has withheld pay and allowances for members who have taken protected industrial action. When CPSU members have engaged in PIA in the form of bans and limitations, DIBP has taken steps to notify and then make partial deductions of their wages. In some cases, DIBP has notified members that it

would not allow them to work if they engaged in partial work bans. On one occasion, CPSU members in the ABF Marine Unit were successfully able to challenge the reduction in their wages (of up to 80% in some cases) levied upon them by DIBP in response to their undertaking partial work bans.

On 22 March 2016, a passenger departure hall in Brussels Airport was the scene of a terrorist attack. In the aftermath of this tragic event, CPSU members, including elected workplace leaders and CPSU officials discussed whether to proceed with industrial action which had previously been planned and notified to DIBP. Having considered the situation, including respect for the victims and the sensitivities of the travelling public, and the differences between the Brussels attack and the inbound operating environment of ABF members at airports, the CPSU came to the view that the right thing to do was to not take protected industrial action at this time and we suspended PIA for a period of 5 days.

At this time, the Prime Minister called upon the CPSU to not take PIA, and to instead engage in discussions with the government. The CPSU welcomed the Prime Minister's offer of discussion, however following this the Government would not agree to meet and discuss the concerns of DIBP officers.

After a suitable period, the CPSU resumed protected industrial action. On 31 March 2016 the ABF Commissioner wrote to the CPSU to give notice that he was considering issuing a direction pursuant to *the Border Force Act* s 27 which would, in his view, have the effect of requiring ABF members to perform their duties. The CPSU understood this to mean that the ABF's view was that s 27 of *the Border Force Act* overrode the protections associated with PIA.

On 1 April, the Department made an application to the Fair Work Commission for an order suspending industrial action being organised by the CPSU. The DIBP sought a suspension of PIA for 90 days. The matter was determined on an interim basis on 3 April 2016 and again on 5 April 2016, with Fair Work Commissioner Wilson ordering a temporary suspension of protected industrial action, until the matter was determined

On 27 April 2016, Fair Work Commissioner Wilson issued a final order in the matter, ordering that the CPSU's protected industrial action be suspended for 90 days from the date of the initial interim order.

Suspended until 3 July

The suspension of industrial action ended the day after the 2016 Federal Election. The coincidence of the three month suspension period sought by the Department covering the then likely date of the Federal Election was widely noted and disparaged by CPSU members.

CPSU members were incensed that their employer sought to prevent them from taking PIA while at the same time refusing to negotiate and actively trying to remove important allowances and rights which would result in cuts to take home pay. Other factors that aggrieved members were the ABF Commissioner using national media to allege his own staff were deliberately creating security risks at the border around and during periods of PIA, and management flying in managers and other strike-breakers to combat PIA. These managers and strike-breakers were untrained, undisciplined, ineffective, and unprofessional, not in uniform and potentially contributed to breaches of border security protocols.

On 30 September 2016, the Department of Immigration and Border Protection applied for a suspension of protected industrial action in response to the CPSU's notification of stoppages between 26 September 2016 and 16 October 2016 (part of which had already been taken).

The Department sought the suspension of PIA, which would have seen CPSU members again taking PIA for the end of year school holidays.

The CPSU presented detailed evidence about the progress in bargaining over almost 3 years, how bargaining had been protracted, and how bargaining was unlikely to be resolved for as long as the agency continued with its failed approach to bargaining.

The Fair Work Commission accepted the CPSU's arguments that the independent umpire should step in and resolve bargaining in DIBP. On Wednesday 6 October, Fair Work Commissioner Wilson terminated Protected industrial action being taken in DIBP, pursuant to the powers available under the Fair Work Act 2009 s 424.

Post-Industrial Action negotiations

The effect of the termination of PIA on bargaining is that it immediately triggered the commencement of a 21 day period, known as the post-industrial action negotiating period. During this time, parties are provided with a final opportunity to reach agreement.

At the time of writing, the 21 day period has passed, and the CPSU anticipates that there will be arbitration on a number of matters which are still in issue. Not only was agreement not reached on a number of substantive issues, there was also no agreement reached as to which items are still in dispute and which are not. With the assistance of the Fair Work Commission, the parties were able to agree to a pathway towards resolving at least the question of which issues remain in dispute, ahead of arbitration of a workplace determination.

One factor which has meant that the 21 day post-industrial action negotiating period has not yielded greater agreement between the parties, is that a significant portion of its start was lost to further disputation. Remarkably, at the outset the (represented by the Australian Government Solicitor) questioned the jurisdiction and powers of the Fair Work Commission to assist the parties, and moreover to direct the parties to take certain steps aimed at reaching agreement. The CPSU resolved the apparent unwillingness of the DIBP to participate in conciliation during the 21 day post-industrial action negotiating period by notifying a bargaining dispute pursuant to the Fair Work Act 2009 s 240, which provided the Fair Work Commission with a clear power to intervene.

This is the only occasion, to the best of the CPSU's knowledge, where an employer has not immediately welcomed the assistance of the Fair Work Commission following the termination of industrial action.

Examples of the impact bargaining policy outcomes have had or will have on groups of employees

Airport and air and seaport precinct employees

The vast majority of officers employed at airports are employed at the Australian Public Sector Three Level (APS3) on a base salary of \$61,970. Since the merger of the Australian Customs and Border Protection Service and the Department of Immigration and Border Protection on July 1 2015, ABF and DIBP officers working at airports without a curfew, have had their 30% night shift penalties halved, equating to an average drop of \$2500 per year or \$77 in their take home pay a fortnight.

Officers also receive allowances to compensate them for the lack of infrastructure and facilities at their workplace and lack of public transport. These allowances are proposed to be cut and equate to a further cut to take home pay of approximately \$1700 per year for a large cohort of employees.

Consultation provisions and the rights of employees to have input into their working hours are severely diminished in the employer's proposed agreement which significantly impacts on an employee's ability

to balance work and family commitments. It also diminishes the rights of employees to have appropriate notice around changes to work patterns and subsequently their ability to alter child care or other caring arrangements in a timely manner.

- Counter Terrorism Officers at airports who would be employed under the new agreement stand to lose the 'Use of Force' allowance which is in recognition of carrying firearms and being subject to onerous fitness requirements and equates to \$2196.00 per year.
- Detector Dog Handlers stand to lose their handling allowances of \$3120.00 per year which are in recognition of handling controlled substances, maintaining the proficiency of their dog and maintaining fitness standards.
- Competency Assessment Training Officers (CATOs) and Custodial Firearms Instructors take on a voluntary training role in addition to their normal duties. CATOs train staff in a range of functions and receive allowances of \$46.82 per fortnight. This allowance is in recognition of the additional work performed over and above the Officer's duty requirements and CATOs play an integral role in ensuring staff are up to speed and appropriately trained in a range of Border Protection functions. This additional payment has been cut from the new offer.
- Also cut are allowances for employees who work at Container Examination Facilities which are paid in recognition of working in confined spaces, stooped positions, and in cold weather and without proper ventilation.

Marine Unit sea going employees

Sea going Marine Unit employees within the Australian Border Force (ABF) Marine Unit operate in a difficult and highly sensitive operational work environment. They are one of the main frontline workforces that implement the Government's objectives under the umbrella of Operation Sovereign Borders. They perform search and rescue functions and have significant responsibilities in the apprehension of foreign fishing vessels, maritime drug operations, and other enforcement, environmental and maritime protection objectives within the marine environment.

The work environment and skill sets of these employees are complex in nature, and the employees operate within a highly rigorous integrity and professional framework.

The employment conditions that marine employees operate under have been negotiated over 20 years as the Marine Unit has evolved from a state based fleet of 6 smaller vessels to today's national multi-platform fleet of eleven that cover various operational areas. The fleet is due to grow again in the next couple of years.

During the last few years, the fleet has undergone a massive transition that has provided significantly larger maritime capability and productivity measures. Employees have felt that the work they have performed and the pressures to deliver this capability have not been fully recognised by the Department. The significant reductions to conditions in the proposed agreement have not fairly taken the unique demands and pressures of the work performed by these staff into account.

Marine employees operate in a 24/7 work environment where working hours during patrols can regularly exceed the nominal 10 hour working day (up to 18+ hour days). The working patterns marine employees work under can also be subject to change at short notice where circumstances such as 'tactical' or emergency operations can result in deployment within 12 hours or where patrols are extended beyond the usual 28 day period.

This results in marine employees regularly working in excess of their annual duty requirement, with significant delays in being remunerated for this excess time worked (five months for the last financial year).

The impact of these factors is significant pressures and demands not unlike those felt by the fly in fly out workforce in other industries. Social, family and personal responsibilities are regularly impacted through trying to maintain a work pattern that is flexible enough to meet operational circumstances while balancing these personal responsibilities. Marine employees 'work and live' in a workplace that is restrictive and where communications with their families and friends is often very limited.

Marine employees attain and maintain a very specific set of skills and qualifications in order to perform their functions. These include operational, medical, fitness, integrity and Use of Force (UOF) requirements in addition to the maritime qualifications that are used to implement and support the effective operation of the ABF Marine Unit.

During the current round of negotiations since 2014, there has been very little consultation with marine employees in regard to the conditions that are most important to them, and include variations to work patterns, ability to balance time on and off, recognition of their work environment and conditions and appropriate remuneration for the factors that impact their personal and family responsibilities.

Marine employees have felt undervalued during this time, especially during a period where they faced increased work pressures and scrutiny in implementing the Government's Operation Sovereign Borders objectives. This has impacted their morale and respect for the department and has been exacerbated by the proposed reductions that may impact their take home pay and their ability to have genuine input and consultation in their work environment.

The bargaining outcomes as proposed by DIBP will result in further deterioration of work patterns with no compensation, a longer time frame for reconciling excess work days (with less compensation), less consultation on working conditions, less recognition of the skills held by marine employees and loss of wages for new employees who are UOF trained through not being eligible for either the grand-parented UOF and first aid allowance, and current employees who are not UOF trained who may not be eligible for the first aid allowance, and will not receive the new lower composite allowance. Current employees who perform higher duties or are promoted will also lose the grand-parented provision and will not receive the new composite allowance.

