

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Human Services and agencies

Supplementary Budget Estimates 2005-2006, 1 November 2005

Question: HS40

Outcome 1, Output 1

Topic: Centrelink - Industrial Issues

Hansard Page/Written Question on Notice: Written

SENATOR EVANS asked the Minister for Human Services, upon written notice:

1. Has Centrelink blocked the access of Centrelink staff to the websites of the CPSU and the ACTU? If so, why has this occurred?
2. What is the rationale for blocking access to the ACTU website?
3. Why is Centrelink limiting access for staff to both sides of the story on the progress of the bargaining for their new agreement? Why should they only be able to be given information from Centrelink management and not from the union?
4. Has Centrelink sought any legal advice as to whether it is legal to do this – particularly in NSW? What about in other states and territories?
5. What is the policy on the wearing of union lanyards in the office?
6. Does this policy differ for Customer Service areas, compared to National Office staff?
7. Can you please provide the Committee with a written copy of Centrelink's policy on this matter?
8. What action is taken against staff who wear union lanyards in the office?
9. What if employees refuse to remove the union lanyard?
10. Why is this sort of action taken?
11. Can you outline what Centrelink's policy is to reduce unplanned sick leave, and how that is progressing?
12. What are the instructions to Centrelink managers on how to deal with staff coming into work when they are sick? Doesn't this policy encourage that to happen?
13. Has Centrelink introduced 'attendance plans' that restrict the access of workers to certain roles if they have three absences of personal leave in a three month period, irrespective of their past record?
14. Is it true that in bargaining the union has offered to establish a joint review of the underlying causes of the high personal leave rates in Centrelink? Why is Centrelink refusing to work cooperatively with the union to investigate the underlying causes and find solutions to those causes?

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Answer:

I am advised by Centrelink that:

1. Centrelink has maintained the current policy regarding employees use of electronic facilities (or an equivalent predecessor) for the past five years. The policy requires that employees use Commonwealth resources in a manner that properly facilitates appropriate use of work resources. The use of facilities to make or circulate comments that promote industrial action, or that are of an offensive nature is not considered appropriate. After receiving complaints from employees suggesting the CPSU website contained offensive material personally targeting Centrelink CEO, Jeff Whalan, and promoted participation in industrial action; employee access to the CPSU website was removed. Centrelink has not removed employee access to the ACTU website.
2. Centrelink did not remove employee access to the ACTU website.
3. Centrelink has not limited employee access to both sides of the story on the progress of the bargaining of Centrelink's new agreement. CPSU delegates are still able to use Centrelink's email system to circulate information to their members, and may also post material on notice boards made available to them. However, all material must comply with Centrelink policy and cannot, among other things, promote industrial action.
4. Centrelink obtained legal advice on its ability to block employee access to the CPSU website in light of the *Workplace Surveillance Act 2005 (NSW)*. The legal advice did not address other States or Territories other than NSW.
5. Centrelink has a policy on standard of dress. The policy states that clothing with slogans, political messages and union logos, amongst other things, are not an acceptable form of clothing. Clothing includes lanyards.
6. Centrelink's standards of dress policy applies to all Centrelink employees.
7. A copy of the standards of dress policy is attached.
8. Generally, where an employee is identified wearing a CPSU lanyard they will be reminded that the item does not comply with Centrelink's policy and will be asked to remove it.
9. Where an employee refuses to comply with a request to comply with Centrelink's standards of dress policy they may be issued with a written direction. The written direction would direct the employee to comply with the policy and advise them that if they fail to comply, action under Centrelink's procedures for determining breaches of the APS Code of Conduct may be taken.
10. Centrelink's standards of dress policy is aimed at promoting a professional image to our customers and the general public.
11. Centrelink's policy on personal leave supports the entitlements contained in its certified agreement. The policy for reducing unscheduled absences involves giving it a clear management focus, visibility at the local level, supervisors taking responsibility to talk to employees about these issues, placing more emphasis on healthy lifestyles and employees being clear about the impact of unplanned leave on their colleagues and the productivity of the organisation. Centrelink's latest figures demonstrate an improvement over the same period last year, which shows that the strategies are working. For the financial year to the end of November 2005, Centrelink staff took an average of 6.32 days unscheduled absence per full

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time equivalent employee (FTE). For the same financial year period to November 2004 (last year), the result was 7.14 days per FTE. There has been an increase in workforce availability of 19,116.25 days when compared to the same five month period in 2003-04.

