

**Application ID**

20231026

Application lodged

27/09/2024 4:31:49 PM

SAET case number (if blank, quote Application ID)**About this form**

This is a copy of the details of an application lodged online to the South Australian Employment Tribunal (SAET) in relation to a Notice of WHS Dispute (section 102B of the Work Health and Safety Act 2012)

APPLICATION SUMMARY**Application type**

A Notice of WHS Dispute (section 102B of the Work Health and Safety Act 2012) (WHS-09)

Applicant(s)**CPSU SPSF Group South Australian Branch (Union)**

Nominated contact: Ms Nicole Connell

Represented by

Not represented

Respondent(s)**TAFESA (Employer)**

Nominated contact: Ms Susan Frangakis

Application Details

Are there any other proceedings before SAET involving the same parties to this application?

No

Is this matter urgent?

Yes

Please provide reasons for why the matter is urgent

Employer refuses to accept that the work is unsafe

Earliest preference date for SAET to schedule a listing

04/10/2024

DETAILS OF THE DISPUTE

WHS matter subject of the dispute

This dispute (as defined in s 102A of the Work Health and Safety Act 2012 is in relation to: [Please pick one or more of the options below])

A matter about work health and safety that is an issue to which division 5 of the Work Health and Safety Act 2012 applies.

Summary of Dispute

Please outline the issues in dispute between the parties: [Please note that any details you provide will be published on the SAET website and will be viewed publicly.]

1. The Public Service Association of SA Inc (PSA) represents TAFESA employees classified under the Administrative Services Stream (ASO) as contained within the 'South Australian Public Sector Enterprise Agreement: Salaried 2021' (EA). Since early 2024, TAFESA has begun introducing an array of new systems and frameworks that directly impact, and alters, employees' normal daily duties.

2. These new processes include the implementation of the Quality Assurance Framework (QAF) and the introduction of phone system CXOne

3. The PSA has been in constant discussions with TAFESA since February 2024 and have raised numerous concerns relating to the detrimental psychosocial impacts these systems were having on many of their employees

4. The PSA was alerted by numerous members that they had lodged individual MyGov Safety reports detailing their psychosocial injuries arising from the implementation of QAF and CXOne. When questioned about these hazard reports being actioned, TAFESA advised that they had not been processed due to them being marked 'Restricted' by the individual employee

5. The Apprentice and Trainee Team fall under the Student Experiences Directorate within TAFESA. Members from this area first made contact with the PSA in January 2024 following being provided a 'Launch Schedule' for the implementation timelines of both QAF and CXOne. In response, the PSA commenced the issue resolution process as described at Part 5 Division 5 of the Work Health and Safety Act 2012, and have followed the default procedure of the Work Health and Safety Regulations 2012 (SA) (Regulations)

6. The PSA was further advised that a WHS matrix had already been conducted by TAFESA's WHS Coordinator in response to psychosocial hazards being reported by the Schools Team (a similar team falling under the Student Experiences Directorate). This report identified a range of high-risk concerns relating to both QAF and CXOne already being implemented and rather than managing these risks, TAFESA has attempted to replicate these hazards onto the Apprentice and Trainee Team

7. The QAF document, which had been in operation since January 2024, was not released to employees until 8 August 2024. It was clearly shown that the framework was to be used for performance management purposes even though employees had been assured, both verbally and in writing, that this would not be the case. TAFESA has deliberately mislead and deceived their employees about the intent of this new process

8. Branching from the QAF, was the introduction of three newly created roles, Quality Assurance Leads (QALs), classified at the ASO6 level. The purpose of the QALs would be to assess an employee's communication, either via email or listening in to calls recorded on CXOne, and then further coach said employee. The assessments are not able to be challenged or amended and an employee has no right to request an independent review. They are kept on an employee's personnel file and will be used for future performance management purposes as per described within the QAF guidelines

9. Evidence of incorrect assessments have been provided to TAFESA and they have refused to change or correct the information accordingly. These incorrect assessments remain on our member's file

10. Assessments are contradictory, to the assessor's own interpretation, not subjective and employees have been provided with no guideline, policy or procedures on what they are being assessed against. The QALs are also not subject to higher supervision or assessment

11. QALs conduct coaching sessions regularly and employees are advised from the outset that the session is not intended for reviewing feedback but are rather used to reprimand, belittle and humiliate members. Sessions include being reprimanded for missing a comma or putting in an extra space. The sessions are demeaning, there is no consistency, they are demotivating, inaccurate and unfair

12. Members have been disciplined, treated unfavourably and are missing career progression opportunities for speaking up about their concerns with QAF and CXOne. Senior Management have pulled people aside and demanded that employees "must accept change". Members report that they are terrified to speak out for fear of further reprisal