Examples include revised work patterns up to 31 days long with less time off, further flexibility for the Department to vary work patterns and work day reconciliation periods over two years.

This will cause a further deterioration in the ability of an employee to balance the demands and pressures of their work with family and personal factors.

Marine employees have been limited in the scope of industrial action that they are able to undertake, due to exemption measures and the nature of their workplace, and have been frustrated by the extraordinarily long bargaining period and reluctance of the department to genuinely negotiate fair outcomes.

The measures proposed have been unacceptable to marine employees, with the view that they would go significantly backwards in their conditions. It has left them with little choice but to reject all offers that have been proposed and they have felt locked out of being able to influence the outcomes through the bargaining process and the restrictions of the bargaining framework.

Marine employees have been more concerned with the changes to their conditions and have only ever sought a fair pay outcome that recognises their value to the Department and the risks associated with working in the maritime enforcement environment.

Member attitude and comments from Marine Unit sea going employees

Sea going members are angered and disappointed with the approach taken by the department. Comments from these members include:

"Why can't we just maintain our current conditions and get a fair pay rise"

"We have bent over backwards to accommodate and achieve the departments outcomes and this is how we are repaid?"

"The Department is not interested in hearing our concerns"

Remote workers

DIBP employees posted to regional and remote areas stand to lose significantly under the employer's proposed agreement.

Employees are currently compensated for working in remote, isolated and harsh conditions with limited access to services and amenities. Employees are required to be posted away from families and their homeport for up to three years at a time (which can be extended).

Prior to integration, a comprehensive joint union and employer review was conducted in the Australian Customs and Border Protection Service around remote conditions and a package of District and Geographical Allowances was subsequently negotiated and agreed between the parties. This package of allowances was designed to address significant attraction and retention issues in remote and regional areas and were preserved in the Section 24 Determination that applies to ex-Customs workers.

Reduction in the value of remote conditions of employment will create staff retention and attraction issues again.

Allowances preserved in the determination are largely superior to what is currently in the Department of Immigration and Citizenship Enterprise Agreement 2011-2014 resulting in employees working side by side on different conditions of employment.

Remote workers under the new offer stand to lose two critical conditions of employment; rental subsidies and leave allowances.

The employer will no longer provide rental subsidies to the same degree which can be a loss of up to \$250.00 per week and over \$15,000 per year.

Leave allowances will also be abolished which are designed for workers with dependants to take a break away from working and living in harsh conditions. A family (including two dependants) living on Christmas or Thursday Island for example will lose leave allowances of up to \$28,000 per year.

Immigration Detention Facilities and Irregular Maritime Arrivals work

Former Immigration staff in Compliance, Removals and Detention (and from other operational areas) were moved into the Australian Border Force on integration. They became subject to new working arrangements including meeting mandatory integrity, medical and fitness testing requirements and

compulsory wearing of uniforms on a daily basis, while continuing to perform the same highly skilled jobs, roles and functions they had always done. Many of these staff are temporarily deployed or permanently stationed in remote areas.

They have become subject to new posting and deployment models, where they have been and will be expected to move to new roles and learn new skills often in the functions of the former Customs agency but now in the integrated environment, yet they remain on their former Immigration conditions that often fail to adequately or fairly compensate them for the requirements of these new roles. They currently have no access to the conditions, allowances and hours of work of their former Customs colleagues with whom they are working side by side.

Additionally they face losing or never gaining access to many of these job specific conditions and allowances because under the Department's bargaining proposals these would be deemed an "enhancement".

For example, former Immigration staff do not receive any of the allowances under the s24 workplace determinations that are being received by their ex-Customs colleagues despite working side by side with them. They work more hours per week, and on lower rates of pay at most levels and therefore receive, and will continue under the current departmental proposals to receive, a different effective hourly rate of pay. They do not get access to any job specific allowances such as Use of Force, or work location allowances.

Executive level staff in areas where there is a requirement for a significant amount of additional hours of work, often on-call, after hours or at weekends, and who do not receive overtime, such as those working in Compliance, Removals and Detention in both remote and urban locations, face losing access to a significant allowance (up to \$11,500 per year) that provides compensation when they do perform substantially more hours. Similarly former Customs staff do not get access to the higher rates of allowances granted to DIBP staff such as Restriction Allowance.

Staff who work in these roles, in remote localities at Christmas Island for instance face not only the extreme work pressures but massive additional financial costs. The price of iceberg lettuce, for example, has reached up to \$19 and a single cauliflower can cost up to \$15, due to much higher transport time and costs than those of the mainland. This applies to many fruits and vegetables and other commodities which travel thousands of kilometres by plane or ship to reach remote areas. This is similarly the case for staff working in remote areas on the mainland, particularly in Northern and Western Australia. Staff in these remote locations are facing losing access to current remote and job specific allowances and conditions of between \$10,000 and \$20,000.

The work in detention in Christmas Island continues, the Immigration Detention Facility is still open and is slated to continue to receive detainees. Not only is this difficult work with very vulnerable clients, some with violent criminal records, but it also includes working long hours, in remote and extreme weather. Staff at this facility are facing the stripping of existing allowances and conditions that recognise the unique challenges and pressures of this work.

These workers want to retain existing conditions that recognise these current and ongoing working arrangements, as well as access to allowances, working hours and other conditions applied equitably to both ex-departmental and ex-customs staff working side by side. All workers across the department should be recompensed fairly and equally with each other based on the work they do and their locations.

Investigations

Working as an Investigator in the ABF for DIBP is one of the hardest roles an employee can undertake. The workloads are extreme, the hours are long, the expectation in relation to professional conduct and competency is extraordinarily high and the personal risks are great. The compensation however is low. Employees in this area work standard flex time. There are very few part time staff due to the demands of the role. Employees with caring responsibilities are constantly asked to juggle those commitments in order to achieve the required operational activity which can require an unusually long work day or may require travel.

The cutting of consultation rights means a further loss of control over working hours, making it even more difficult for staff with caring responsibilities to undertake this vitally important work. This could ultimately make for a less diverse workforce that does not reflect the diversity of the community. Imposing obstacles on those with caring responsibilities is likely to particularly disadvantage women and mature-age staff, and does not appreciate the varied wealth of experience and skills these staff can bring to high risk situations.

In addition to having a say over working hours the loss of key allowances such as Use of Force allowance and Investigators Clothing allowance (for anyone not already in receipt prior to 1 July 2015) means Investigators lose compensation for undertaking what is a risky and often dirty task when searching a premises. Attending Court to represent the Department as a case officer also requires Investigators to wear clothing that is beyond the normal business attire required in the average work place. Again the loss of these compensatory allowances put further financial stress on the individual who now has to fund these items from their base wage.

The Machinery of Government change has also resulted in a loss of overtime for many Investigators. The existing DIAC 2011 – 2014 EA has greater limits on overtime payments compared to the former ACBPS EA, thus the compensation for starting very early in the morning (4am is the typical start time for enforcing a warrant) and finishing late in the evening is reduced. In addition, Investigators who are required to be “on call” throughout the night and over weekends and public holidays have also suffered a reduction in their restriction allowance, which is less under the existing agreement than they were previously entitled to.

All of these factors have made it difficult for Investigators to feel as though they are valued by the Department. Morale has dropped significantly, while at the same time the hard work undertaken by these staff is used to promote the Government’s law and order agenda time and again.

Impact on morale – subjective and objective

CPSU members and other departmental staff are feeling demoralised by the lack of respect being shown in the offers by the Department. Time and again staff hear media comment by Ministers and Senior Executive Staff on the vital role they play in protecting our borders, yet at the same time they see offers that strip away their take home pay and condition – offers that are at complete odds with the very public facade offered by politicians and managers not covered by the EA.

The loss of confidence in senior management that will not fight for their staff is remarked on each and every day through comments such as:

- “Why is the Government doing this to us? We work hard every day”

- “If they won’t fight for us now, when will they?”
- “How could we be worth X yesterday and only Y today given we are doing the same work?”
- “What confidence can I have that when I need support I’ll get it? They’ve dropped the ball on bargaining, on integration and in managing the change (just look at the last two employee census and staff surveys!) I don’t trust them to get even the simple things right”
- “I would have thought that 91.3% and 80.9% NO votes would tell management and the government that none of this is good enough. What possible reason could there be to put us through another substandard offer process?”
- “I’m leaving this department. If they haven’t worked out from two NO votes and two damning staff surveys that they’ve got this totally wrong, they never will. My family and I deserve better from an employer who is supposed to set the highest standards and this department can’t deliver.”
- “I thought there was a model employer/employer of choice requirement. I know in the legal world the expectation is that the Commonwealth and its agents are meant to be model litigants, so how can they continue to ignore us and serve up this rubbish time and again? I chose to work for government to contribute to the public good, not donate to the treasury’s deficit problem”
- “I’m gutted. I work in a client facing area where we are expected to do more with less but the promised toolbox hasn’t gotten any bigger. They mismanaged the change process so badly that we have to put people back into the frontline then expect me to go home and tell my kids I can’t pay for their school excursion because cost of living has gone up but I haven’t had a pay rise for three years and the bills just keep coming. I love my job but I can’t support my family any longer if I stay in DIBP; that’s just wrong!”
- “So what sort of employer makes me wait 18 months to sit down to bargain, then amalgamates our two agencies without thinking it through properly, intentionally creates a class structure of the have and have nots, then decides to offer a piece of rubbish that gets voted down by over 91% of staff, waits five months and does the same thing over and gets smashed by almost 81% of staff, then when the union gets serious and takes decisive industrial action runs off to Fair Work to have people’s right to strike taken away? The same arrogant (or incompetent) employer who after having run off to the independent umpire to get the nasty unionists to stop their thuggish strikes tells its staff that it won’t respect the process the independent umpire has ordered and will put out another pathetic and disingenuous offer; that’s who! Angry? You bet I am. I wasted a decade of service to this department only to have them show me this level of respect for my efforts; I’m bloody angry!”