12. If an employee comes to work while they are sick we would regard them as unfit for duty and ask them to go home.
13. No.
14. The issue of what the union offered in bargaining discussions would be better clarified with the union. Centrelink works with all employees and managers to address the underlying causes of unscheduled absences, our latest figures demonstrate an improvement over the same periods as last year, which shows the strategies are working.

Working for Centrelink

Standards of Dress

Quick Guide

The professionalism of an organisation can be judged by the standard of dress of the employees who work in it. As Centrelink offices move to an extended open plan configuration, proper presentation becomes an essential part of maintaining a professional image.

Respect shown to an employee and an employee's personal reputation may be enhanced by their standard of dress. A commitment from employees to support the corporate wardrobe or an equivalent standard of dress will improve Centrelink's reputation and the degree of public confidence in Centrelink's effectiveness.

The Centrelink expectations statement states that where employees do not choose to wear the corporate wardrobe, they must wear clothing of an equivalent standard.

Detailed Information

This section contains the following information:

- Corporate wear
- Unacceptable items of clothing
- Obligations and responsibilities
- Resolving disagreements and managing non-compliance situations
- Delegations
- Legislation and other references

Corporate wear

Centrelink corporate wear

Check out the Centrelink Corporate Wardrobe home page.

Unacceptable Items of Clothing

Overview

Whilst these guidelines provide some guidance on what is or is not an equivalent standard of dress to the corporate wardrobe, they are in no way an exhaustive list. Obviously, it is not possible to cover all types of clothing. Team leaders/managers will need to exercise a degree of discretion in determining whether particular items of clothing satisfy the requirements of the standard of dress policy.

Unacceptable items of clothing

The following items of clothing and accessories which include, but are not limited to, footwear, lanyards and badges, are not considered to be an equivalent standard of dress to the corporate wardrobe:

- clothing with political/commercial/religious messages;
- clothing with union logos;
- clothing with slogans;
- clothing that is soiled, torn or considered untidy;
- midriff tops and clothing that is revealing;
- football shorts, board shorts and stubbies;
- football guernseys;
- jeans (ie. pants made from, or similar in appearance to, blue or black denim);
- bike pants;
- tracksuits;
- leggings;
- T-shirts and singlets;
- sandals/running shoes;
- flip-flops and ugg boots.

Interpreting what is unacceptable

In most instances, a number of obvious items of clothing and footwear will easily be identified under each of the above categories. Where uncertainty exists, teams are encouraged to determine the standard that should be applied. If teams act reasonably and responsibly in this role then team leaders/managers will not need to overrule on any of their decisions.

Cultural or physical factors

Cultural or physical factors, including injuries may dictate the way employees dress. Team leaders/managers will need to be aware of and consider such influencing factors when the dress standards are applied.

Exceptions

Team leaders/managers are able to approve variations to this policy:

- where the wearing of the corporate wardrobe would clearly be inappropriate to an employee's duties, - eg: stores, printing and maintenance areas;
- for special promotions or events such as charity days and "Grandfinal" days;
and
- in exceptional circumstances where it is deemed to be warranted or necessary (eg. pregnant women may be allowed to wear leggings).