13. TAFESA is about to commence the introduction of 'technical evaluations' which involve employees remunerated at the ASO2 level, being asked to assess and evaluate fellow colleagues classified at the ASO3 level

14. Positions within the Apprentice and Trainee Team were formally advertised as 'back-of-house' roles. Due to the introduction of CXOne, new positions are being advertised as 'call centre' positions. TAFESA is attempting to force employees to significantly change their duties and role without consultation

15. On 21 June 2024, the PSA provided extensive feedback to TAFESA in relation to psychosocial hazards, and subsequent injuries, arising from CXOne

16. On 15 August 2024, an urgent meeting was held with Andrew Williamson, Executive Director, Student & Community Engagement, Katie Toop, Senior Employee Relations Specialist, Annie Pearce, Employee Relations Consultant, Amanda Butterfield, Support Coordinator, Apprenticeships and Traineeships Student Experience and Nicole Connell, Senior Industrial Officer, to discuss the PSA's concerns in relation to the serious psychosocial hazards identified by our members

17. On 4 September 2024, Andrew Williamson sent correspondence to the PSA, outlining TAFESA's position on how they intend to manage the hazards identified. The PSA asserts that these actions fail to adequately address the serious hazards identified and no timelines of these measures being implemented were provided

18. TAFESA continues to advise that CXOne will be rolled out, regardless of any genuine issues arising from the Working Party Group, on 1 November 2024

19. The PSA has been advised that there has been a significant increase in employees accessing leave entitlements due to the impacts of these psychosocial hazards, including individuals electing to retire early, resign from the public sector or take up positions in other Departments, just in order to avoid these hazards

20. The PSA has attempted to resolve these serious matters with TAFESA however assert that the following hazards remain:

- Lack of role clarity
- Poor support
- Low job control
- Job demands unreasonable
- Poor communication and lack of genuine consultation
- Failure to ensure employees can give feedback without fear of reprisal
- Workloads remain unsustainable
- Unfair and high levels of unconstructive negative feedback
- Deny the ability to have any type of external review mechanism
- Conflict and poor workplace relationships/interactions

Pursuant to sec 82 of the Work Health and Safety Act 2012 (the Act) which states;

82—Referral of issue to regulator for resolution by inspector

(1) This section applies if an issue has not been resolved after reasonable efforts have been made to achieve an effective resolution of the issue.

(2) A party to the issue may ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

(3) A request to the regulator under this section does not prevent—

(a) a worker from exercising the right under Division 6 of this Part to cease work; or

(b) a health and safety representative from issuing a provisional improvement notice or a direction under Division 6 of this Part to cease work.

(4) On attending a workplace under this section, an inspector may exercise any of the inspector's compliance powers under this Act in relation to the workplace.

Worksite(s) where dispute exists. (Please add address details)

TAFESA Adelaide Campus - 120 Currie Street, Adelaide

TAFESA Regency Campus - 137 Days Road, Regency Park

TAFESA Tonsley Campus - 1284 South Road, Tonsley

TAFESA Elizabeth Campus - 2 Woodford Road, Elizabeth

TAFESA Noarlunga Campus - Ramsay Place, Noarlunga

TAFESA Whyalla Campus - 141 Nicolson Avenue, Whyalla Norrie

TAFESA Mt Gambier Campus - 158-174 Wireless Road West, Mt Gambier

What is the outcome you seek at the Tribunal?

Please outline the outcome you seek from the Tribunal. [Please note that any details you provide will be published on the SAET website and will be viewed publicly.]

1. Disclosure of the WHS Risk Matrix carried out on the Schools Team
2. Disclosure of the GovSafety hazard reports that have not been actioned
3. Identify hazards giving rise to psychosocial risks and implementing control measures to eliminate these risks
4. Ensure that TAFESA genuinely consults with employees and the PSA in arriving to agreed control measures to be implemented
5. Implement a WHS Risk Matrix on the Apprentice and Trainees Team in consultation with employees and the PSA
6. Immediate cessation of the roll out of both QAF and CXOne, including the Working Party Group and ServiceQ training

Compliance Powers

Has a decision been made by an Inspector to exercise, or not to exercise, compliance powers under part 10 to assist in resolving the dispute subject to review under part 12 of the Work Health and Safety Act 2012

No

Supporting Attachments

Are there any supporting documents that you wish to attach to this form?

Yes

Upload Supporting Attachments

System.Byte[]

Provide a brief description of any attachments supporting this application.

PSA member feedback submitted to HR on 21 June 2024

Example of a PSA member experiencing adverse action for speaking against QAF

Example of a PSA member being refused to have their incorrect assessment amended

QAF Guideline showing that it will be used for performance management purposes

Letter from Andrew Williamson, listing actions from TAFE in response to PSA's concerns

Publication Notice

I acknowledge that this Notice will be published on the SAET Website and will be view publicly.

checked