These are but a small selection of comments provided to CPSU delegates by members and other staff. During all staff meetings conducted by CPSU the most common comment is on the breakdown in the trust and confidence staff have in DIBP management and the Government.

Two major staff surveys have been conducted during the bargaining period.

Attachment A, APSC 2015 APS Employee Census Agency Benchmark Report: DIBP

This report describes the lack of confidence staff have in DIBP leadership.

Attachment B, One Department Pulse check findings summary

In January and February 2016, a pulse check was undertaken by Nous Group to track the Department’s integration and reform progress. Pages 5 and 6 of the report describe low morale and a lack of trust and confidence in DIBP leadership, and notes that this frustration and low morale is arising from unequal pay and conditions amongst staff.

Key extracts

- “many staff do not feel that their hard work is recognised”

- “In focus groups, staff raised their concern over not feeling valued, recognised and supported, which contributed to demotivation”
- “staff describe feeling overwhelmed with work due to increased workloads and/ or resource pressures”
- “In addition, some staff also cite unequal pay conditions as a key area of frustration and a contributor of low employee morale. Many staff advocate for a fair enterprise agreement that treats staff at the same level equally in terms of salary and conditions to help reduce the ‘us and them’ mentality and support staff feeling valued for their contribution.”

Key results:

1 in 10 staff feel there is open two-way communication across the Department

2 in 10 staff believe communication between senior leaders and others is open and transparent

2 in 10 staff feel valued for their contribution

3 in 10 staff have confidence in the Secretary and Commissioner

These are damning indictments on the leadership and values on display in this Department. There is a clear link to bargaining failures and lack of confidence in Government and leadership of the Department

The above surveys speak directly to the failure of bargaining that has been exacerbated by ongoing integration issues and change within the ABF. One key example is the commentary by staff supporting ABF functions, particularly in Compliance areas where the Department consistently moves a group into the ABF one week only to transit them back out a few weeks later. Staff refer to this as the ABF “Hokey Pokey”. There are constant changes to staffing levels in areas of the Department already under significant pressure and again this can be borne out by the EL redundancy EOI process. Many of these affected staff are veterans of their workgroups and possess significant information holdings that are vital to good decision making. While great effort has been expended to push these people out the door there has been little to no effort to harvest this important information before they leave.

What CPSU members are seeking

What members want is simple; an enterprise agreement that has the same pay, pay rises, hours, conditions and workplaces right for members doing the same level work in the same location, and that does not send members backwards on pay, conditions, allowances, or workplace rights.

Thank you for your consideration of these matters.



2015 APS Employee Census

Agency Benchmark Report: DIBP

This report

This report presents key results from the 2015 APS Employee Census. It summarises employee views from your agency in comparison with similar APS agencies (in terms of function), the overall APS average and 2014 data. This will help to put your agency's results into perspective.

Results

Most results are presented as whole numbers for ease of reading. The procedure for rounding is explained in the appendix. Rounding means that some results may not total 100%.

Benchmark data

To allow comparisons between similar organisations, agencies were categorised based on the size of their workforces and their primary function. The clusters are:

- Policy: organisations involved in the development of public policy
- Smaller operational: organisations with less than 1,000 employees involved in the implementation of public policy
- Larger operational: organisations with 1,000 employees or more involved in the implementation of public policy
- Regulatory: organisations involved in regulation and inspection
- Specialist: organisations providing specialist support to Government, businesses and the public.

Agencies are categorised based on the information provided in the 2010–11 State of the Service agency survey and updated in 2014. Functional clusters will be reviewed and improved over time to ensure they identify the most appropriate benchmarking measures available for agencies. Please refer the cluster table in the appendix which shows the agencies that contribute to each cluster.

Anonymity

It is the Commission's practice not to allow the breakdown of groups to the extent where the anonymity of individuals may be compromised. Results for groups with less than 10 respondents will not receive an individual report. However, their data will still contribute to the scores for their group and the organisation overall. Within this report, results for individual questions with less than 10 respondents will be replaced with a '-'.

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RESPONSES

7,983

of 14,002

RESPONSE RATE

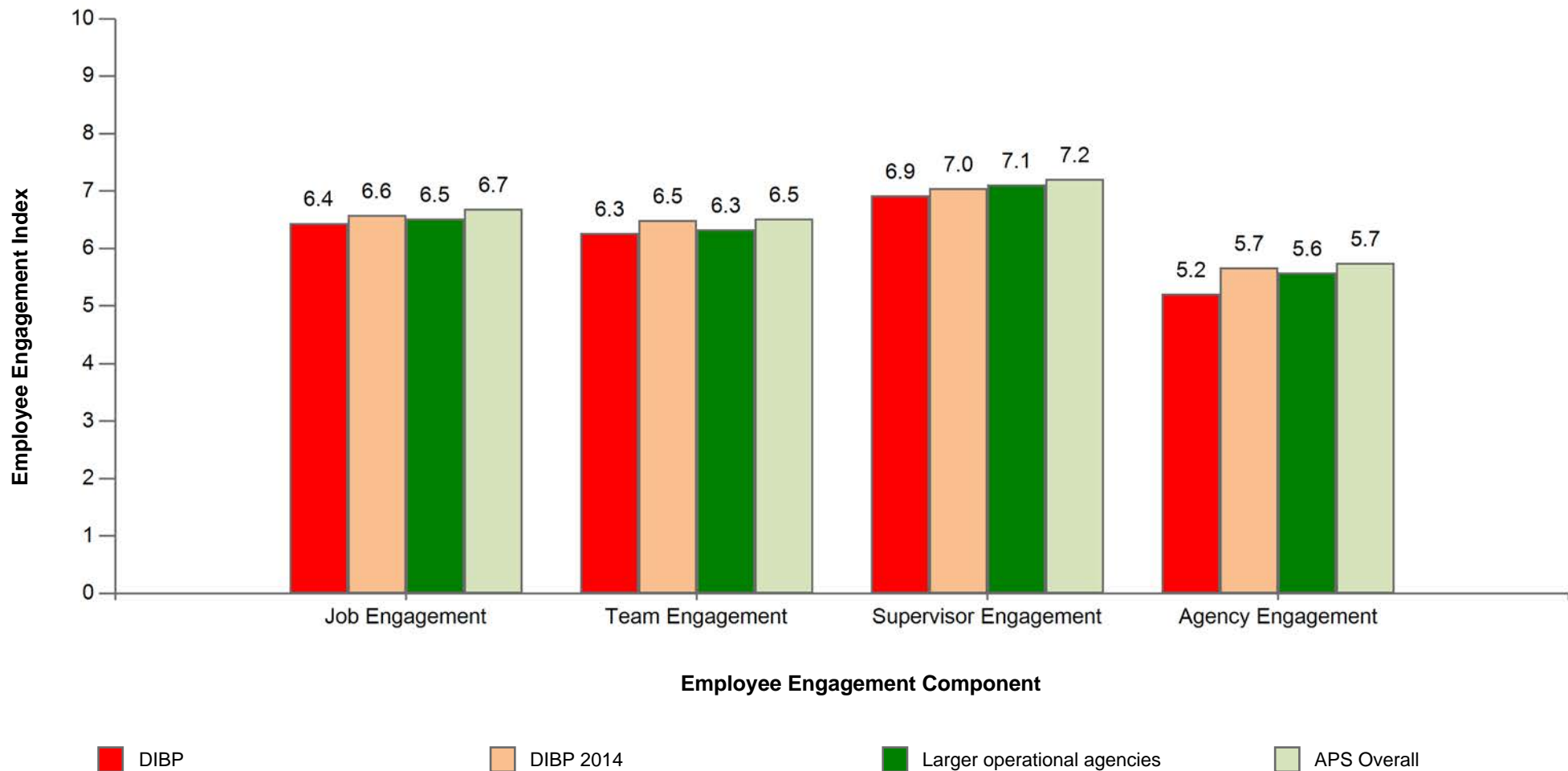
57%

Engagement

The APS Employee Engagement Model allows APS managers and HR practitioners to gain a sophisticated understanding of the nature of engagement in their organisation and benchmark this element of their workforce against APS performance.

The model consists of the four aspects below. The scores are calculated by transforming the questions within each aspect onto a 0-10 scale from a 5 point scale (where a score of 1 equals Strongly disagree and a score of 5 equals Strongly agree).

Elements of Engagement



Engagement (cont.)

Shown below are the individual items that make up each element of the APS Employee Engagement Model. These are the drivers of engagement and they define the engagement relationship.