Obligations and responsibilities

Employee obligations

The Centrelink Expectations Statement states that where employees do not choose to wear the corporate wardrobe, they must wear clothing of an equivalent standard. The Expectations Statement also states that employees must:

- comply with any lawful and reasonable direction;
- at all times treat customers and fellow employees with courtesy and respect;
- at all times behave in ways that maintain and enhance the reputation of Centrelink; and
- seek advice from their manager if they are unsure of whether particular items of clothing meet the appropriate dress standard.

Team leader/manager responsibilities

A team leader/manager has a number of responsibilities. He/she should:

- discuss the Centrelink standard of dress policy with their staff/teams and ensure that they are fully aware of what is acceptable as an appropriate standard of dress in the workplace;
- refer any issues that are not clearly addressed by the policy to teams for discussion and decision as to whether particular items of clothing should be considered acceptable or not within the standards of the policy;
- support and provide advice to teams as part of the consultation process;
- consider recommendations made by teams and make decisions on issues of contention;
- attempt to resolve disagreements informally and at the time they occur;
- apply the policy on standard of dress within his/her area of responsibility;
- act immediately and with regard to the rights of employees if it becomes apparent that other employees or clients are offended by an item of clothing; and
- take relevant action in instances where the requirements of the policy are not met.

Resolving disagreements and managing non-compliance situations

Problem resolution

It is up to managers, teams and employees to cooperate in reaching agreement on what items of clothing satisfy the appropriate standard of dress and to pursue informal avenues of resolution before considering formal processes.

In the first instance, where uncertainty exists as to whether particular items of clothing satisfy the requirements of this policy, the matter should be discussed and considered by teams (where a team based structure exists) who will put a recommendation to the

team leader/manager as to whether particular items of clothing should be considered acceptable or not.

Team leader/manager should consider recommendations made by teams and make decisions on issues of contention.

Team leader/manager, teams and employees can assist in minimising the incidence and magnitude of disagreements/grievances by applying the rules of natural justice in ensuring that:

- all parties are given the opportunity to be heard;
- decisions are soundly based;
- personal preference is not given any importance in the decision making process;
- problems/concerns are raised early; and
- lines of communication are kept open.

Management of non-compliance situations

If an employee arrives at work inappropriately attired, team leader/manager should assess the extent to which customer service and fellow employees may be affected, and either:

- advise the employee of correct standards and request that they comply with the standard of dress policy in the future;
- move the employee into a non-public area (where relevant) for the rest of the day; or
- in more extreme cases, request/direct the employee to return home and change into more suitable attire.

The team leader/manager should reiterate to the employee Centrelink's standard of dress policy, and clarify any misunderstandings. Depending on the particular situation, counselling or other disciplinary action should also be considered.

Subsequent breaches

Any subsequent breach of the policy should normally result in disciplinary action being taken against the employee concerned, however, individual cases should be treated on its merits.

Directing an employee to return home and change

A manager will direct employees to return home and change only in extreme cases. This would normally be where the employees standard of dress will:

- adversely affect their ability to carry out the duties of their position;
- reflect poorly on Centrelink's reputation and professionalism; or
- create an occupational hazard.

An employee who is directed to return home to change is considered to be on duty for the period they are away from their work location.

Status of directions

If a team leader/manager issues a direction in relation to the standard of dress policy (eg directs an employee to comply with the policy or directs an employee to go home and change) and the employee disagrees, the employee may formally challenge the direction by lodging a grievance.

Employees are legally required to comply with a lawful direction until the matter is resolved. As stated previously, all efforts should be made to try and resolve the issue informally prior to any direction being issued.

Delegations

[Click here to view the Guide for Delegates.](#)

All delegates should ensure they have an understanding of the issues contained in the Guide for Delegates prior to exercising a delegation.

Managers are required to enforce the conditions outlined in this policy in accordance with the APS Code of Conduct.

Legislation and other references

The legislation and other references applicable to standards of dress are:

- Public Service Act 1999, Section 13 - The APS Code of Conduct
- Centrelink Corporate Wardrobe home page