

February 2021



The Health and Community Services Union (Health Services Union Tasmania Branch) is Tasmania's largest union made up of nearly 8500 members working across the public and private health and community services sectors.

HACSU has represented hundreds of thousands of workers since we were established in 1911 and, as one of Tasmania's largest public sector unions, we have extensive experience in public sector industrial relations, governance, and administration.

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The following is HACSU's written response to the Interim Report and associated issues papers. It follows two previous submissions, HACSU response to the Terms of Reference of the Review of the Tasmanian State Service - January 2020 and Submission into the Review of the Tasmanian State Service - October 2020, and should be read in conjunction with those papers.

Prior to making comments on the *Interim Report*, we make the following comments and observations with respect to the review process.

- We reiterate our concerns about the haste in which the current review is being undertaken.
- We recognise that government has extended the timeframes for the delivery of a final report, however, as referred to in previous papers, we consider that arriving at a final decision and making significant change recommendations during a global pandemic is extremely risky and could lead to negative and undesirable consequences.
- The pandemic is not over, and how long COVID-19 will exist in a way that presents risk to public health and the economy is unknown, as are the consequences of this.
- Only 26 responses to phase one of the review were received. Only 10 were substantial submissions and not all of them responded to all the terms of reference. We consider the low response rate is due to the short timeframes and the fact that the pandemic created an environment where the workforce is distracted by the immediate workload pressures they are experiencing.

# **Context for change**

The Interim Report makes many observations about the current social, economic, technological and workforce challenges, and we agree with much of the commentary it contains. There are huge challenges that we confront right now.

It has been widely reported that because of Federal Government support to business and those on benefits falling away, there will be an even greater reliance on State Government support.

We say that almost 10 years of austerity across the Tasmanian public sector, in the face of growing demand and expectation, created circumstances where we have fallen below all other jurisdictions on almost every measure. Whilst the issues we confront are indeed being experienced across those other jurisdictions, our circumstances are much worse.

Of further note is the commentary about "the COVID-19 experience". The report notes the experience here and elsewhere with respect to the need to have an agile and efficient public sector that can meet changing demands. The report notes that in times like these the public sector needs surge capacity, which is correct, but it fails to mention that the Tasmanian public sector, specifically across Health and Human Services, was not meeting community needs prior to the pandemic and was already heavily reliant on surge capacity to meet demand. It is the current workforce at the coal face who are called upon daily to address the surge need, and this is unsustainable in the medium to long term.

Key performance indications across agencies highlight how dire things are in the public health and human services system, whether in child safety, primary health, health including emergency department, specialist clinic and elective surgery demand as well as ambulance, to name just a few. A broad structural and governance review will not address these urgent matters.

When we met with the reviewer on 11 September, he asked if there were specific matters we thought should be considered and we raised several areas that should be explored.

1. Continued politicisation of the Tasmanian public sector

The need for further limits on the extent to which politicians can influence and interfere in public sector decision making and operations must be addressed.

#### 2. Transparency and accountability for upholding matters relating to fairness in employment

As discussed, there is an urgent need to review and realign how employment matters are dealt with across the Tasmanian public sector. We referred to recent findings of the *Integrity Commission Tasmania* (*Report 1 of 2020*) investigation into misconduct by public officers in the Tasmanian Health Service North West Region, that outlined a range of matters including conflicts of interest, bullying and lack of proper oversight. Some of these matters were reported but never investigated. Our view is that code of conduct breaches by managers are largely dealt with using quite different approaches than breaches by employees, with a bias by human resource operatives to not investigate reported breaches by managers while, in many cases, vigorously pursuing employees for the most minor breaches.



3. Continued attempts by the government to undermine, through acts and procedures, the personal freedoms of employees to express their own views as public citizens

It is well known the current Liberal Government wants to restrict employees' freedom of speech, and any attempt by this review to limit those freedoms will be viewed as a political act with no relevance to the matters the review seeks to address.

4. Bullying and Harassment

We suggested to the reviewer that he obtain copies of the relevant agency breakdown of the results of the recently conducted State Service Survey. The State Service Management Office refused to release these reports to the public. In our view, the agency-by-agency breakdown will give the reviewer a better understanding of cultural matters in agencies and what should be done to address them. Bullying and harassment is a key concern to our members.

We say that concurrent with any possible structural review, a significant cultural review should be initiated across the Tasmanian public sector. A structural review will not address what we believe are considerable embedded power imbalances which have, over time created a culture risk aversion of mistrust.

## Building one Tasmanian state service

The report includes much commentary about the Australian Public Service (APS) model and its perceived success. It should be noted that broadly speaking, to a large extent, the APS administers services. Much of its function and workforce have similar attributes.