Drivers of Engagement

Job Engagement

	Strongly agree / Agree	Neither agree nor disagree	Strongly disagree / Disagree	2015 (% Strongly agree / Agree)
B17b My job gives me opportunities to utilise my skills	70	14	16	70
B17c My job gives me a feeling of personal accomplishment	62	19	18	62

Team Engagement

B17d I am satisfied with the recognition I receive for doing a good job	48	24	27	48
C18b The people in my workgroup are honest, open and transparent in their dealings	74	15	11	74

Supervisor Engagement

D20a I have a good immediate supervisor	76	13	11	76
I35c My immediate supervisor encourages me (Always or Often / Sometimes / Rarely or Never)	60	25	15	60

Agency Engagement

E21c In my agency, communication between senior leaders and other employees is effective	29	30	40	29
F22b When someone praises the accomplishments of my agency, it feels like a personal compliment to me	49	30	21	49
F22j In general, employees in my agency feel they are valued for their contribution	34	32	35	34
F22k My workplace provides access to effective learning and development (e.g. formal training, learning on the job, e-learning, secondments)	53	25	22	53

Differences are green if they are at least 5% points better than the comparator

Differences are red if they are at least 5% points worse than the comparator

Percentage point difference from:

	2014	Larger operational agencies	APS Overall
B17b	0	0	-3
B17c	-2	-1	-4
B17d	-5	-2	-6
C18b	-1	+1	-1
D20a	0	-3	-3
I35c	-2	-3	-5
E21c	-12	-9	-12
F22b	-3	0	-1
F22j	-8	-8	-12
F22k	-7	-6	-9

Healthy Workplaces

We can characterise workplaces by comparing the demands placed on employees:

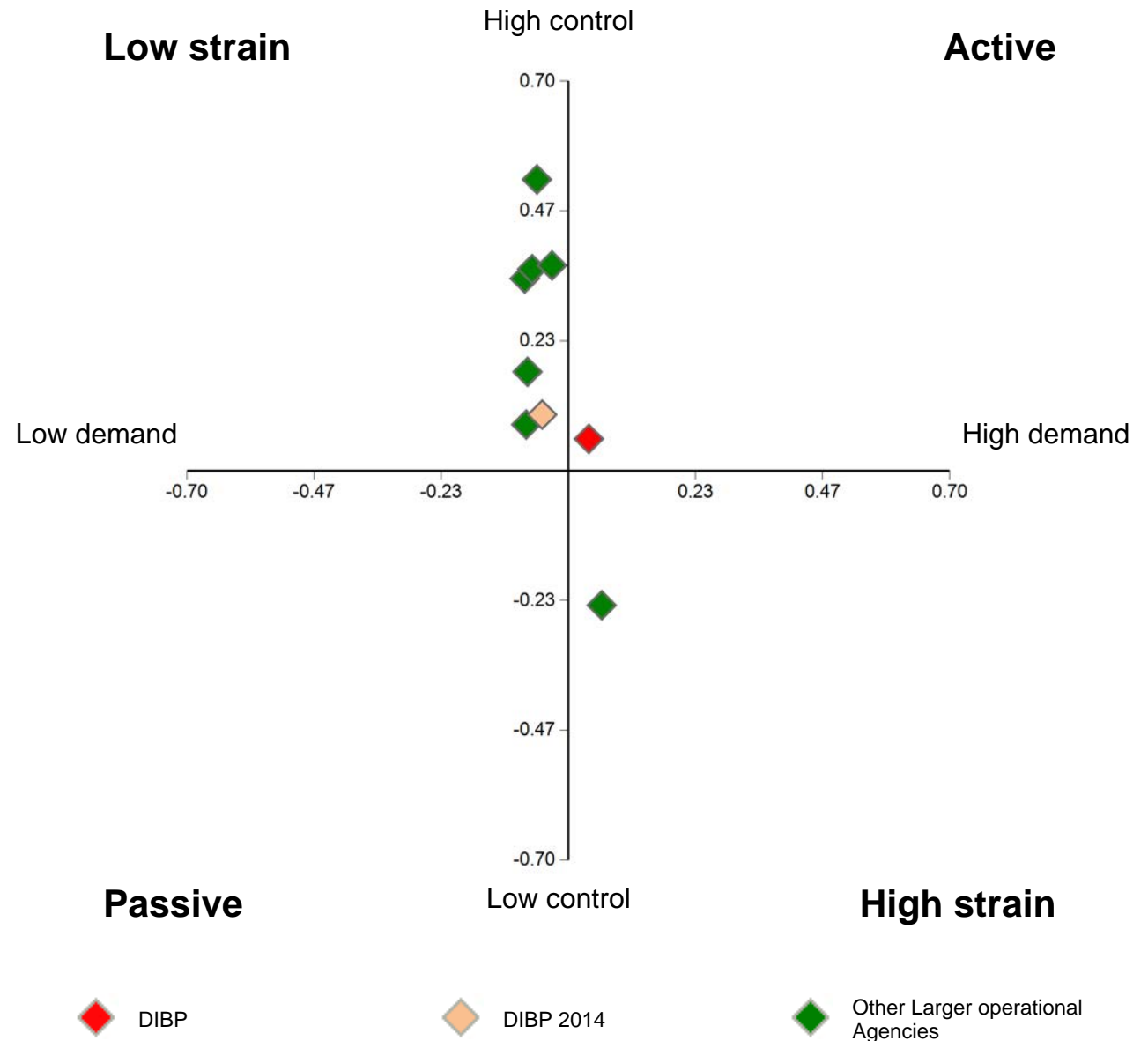
- I have unrealistic time pressures

Against the control that employees have:

- I have a choice in deciding how I do my work.

The combination of the two is linked to health outcomes in employees.

- An active workplace is characterised by high demands and high levels of control; this results in positive health outcomes for employees.
- A passive workplace has low demand and control and while the health risks are lower, employees may be unmotivated.
- A low strain job is characterised by high control and low demands; the health risks are low.
- High demands and low control are characteristic of a high strain workplace. There is an elevated risk of ill health among employees in these workplaces.



Healthy Workplaces (cont.)

Healthy workplaces

		Always / Often	Sometimes	Rarely / Never	2015 (% Always / Often)	Percentage point difference from:		
						2014	Larger operational agencies	APS Overall
I35b	I have a choice in deciding how I do my work	54	29	18	54	-6	+1	-4
I35c	My immediate supervisor encourages me	60	25	15	60	-2	-3	-5
I35d	I receive the respect I deserve from my colleagues at work	71	22	7	71	-2	-1	-2
I35f	I am clear what my duties and responsibilities are	77	16	7	77	-4	-3	-3
I35g	Staff are consulted about change at work	38	36	26	38	-9	-6	-8

		Rarely / Never	Sometimes	Always / Often	2015 (% Rarely / Never)	2014	Larger operational agencies	APS Overall
<i>These items are negatively worded and, as such, 'Always' or 'Often' responses are negative in nature, while 'Rarely' or 'Never' responses are positive</i>								
I35a	I have unrealistic time pressures	29	43	27	29	-3	-2	-2
I35e	Relationships at work are strained	49	37	15	49	-2	-4	-4

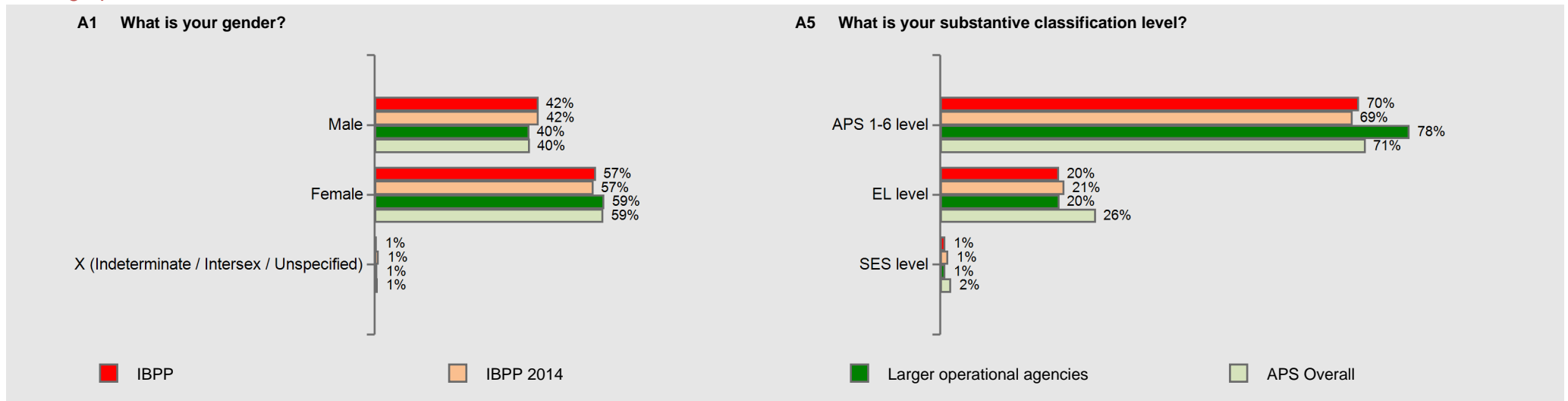
Differences are green if they are at least 5% points better than the comparator

Differences are red if they are at least 5% points worse than the comparator

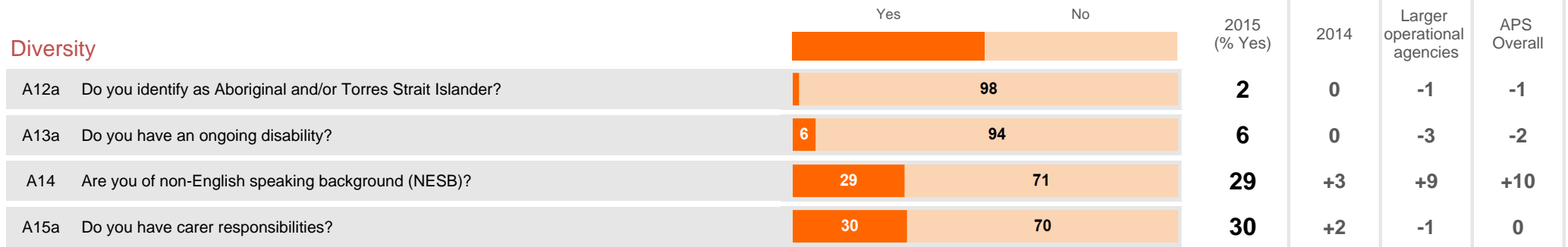
Percentage point difference from:

Workforce trends

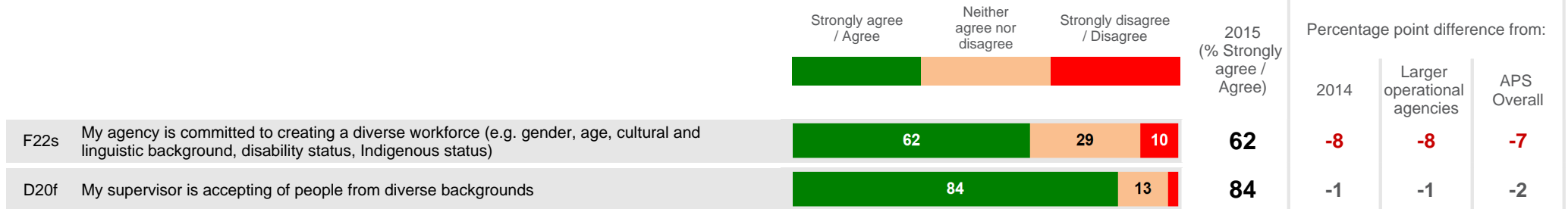
Demographics



Diversity



Differences are green if they are at least 5% points better than the comparator
Differences are red if they are at least 5% points worse than the comparator



Leadership

Differences are green if they are at least 5% points better than the comparator

Differences are red if they are at least 5% points worse than the comparator

Percentage point difference from:

Senior leadership

	Strongly agree / Agree	Neither agree nor disagree	Strongly disagree / Disagree	2015 (% Strongly agree / Agree)	2014	Larger operational agencies	APS Overall
E21a In my agency, the senior leadership is of a high quality	36	34	30	36	-14	-11	-17
E21b In my agency, the most senior leaders are sufficiently visible (e.g. can be seen in action)	34	26	40	34	-12	-10	-16
E21c In my agency, communication between senior leaders and other employees is effective	29	30	40	29	-12	-9	-12
E21e In my agency, senior leaders give their time to identify and develop talented people	19	37	44	19	-8	-9	-11

Immediate supervisor

Please indicate your level of satisfaction with your immediate supervisor's actions in the following areas:

	Very satisfied / Satisfied	Neither satisfied nor dissatisfied	Very Dissatisfied / Dissatisfied	2015 (% Very satisfied / Satisfied)			
M58a Achieves results	70	19	11	70	-3	-3	-5
M58b Cultivates productive working relationships	68	19	14	68	-1	-2	-4
M58c Exemplifies personal drive and integrity	70	19	12	70	-2	-2	-4
M58d Shapes strategic thinking	64	23	14	64	-3	-3	-5
M58e Communicates with influence	65	19	15	65	-2	-3	-5
M58f Sets direction	64	23	13	64	-3	-5	-5
M58g Motivates people	59	24	18	59	-2	-4	-5
M58h Encourages innovation	57	27	16	57	-4	-5	-6
M58i Develops people	58	24	18	58	-3	-5	-6
M58j Is open to continued self-learning	63	25	11	63	-2	-4	-6

Workplace Culture

Differences are green if they are at least 5% points better than the comparator

Differences are red if they are at least 5% points worse than the comparator

Percentage point difference from:

APS Values and Code of Conduct

		Always / Often	Sometimes	Rarely / Never	2015 (% Always / Often)	2014	Larger operational agencies	APS Overall
P68c	Do senior leaders (i.e. the SES) in your agency act in accordance with the APS Values?	57	16	6	57	-14	-8	-12
P68b	Does your supervisor act in accordance with the APS Values in his or her everyday work?	88	7		88	-1	-1	-1
P68a	Do colleagues in your immediate workgroup act in accordance with the APS Values in their everyday work?	88	9		88	-2	0	-1

These items are negatively worded and, as such, 'Yes' responses are negative in nature, while 'No' responses are positive

		No	Yes	Not Sure	2015 (% No)			
P69	During the last 12 months, have you been subjected to harassment or bullying in your workplace?	74	19	6	74	-1	-1	-2
P71	During the last 12 months, did you witness someone else being subjected to harassment or bullying in your workplace?	64	25	11	64	-4	-2	-3

		Yes	No	2015 (% Yes)			
P70	Did you report the bullying or harassment? (subjected to)	38	62	38	+1	-1	-1
P72	Did you report the bullying or harassment? (witnessed)	49	51	49	+7	+2	+3

Workplace Culture (cont.)

Accountability

		Strongly agree / Agree	Neither agree nor disagree	Strongly disagree / Disagree	2015 (% Strongly agree / Agree)	Percentage point difference from:		
						2014	Larger operational agencies	APS Overall
P67a	When I identify a problem I take responsibility for it, including bringing it to the appropriate person's attention	96			96	-	+2	+1
P67b	When people in my immediate workgroup identify a problem they take responsibility for it	65	26	9	65	-	+1	-1
P67c	When my immediate supervisor identifies a problem he or she takes responsibility for it	74	18	8	74	-	0	-2
P67d	When senior leaders in my agency identify a problem they take responsibility for it	40	38	22	40	-	-5	-8
P67e	People in my agency are encouraged to speak up when they identify a serious policy or delivery risk	55	25	20	55	-	-7	-8
P67f	In my agency, people are expected to admit mistakes and learn from them	56	27	16	56	-	-2	-2

Differences are green if they are at least 5% points **better** than the comparator

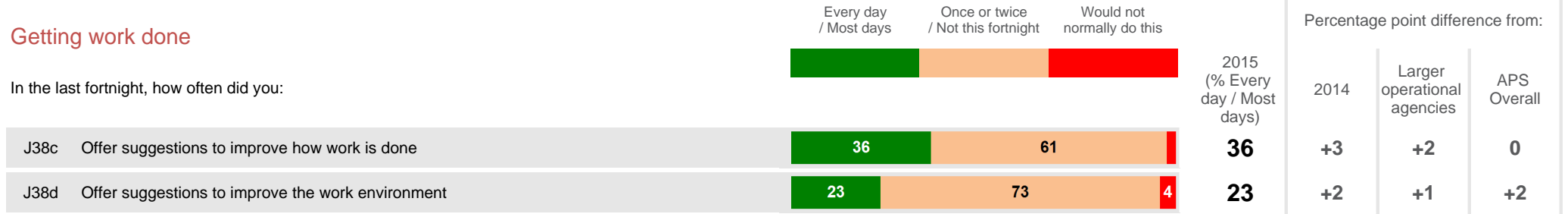
Differences are red if they are at least 5% points **worse** than the comparator

Percentage point difference from:

Capability and capacity

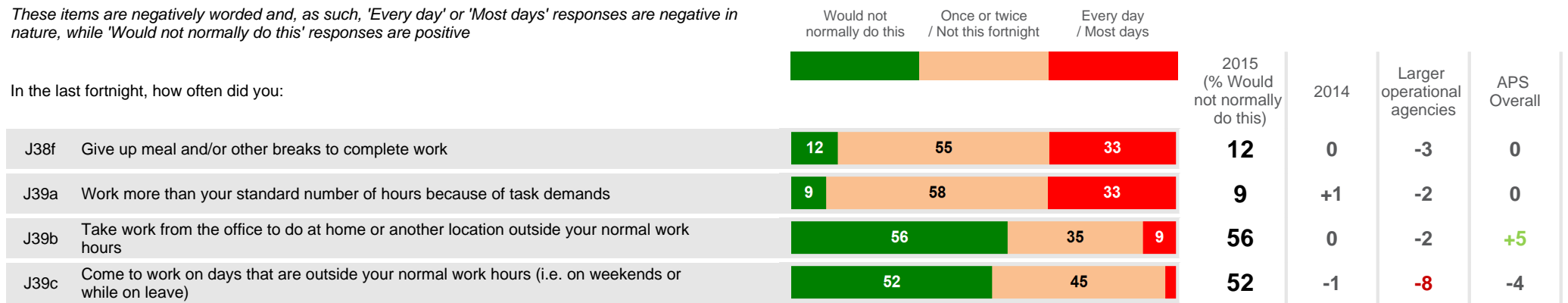
Getting work done

In the last fortnight, how often did you:



These items are negatively worded and, as such, 'Every day' or 'Most days' responses are negative in nature, while 'Would not normally do this' responses are positive

In the last fortnight, how often did you:

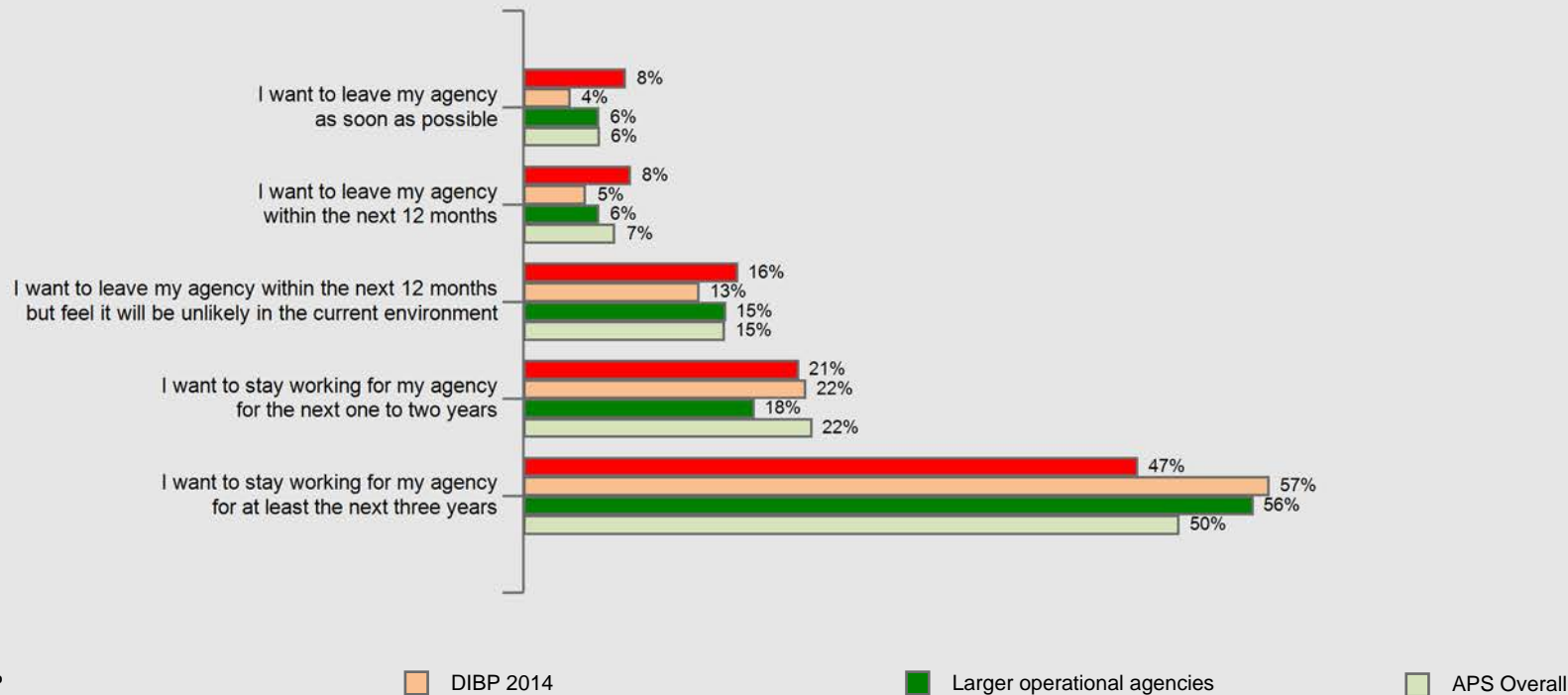


Capability and capacity (cont.)