In contrast, as is the case across other state jurisdictions, Tasmania both administers and delivers services. In this context, culture is primarily driven not just by the organisation to which it belongs but also the operating, professional and service delivery environment within which workers are employed. Clearly, for example, culture in the prison service is likely to be vastly different from that in the corporate areas of the Department of Premier and Cabinet.

Whilst the paper does recognise this, it does not suggest in any clear manner what shared culture and values mean in a practical sense.

# Whole of government priorities

We see this suggestion as a political construct that we do not support.

To be clear, government and the public sector should be at arms-length from each other. We do not suggest that "Premier Priorities" are not a good idea, but it should be up to the government of the day to determine how these priorities are managed based upon their own political decision making entirely separate from having these enshrined in legislation.

As stated in our earlier responses, we consider that the review should place a greater focus on the following matters. Whilst the paper does consider a number of these points either directly or on a cursory basis in its commentary, we believe that addressing these matters is crucial to the confidence of employees to engage deliberately in any reform process: Fairness in the employment relationship

- Responsiveness of employees to the community and the government
- Inclusiveness in public sector employment

In addition, the review should consider:

- a. Delivery of the government's objectives
- b. Government commitment to Westminster principles in public employment;

Ministerial responsibility not only to Cabinet but also their responsibilities to Parliament and Tasmanians and the role of senior public servants to be stewards in the management of the public sector for current and future governments.

- c. Merit in public employment
- d. That the public sector is:
  - (i) a fair employer that manages capably and consistently
  - (ii) responsive to the needs of government and the community
  - (iii) diverse
  - (iv) focused on being professional and non-partisan in its delivery of services to the community
  - (v) able to provide frank and fearless advice
  - (vi) is efficient and effective and provides value for money

More specifically, the review should address:

a. Fairness in the management of employees

b. Employees' rights and obligations and their capacity to participate freely in their community outside of their employment

c. Responsive provision of services to the community and government

d. Integrity and impartiality in providing services and in supporting policy development and implementation

- e. Continuous improvement, innovation and responsiveness
- f. Promoting the government as an employer of choice
- g. Equality of employment opportunity and diversity that reflects the community
- h. Equity of pay and other conditions

https://www.forgov.qld.gov.au/review-public-employment-laws



We note that the issues papers (specifically the *Supporting the Current and Future Workforce* paper released for comment) make very little reference to these matters. We are significantly concerned, given the focus within the papers, that these matters will not be addressed. It can hardly be held out that the review has been guided by submissions, but rather by the writer or other interests.

#### Performance assessment for departmental secretaries

We make the point again that the public sector should be free from political influence and interference. We see the process outlined in the paper as a fraught one that can severely undermine the independence of the public sector if used inappropriately. Whilst we support better accountability and the current process in place, as imperfect as it is, we do not support extending it beyond its current status.

# Partnering with others

Our last paper outlined our serious concerns about the potential for further outsourcing and privatisation under this heading, and our concerns are not allayed. In our paper we made the following points.

- On every measure privatisation is an abject failure for the community.
- We disagree with any suggestion government services are inefficient, they are simply under-resourced.
- Privatisation of government services or programs, regardless of outsourcing to the profit or not-for-profit sector, should never be considered in the context of providing essential services to the community. Health, social services and key government programs that require ongoing support or interventions from government resulting from changing needs and economic and social conditions should be resisted.
- Privatisation can lead to rigid costs and service delivery rigidity that are counter-intuitive to the role of government. Privatisation also assumes managers of services, once outsourced, will act in the public interest, but there's no available evidence that supports this proposition. The ACC Chairman was recently quoted in the Sydney Morning Herald saying that privatisation had created unregulated monopolies that hurt productivity and damaged the economy.
- We agree that information technology platforms should be considered, but it's known that any significant review recommendations that carry increased costs will result in circumstances that are severely curtailed as a result of the previous and current public sector austerity program.

Finally, any final report must clarify what the reviewer considers a partnership to be. It may have merit to partner with the University of Tasmania to provide a supporting role to the Tasmanian public sector in some circumstances (for example, in providing education, professional development and innovation), but partnering with for-profit or not-for-profit businesses to provide key services (by way of outsourcing) is not accepted.

## Surge capacity

In simple terms, in health and human services, in particular acute services, resourcing surge happens almost daily. The government must concentrate on addressing the unmet need and resourcing concurrent with the matters outlined in the paper.

The report highlights on p.15 the relative size of the Tasmanian public sector as opposed to other jurisdictions, noting that whilst smaller than the ACT and the NT as a proportion of population, it is similar in size to NSW and SA on the same measure.