Career Intentions

		Yes	No	2015 (% Yes)	Percentage point difference from:		
					2014	Larger operational agencies	APS Overall
K45	In the last 12 months, have you applied for a job?	49	51	49	+4	+7	+5

K46 Which of the following statements best reflects your current thoughts about working for your agency?



Workplace Conditions

Differences are green if they are at least 5% points better than the comparator

Differences are red if they are at least 5% points worse than the comparator

Percentage point difference from:

Your job

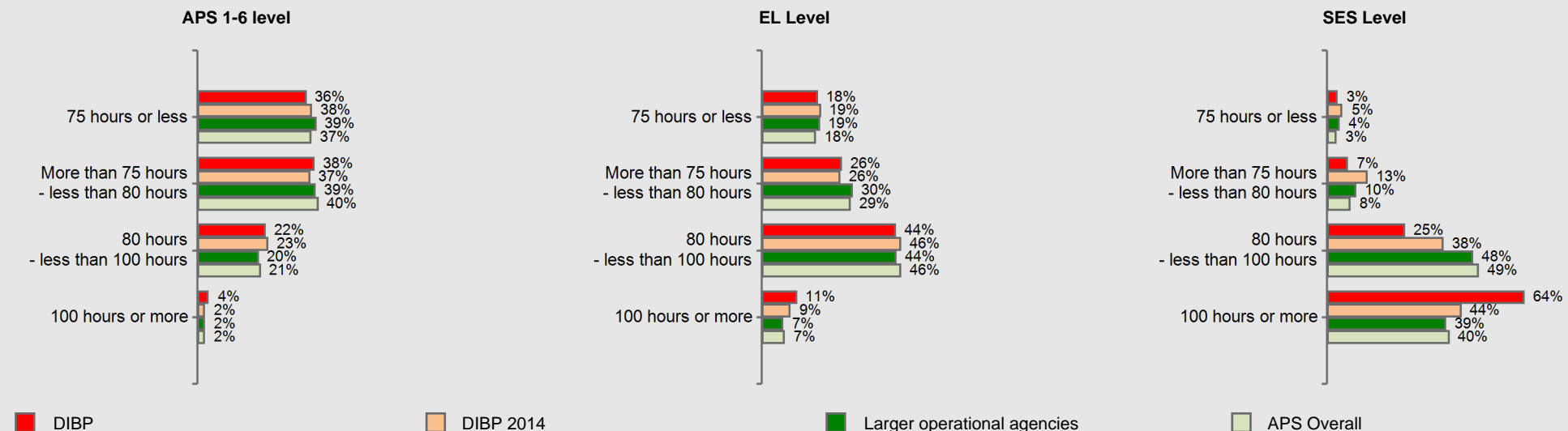
		Strongly agree / Agree	Neither agree nor disagree	Strongly disagree / Disagree	2015 (% Strongly agree / Agree)	2014	Larger operational agencies	APS Overall
B17e	I am fairly remunerated (e.g. salary, superannuation) for the work that I do	49	22	29	49	-10	-8	-10
B17f	I am satisfied with my non-monetary employment conditions (e.g. leave, flexible work arrangements, other benefits)	70	16	14	70	-7	-3	-5
F22n	I am satisfied with the opportunities for career progression in my agency	27	25	47	27	-5	-2	-3

Work-life balance

		Very satisfied / Satisfied	Neither satisfied nor dissatisfied	Very Dissatisfied / Dissatisfied	2015 (% Very satisfied / Satisfied)	2014	Larger operational agencies	APS Overall
I32	Considering your work and life priorities, how satisfied are you with the work-life balance in your current job?	66	18	16	66	-7	-5	-6
I33	Overall, how satisfied are you with your ability to access and use flexible working arrangements?	66	19	15	66	-5	-6	-7

Hours worked

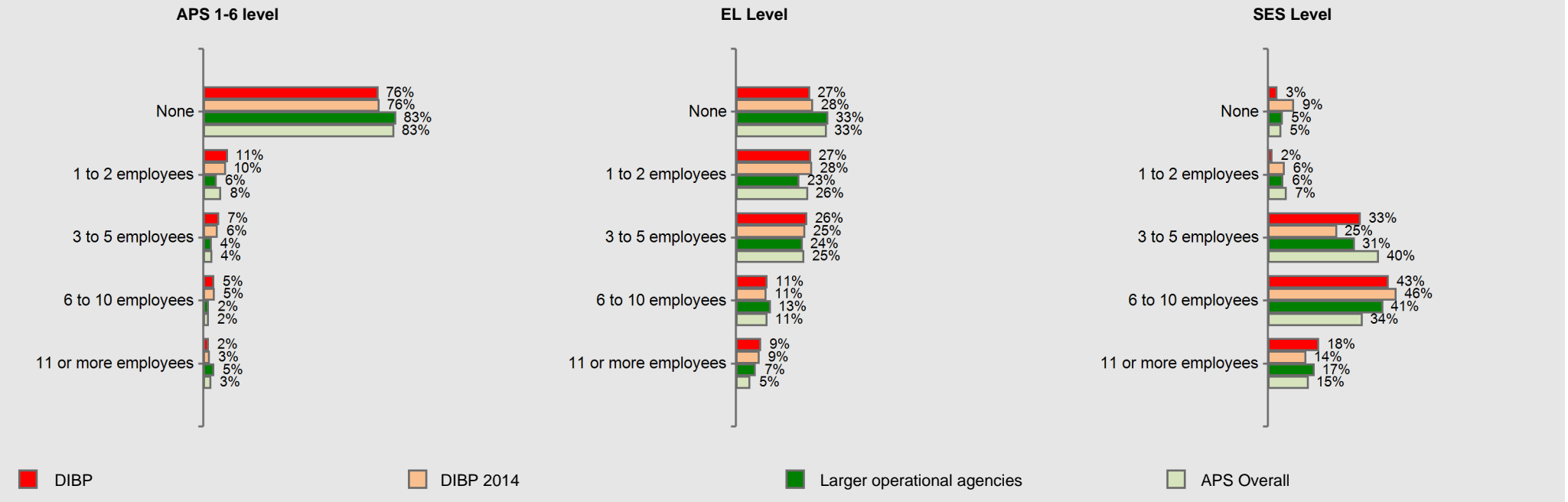
I31 In the last fortnight, how many hours did you work in your current job?



Workplace Design

Span of control

L54 How many employees do you have direct performance management for?



Responsibility

		Appropriate for my classification level	Above my classification level	Below my classification level	2015 (%) Appropriate for my classification level)	2014	Larger operational agencies	APS Overall
J43	In my opinion, the work I am given is:	71	21	7	71	-4	-4	-3
J44	In my opinion, the decision-making authority I have is:	72	14	13	72	-4	-2	-1

Differences are green if they are at least 5% points better than the comparator

Differences are red if they are at least 5% points worse than the comparator

Percentage point difference from:

Appendix

Rounding

Results are presented as whole numbers for ease of reading, with rounding performed at the last stage of calculation for maximum accuracy. Values from x.00 to x.49 are rounded down and values from x.50 to x.99 are rounded up. Therefore in some instances, results may not total 100%.

	Strongly agree	Agree	Neither	Disagree	Strongly disagree	Total
Number of responses	151	166	176	96	24	613
Percentage	24.63%	27.08%	28.71%	15.66%	3.92%	100.00%
Rounded percentage	25%	27%	29%	16%	4%	101%
Number of positive responses	$151 + 166 = 317$					
% Positive	$317 \div 613 = 52\%$					

APS Engagement Model

Appendix 3 of the 2010-11 State of the Service Report provides a overview of the conceptual and technical development of the APS Employee Engagement Model. This is available at: <http://www.apsc.gov.au/about-the-apsc/parliamentary/state-of-the-service/state-of-the-service-2010/appendices/appendix-3-the-development-of-the-aps-employee-engagement-model>.

Appendix

Agency Cluster Table

Larger operational	Smaller operational	Policy	Regulatory	Specialist		
Australian Taxation Office	Aboriginal Hostels Limited	Attorney General's Department	Australian Aged Care Quality Agency	Australian Bureau of Statistics	Climate Change Authority	National Mental Health Commission
Bureau of Meteorology	Administrative Appeals Tribunal	Asbestos Safety and Eradication Agency	Australian Charities and Not-for-profits Commission	Australian Centre for International Agricultural Research	Commonwealth Grants Commission	National Museum of Australia
Department of Agriculture	Australian Crime Commission	Australian Public Service Commission	Australian Communications and Media Authority	Australian Commission for Law Enforcement Integrity	CrimTrac	National Portrait Gallery of Australia
Department of Defence	Australian Electoral Commission	Department of Communications	Australian Competition and Consumer Commission	Australian Commission on Safety and Quality in Health Care	Department of Parliamentary Services	Office of National Assessments
Department of Human Services	Australian Financial Security Authority	Department of Education	Australian Fisheries Management Authority	Australian Human Rights Commission	Future Fund Management Agency	Office of Parliamentary Counsel
Department of Veterans' Affairs	Australian Transport Safety Bureau	Department of Employment	Australian Pesticides and Veterinary Medicines Authority	Australian Institute of Aboriginal and Torres Strait Islander Studies	Geoscience Australia	Office of the Commonwealth Ombudsman
Immigration and Border Protection Portfolio (DIBP)	Comcare	Department of the Environment	Australian Securities and Investments Commission	Australian Institute of Criminology	Great Barrier Reef Marine Park Authority	Office of the Inspector-General of Intelligence and Security
IP Australia	ComSuper	Department of Finance	Australian Skills Quality Authority	Australian Institute of Family Studies	Independent Hospital Pricing Authority	Office of the Inspector-General of Taxation
	Defence Housing Australia	Department of Foreign Affairs and Trade	Australian Sports Anti-Doping Authority	Australian Institute of Health and Welfare	Museum of Australian Democracy at Old Parliament House	Organ and Tissue Authority
	Fair Work Commission	Department of Health	Australian Transaction Reports and Analysis Centre	Australian Law Reform Commission	National Archives of Australia	Private Health Insurance Ombudsman
	Family Court and Federal Circuit Court	Department of Industry	Clean Energy Regulator	Australian National Audit Office	National Blood Authority	Productivity Commission
	Federal Court of Australia	Department of Infrastructure and Regional Development	Food Standards Australia New Zealand	Australian National Maritime Museum	National Capital Authority	Professional Services Review
	Migration Review Tribunal and Refugee Review Tribunal	Department of Social Services	National Offshore Petroleum Safety and Environmental Management Authority	Australian Office of Financial Management	National Competition Council	Royal Australian Mint
	National Disability Insurance Agency	Department of the Prime Minister and Cabinet	Office of the Australian Information Commissioner	Australian Radiation Protection and Nuclear Safety Agency	National Film and Sound Archive of Australia	Screen Australia
	Office of the Commonwealth Director of Public Prosecutions	Department of the Treasury	Office of the Fair Work Building Industry Inspectorate	Australian Research Council	National Health and Medical Research Council	Telecommunications Universal Service Management Agency
	Social Security Appeals Tribunal	Murray-Darling Basin Authority	Office of the Fair Work Ombudsman	Australian Trade Commission	National Health Funding Body	Torres Strait Regional Authority
		Safe Work Australia	Tertiary Education Quality and Standards Agency	Australian War Memorial	National Health Performance Authority	Workplace Gender Equality Agency
				Cancer Australia	National Library of Australia	



Australian Government

Department of Immigration
and Border Protection

One Department

Pulse check findings summary

In January and February 2016, a pulse check was undertaken by Nous Group to track the Department's integration and reform progress. The pulse check included the *One Department* progress survey and Barret Cultural Values Assessment (CVA), which were conducted online, and ten face-to-face focus groups with 177 staff across Australia.

The objectives of the pulse check were to:

- measure cultural values, behavioural indicators, agency engagement and change readiness
- seek feedback on integration progress
- understand where to focus effort to deliver the Department's vision, mission and strategic objectives.

The results of the pulse check have been compared to April 2015 *Building One Organisation* survey, the 2014 Barrett CVA for the former DIBP and the 2013 Barrett CVA for the former ACBPS.

Overview of findings

The report acknowledged that the Department faces a challenging strategic context: it is a significant and long-term task to build a high performing organisation in a challenging policy and operating environment. Significant organisational, structural and individual leadership change further compound this strategic context—all of which are ongoing. It was noted that this context should be considered when evaluating the pulse check responses and in formulating the appropriate actions to address the issues raised.

Overall the pulse check highlighted three main findings:

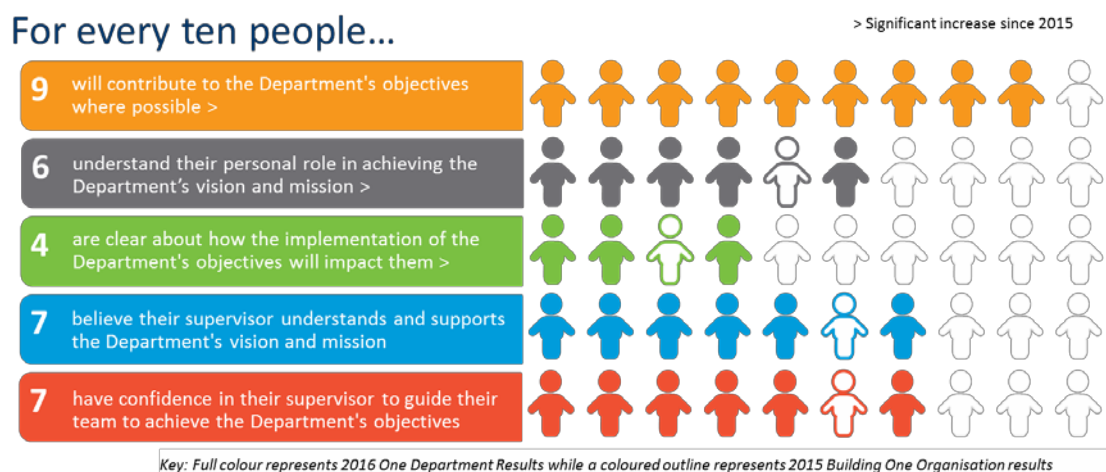
1. There are some emerging examples of good and improved performance.
2. The Department's culture is problematic.
3. Collaboration, role clarity, development, resourcing, pay parity and communication are key areas for focus.

These are outlined in further detail in this report.

1. There are some emerging examples of good and improved performance

The workforce describe some elements as working well, or better than they have in the past, which help the Department to deliver its vision, mission and strategic objectives. The elements—staff dedication, a clearer understanding of the Department's strategic direction, improved feedback and reporting mechanisms, supportive and transparent leadership, and improved internal/external collaboration—are discussed in turn below.

Figure 1: Statistically significant improvements and upward trends



Staff dedication and willingness to contribute is high

Many survey respondents and focus groups participants praised the dedication and commitment of the Department's staff who 'get on with the job' to achieve results and demonstrate resilience, particularly given the scale and pace of change. Nine in ten staff, which is a significant improvement, report that they will personally contribute to the Department's objectives where possible. Staff describe this dedication as an invaluable asset that needs to be leveraged through sufficient staff recognition and reward.

Staff are more likely to understand the strategic direction and their personal contribution to the vision and mission

Clear and consistent messages about the vision and mission, accompanied by the development of key strategic documents including *Strategy 2020*, have provided some staff with a sense of a common purpose and a clearer understanding of their role contribution. Six in ten staff are clear about their personal role in achieving the Department's vision and mission, a significant increase from 2015. While only four in ten staff are clear about how the implementation of the Department's objectives will impact them, this is a significant improvement since April 2015.

The feedback and reporting mechanisms have improved for some staff

Some staff describe more opportunities to provide input and ensure their ideas and concerns are heard and considered. Examples include information sessions and surveys. Staff also welcomed increased transparency of reporting, such as the release of staff survey results. It should be noted however, that only three in ten staff feel they have had a sufficient opportunity to provide input and/or feedback about how the Department will achieve its vision and mission, which is significantly lower than in April 2015.

Some staff experience improved internal and external collaboration

A small proportion of staff report that internal collaboration has improved, with teams working together to achieve common goals. Staff describe the benefit of blended teams that leverage diverse experiences and skills, and suggest the clarified vision and mission assists teams to come together. Some staff also comment on greater collaboration with external partners.

2. The Department's current culture requires transformation

It is evident from the pulse check that staff across the Department experience critical levels of cultural entropy (the amount of energy consumed in unproductive work and a measure of conflict, friction and frustrations that exist in the organisation) and are less likely than in the previous year to see their team and others they work with living the Department's behaviours.

The Barrett Cultural Values Assessment (CVA) reveals that the current culture has a high number of potentially limiting values (see Figure 2 below).

Figure 2: Current cultural values



Source: Barrett Cultural Values Assessment 2016, DIBP

These values were raised by staff in the qualitative feedback and were explored further in focus groups. The following summaries outline the personal experiences staff have had of these values:

Positive values

Mission focus: Staff experience of mission focus was linked to greater clarity of mission and the emergence of a common goal that has united the two previous organisations. Staff commented that the standing up of the ABF has also energised the Department towards a common mission – the protection of the Australian border. However, one in five staff indicate they do not view 'mission focus' as a positive value, rather as 'narrow' and 'militaristic', without an emphasis on people.

Brand image: Staff suggest the new uniforms provide a positive and professional image. However, one in five staff do not see 'brand image' as a positive value, rather as 'paramilitary' and 'exclusionary' to non-uniformed staff.

Limiting values

Bureaucracy and hierarchy: Staff experience of bureaucracy and hierarchy was linked to excessive red tape across the Department, with too many escalation and approval processes. One third of staff also comment that processes are not streamlined and there is a lack of clear communication on decision-making responsibilities.

Confusion: Staff suggest that the confusion they experience is a symptom of the fast pace of change, further compounded by mixed messages and unclear roles and responsibilities.

Silo mentality: Staff suggest that silo mentality is reinforced through the lack of system integration and structural changes since integration that had broken up previously functioning teams.

Control: Staff refer to the 'command and control' culture within the Department, explaining that they are not consulted rather told what to do. Staff suggest that this control can result in inefficiencies, with too many people involved in decisions. Other staff refer to their experience of control as a shift to enforcement and a move away from a people and humanitarian focus.

Cost reduction: Staff experience this in three key ways: a need to establish a fair and equitable Enterprise Agreement; concern over resourcing shortfalls which has placed additional strain on existing staff; and, a current lack of adequate investment in training.