The above statistics put paid to the lie that the Tasmanian public sector is too large, can be subject to further budget austerity and is inefficient.

Further, while the statistics do present an overall picture of how we compare to other jurisdictions, it needs to be recognised that, as the report also refers, Tasmania has the oldest population. This, in concert with our geographically dispersed population, high levels of chronic disease and socioeconomic disadvantage and therefore a likely greater reliance on government support, is likely to point to a public sector that is not currently large enough to provide adequate services to our own population.

The question is. How do we build capacity in this environment?

## Leadership and responsibility

The report itself articulates well what is needed to support current and future leaders and talented workers. Addressing these matters will be fundamental to the future success of the Tasmanian public sector. Over time, unions have sought that this be addressed in a meaningful way, but so poor is the ability of agencies to focus on these matters that they often move no further that the development of specific policy.

As a result of the constant pressure on managers and workers in the Department of Health and Communities Tasmania, significant numbers of staff do not have access to a yearly performance review let alone the subsequent training and development that would arise from same.

Over time, due to culture, lack of oversight and ineffective leadership, even the most basic governance processes are disregarded. In many circumstances not only has poor governance been applied but it was widely known and never addressed. Significant change must occur from the top down to create a culture of strong stewardship, but this can only happen when appropriate resources, training and systems are implemented.

We support the concept of a Heads of Agency whole of government collaboration and leadership.



# Enabling the Tasmanian state service

Tasmania has the oldest public sector workforce. This has been recognised in previous workforce planning reports going back more than a decade. It should also be noted that Tasmania has one of the oldest populations. In this context, the age of our sector is not surprising.

The Department of Health has embarked on a workforce planning exercise as we write. We support the concept of a whole of service workforce plan with regular updates.

We also note the report highlights the need to create more opportunities for young people to enter the State Service. We support this recommendation, again noting that public sector unions have pressed very hard for similar programs in the past though, sadly - any government action ceased at the point of the finalisation of policy. These programs must be actively resourced and managed to achieve desired results. We suggest that in terms of youth recruitment, Heads of Agencies be given annual key targets to meet. The same should be applied to diversity and Aboriginal and Torres Strait Islander programs.

This, for example, could be one matter where cross-agency stewardship occurs.

## Workforce matters

Whilst we accept the writer has eloquently outlined the internal dynamics, views and tensions with respect to the current employment framework outlined in the *Act and Employment Directions*, it must be said that a more liberalised or less prescriptive approach will likely lead to a further proliferation of local rules and procedures and issues.

To be clear, many of the current local rules (for example, the Department of Health's "Internal Vacancy Control Program") are not purely an initiative of the agency but arise from decisions of government to restrict, delay, or cease filling positions to address austerity measures imposed on the agency.

In our experience, we encounter issues not so much with the use or interpretation of the employment directions relating to performance or disciplinary processes but most often that these are completely ignored. Again, this is a case where policy is established but the implementation of policy is poorly rolled out and often never resourced.

We support the concept of government and agencies embarking on ongoing strategic assessment and capability programs.

We support the development over the next 12 months of a whole of government workforce plan. This must be a collaborative process which includes public sector unions.

## **Fostering performance**

Agencies do not consistently or effectively manage underperformance or fostering talent. It is observed that neither managers nor employees are well supported to address either good performance or otherwise. Limits on budget, time and service needs often result in workers not having access to professional development, workplace exchange programs etc. These problems have been identified through a performance review process.

Agencies are not provided with specific budgets which would enable them to develop future leaders.

## Mobilising the workforce to meet priorities

We disagree that a "complex web of employment directions and other rules and policies prevent mobility". Where mobility programs have been initiated in the past, agencies have railed against them in preference to recruiting from outside of the Tasmanian public sector rather than from within.

#### Making separations an option

We support the report's recommendations to agencies with respect to the implementation of a range of training and other improvements to the management of underperformance arising from previous recommendations of the Auditor General.

#### Functional support for a facilitative framework

We support the independent capability review of the State Service Management Office as outlined in the report.

#### Working away from the office

We note the commentary in the report with respect to the changing nature of work, particularly through the current pandemic. We agree these matters should be the subject of further, urgent consideration.

#### **Delivering contemporary services for Tasmanians**

We note that much of the commentary in this sector relates to the operation of Service Tasmania, an area that does not fall within HACSU's membership coverage. We also note this section does not make any specific recommendations. We await the final report before making comment.



# Digitalisation and data

We broadly agree with the analysis contained in the report regarding the current poor state of TSS digital systems, the need to invest further in cyber security and building digital capacity across whole of government.

# Implementation

We note the report's commentary regarding implementation.

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