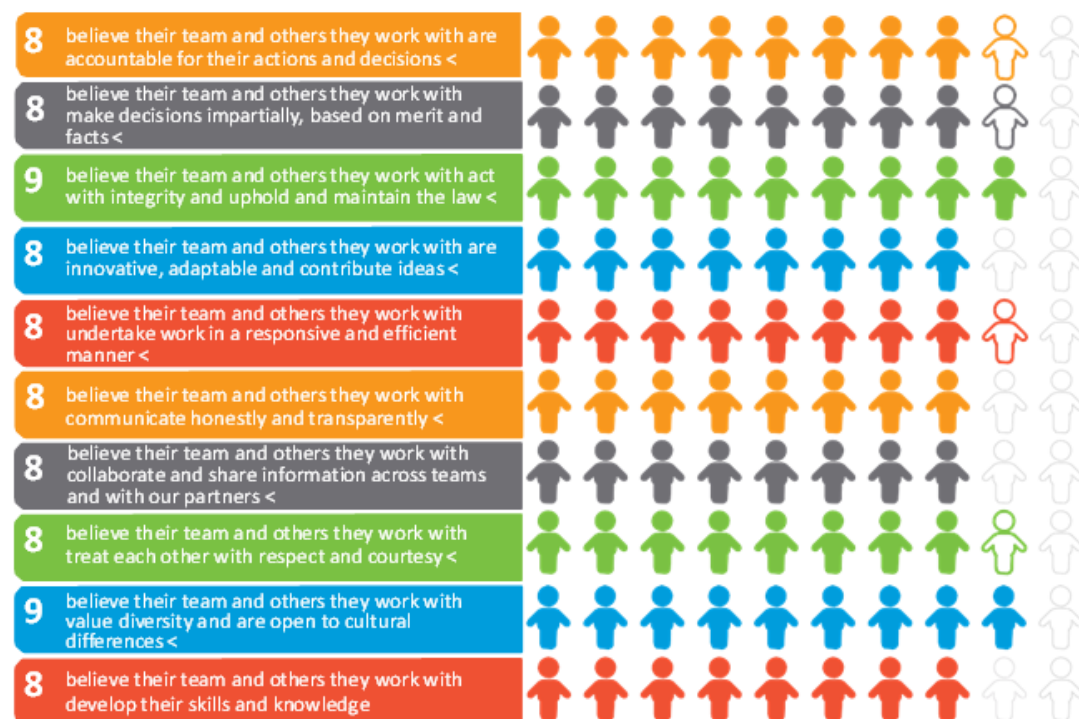
Empire building: Staff note the tendency of some groups to focus on their own goals at the expense of others, impacting on resource and information sharing and the ability to release staff. Some staff also suggest that parts of the Department operate in a 'military style regime'.

Blame: Staff explain that when mistakes are made leaders look for someone to blame and this is role-modelled by senior leaders. Some participants also suggest that blame is placed as staff and leaders are unclear who is responsible. Staff further suggest that this has led to a culture of avoidance, as staff worry about getting it wrong.

Behaviours

Across each of the Department's behaviours, eight/nine in ten staff believe that their team and others they work with 'live' the behaviours. While this might look reasonable, it should be noted that these results have significantly decreased. This indicates that the behaviours are not as consistently 'lived' as they were in April 2015.

Figure 3: Extent to which the Department's behaviours are lived



3. Collaboration, role clarity, development, resourcing, pay parity and communication are key areas of focus

In addition to workplace culture, staff identified a number of areas which the Department should focus on to achieve its vision, mission and strategic objectives. The areas, which staff most frequently identified, are described in turn below.

Figure 4: Key results from the *One Department Progress Survey*



Build a collaborative integrated workplace to break down silos

The workforce clearly and consistently highlight that collaboration requires focus if the Department is to deliver on its vision and mission. This includes collaborative relationships between divisions, a focus on respectful and supportive working relationships across all levels, as well as prioritising the integration of systems and processes that facilitate information sharing and enable team collaboration.

When commenting on departmental silos, staff noted that the extent of integration at the operational level varies and for some teams they have experienced minimal meaningful effort to integrate. Staff also voiced concern over the emerging divide between the ABF and the rest of the

Department, which they felt had been reinforced through the leadership and media focus on the ABF above broader departmental goals and achievements.

Staff also commented on the need to build unified and capable leadership teams across all levels to help promote a collaborative workplace. This includes developing manager and senior leaders change management and people skills to better integrate teams and provide support to staff.

Translate the vision and mission to team and individual roles and responsibilities

While some staff describe clear and consistent messages regarding the Department's direction, they would like greater clarity around the relationship between their day to day activities and the Department's vision and mission. Staff also remain unclear of the objectives, priorities and plans are both at a high level and in relation to their day-to-day work at the operational level.

Staff seek a clearer understanding of, and rationale for, organisational structure and functional groupings, branch and team priorities and roles and responsibilities of individual staff. Greater transparency about the rationale and outcomes of decisions will help to build mutual trust as well as aid staff understanding of the Department's direction.

Increase training and development opportunities and recognise staff contribution

Staff view the dedication and resilience of staff as the Department's greatest asset. However, many staff do not feel that their hard work is recognised, or that they are rewarded with career opportunities. In focus groups, staff raised their concern over not feeling valued, recognised and supported, which contributed to demotivation. Moreover, staff raised concern that reward and recognition systems are inconsistent and inconsistently applied across the Department.

Address staff shortages and pay disparities

Staff request streamlined recruitment processes to address resourcing shortfalls and reduce existing pressures and demands on staff and describe feeling overwhelmed with work due to increased workloads and/ or resource pressures.

In addition, some staff also cite unequal pay conditions as a key area of frustration and a contributor of low employee morale. Many staff advocate for a fair enterprise agreement that treats staff at the same level equally in terms of salary and conditions to help reduce the 'us and them' mentality and support staff feeling valued for their contribution.

Focus on communication and engagement with staff

Staff seek clarity on roles and responsibilities and for the rationale for decisions to be clearly explained. Notwithstanding feedback from some staff that there is increased clarity and consistent messages about the vision and mission, many staff still seek more detail on the Department's direction.

Staff also suggest that there is a strong link between workplace morale and staff feeling heard, noting that consultation needs to be two-way and taken seriously. Only one in ten staff believe there is open two-way communication across the Department. Staff explain that messages are not targeted and do not filter down clearly.

Key focus areas

The pulse check has highlighted the following key focus areas for the Department.

1. Refresh communications approach (increase two way engagement and support local and targeted communication) and foster information sharing

2. Hold the course with the vision and mission, though simplify the path and describe the detail of what it means for teams and individuals

3. Build unified and capable leaders to engage frontline staff

4. Persistently and consistently work toward high performance culture

Refresh communications approach and foster information sharing

A refreshed communication approach is a critical step to respond to existing departmental challenges. In particular, the Department will benefit from increased two way engagement between leaders and staff and local and targeted communications to ensure staff have greater understanding, buy-in and commitment to reform and integration efforts.

A summary of staff feedback on preferred communication and engagement methods is as follows:

- Use targeted face-to-face engagement, such as filtering information about priorities and expectations down to staff at each level.
- Provide transparent, honest and respectful communications, including telling staff both the good and bad news stories.
- Increase Executive and senior leadership engagement with regional/ frontline staff, such as SES 'floor walks' and regional visits to assist leaders understand the reality of day-to-day operational work.
- Actively listen and respond to feedback from staff, including explaining to staff why some suggestions would not or could not be considered.
- Ensure quality above quantity, for example reducing repetitive messaging and focusing on new and relevant content for selective groups of staff.
- Greater clarity of role and purpose, for example detail on how team priorities connect with the broader mission and vision.
- Use plain English, such as ensuring that messages could be easily read and interpreted by all staff, not just executives in Canberra, and reducing the overall length of messages.

Hold the course with the vision and mission, but simplify the path and describe what it means for teams and individuals

It is important to continue to build upon the momentum of integration and reform through continued reinforcement of the vision and mission and the benefits. To support engagement of staff to the vision and mission, it is imperative that there is clarity at the local level around team and individual roles and responsibilities. At the departmental level the improved understanding of

how the ABF is integrated with the Department will demonstrate a unified 'one Department' approach.

Staff require support from organisational systems and processes, not only to meet the demands of their daily workloads effectively, but also to foster integration. Priority should be given to complete the integration of IT systems and to provide more immediate solutions where this isn't possible (for example a single log-in to access multiple systems). It is recommended that the Department also streamline processes, such as recruitment processes (and prioritise security clearances) to ensure the right people come on board quickly to support existing staff with demanding and increasing workloads.

To foster greater engagement and commitment to reform efforts it would be valuable to recognise and encourage high performers through career and development opportunities, such as using development or mobility opportunities as reward and recognition for high performance.

Build unified and capable leaders

The leadership's capability to engage staff to the overarching vision and mission will be a critical success factor. Leaders need the capability to:

- manage change and people
- recognise and value effort
- respectfully and transparently communicate face-to-face with staff
- create a supportive environment where staff learn from mistakes.

Every leader should be clear on their accountabilities and have the capability to meet these accountabilities. The release of the Leadership Framework will help to communicate expectations of leaders across the Department. Alongside clear communication of what's expected, the support of leaders to develop their capability to manage people and change is essential.

The workforce clearly and consistently highlight that collaboration requires focus if the Department is to deliver on its vision and mission.

Persistently and consistently work towards a high performance culture

A continued focus and emphasis on high performance will be imperative for the success of the integrated Department. The current culture faces significant difficulties which, if not addressed, will limit the Department's ability to deliver on the vision and mission and perform as an organisation.

Given the size of the challenge it is recommended that the Department focuses intently on a few critical behaviours, for example accountability, collaboration, communication and integrity. This simplifies the message and allows leaders to work with their teams to clarify and manage role-specific expectations. The push for substantially higher level of performance from all levels must also be matched with sufficient reward and recognition, particularly for those staff who live the values and behaviours in the completion of their tasks.

Culture change and organisational reform are likely to present a major challenge for the Department for the foreseeable future unless there is dedicated focus and investment on the four long term recommendations. There is a great opportunity to utilise staff feedback from the Pulse to guide the action response and implement those recommendations which will have the greatest business impact.