

POLICY

Title

TAFE SA Consultation and Change Policy

Contact Officer

Position

HR Business Leader

Phone

(08) 8648 8752

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TAFE SA Policies are issued under the TAFE SA Policy Management Framework. They are binding on all TAFE SA employees.

1. Policy Statement

TAFE SA shall be guided by fair, equitable and impartial principles and practices when instigating organisational change.

Consultation and effective communication are key features of any change process. TAFE SA is committed to providing every reasonable opportunity for consultation with employees, Unions and other interested or affected parti

This policy sets out consultation and change process principles and practices.

2. Scope

All non-executive TAFE SA employees.

3. Definitions

Consultation Process	The sharing of information and the exchange of views between TAFE SA, employees and key stakeholders with a genuine opportunity to provide feedback.
Different or New position/ role	A position required in a new organisational structure where the duties, responsibilities and scope have not been performed within one position; or an existing position required in the new structure which will undergo significant changes in the duties, responsibilities and scope that may result in a different classification level i.e. more than 20% change to the role.
Educational Employees	Prescribed employees under the TAFE SA Regulations 2012.
In-Scope	The ongoing employees who are identified as being directly impacted by the change process.
Practices	The methods of activities surrounding significant organisational change process.
Principles	The guiding values that apply to the organisational change processes.
Plumbing, Metal & Building Trades Employees	Staff employed under the various trade industrial instruments.
Restructure	<p>A major organisational change in the operations, educational programs, organisation, structure or technology that is likely to result in <i>significant effects</i> to employees.</p> <p><i>Significant effects</i> include termination in employment/ role abolition; major changes in the composition, operation or size of the workforce or in the skills required; the elimination or diminution of job opportunities, promotional opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work and the restructuring of jobs.</p>

Review	A formal assessment with the intention of instituting change if necessary.
Salaried Employees	Staff employed under the Salaried industrial instruments.
Survey	A tool that is used to investigate the opinions or experience of a group of people by asking a series of questions.
TAFE SA	Technical and Further Education South Australia.
Term Employees	Salaried employees engaged for a specified term or for the duration of a specified project.
Temporary Employees	Prescribed TAFE SA employees (Educational), Weekly Paid employees, or Trade employees, who are engaged for a specified term or for a fixed task.
TVSP	Targeted Voluntary Separation Package.
Unchanged position/role	An existing position required in the new structure, where the duties, responsibilities and scope are essentially the same i.e. less than 20% change to the role.
Weekly Paid	Employees employed under a Weekly Paid industrial instrument.

4. Related Policies

PPMF TAFESA 111	Respectful Treatment at Work Policy
PPMF TAFESA 126	Change and Placement Services Redeployment Procedure
PPMF TAFESA 134	Policy Management Framework

5. References

Commissioner for Public Employment	<p>South Australian Public Sector Values & Behaviours Framework</p> <p>Determination 1: Merit, Engagement, Assignment of Duties and Transfer of Non-Executive Employees</p> <p>Determination 2: Excess Employees – Income Maintenance</p> <p>Determination 5: Classification and Remuneration for Employees</p> <p>Determination 7: Managing Excess Employees - Retraining, Redeployment & Redundancy</p>
Department Treasury & Finance	Guidelines: Targeted Voluntary Separation Packages
TAFE SA	TAFE SA Core Values

Industrial Instruments	Public Sector Act 2009 Public Sector Regulations 2010 South Australian Public Sector Salaried Employees Interim Award South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014 (or successor) TAFE SA Act 2012 TAFE SA Regulations 2012 TAFE SA Educational Staff Interim Award TAFE SA Educational Staff Enterprise Agreement 2012 (or successor) South Australian Public Sector Wages Parity Enterprise Agreement: Weekly Paid 2015 (or successor) South Australian Public Sector Wages Parity (Plumbing, Metal and Building Trades Employees) Enterprise Agreement 2011 (or successor) Relevant Awards
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6. Procedure

6.1 Consultation & Change Principles

- 6.1.1 TAFE SA will consult on a range of significant effects that impact on the workforce. These effects include, but is not limited to, change in process or work method, reduction in hours, reduction of roles, duties or positions and promotional opportunities.
- 6.1.2 Where organisational change is required TAFE SA will consult with the relevant Industrial Association in the first instance and ensure ongoing inclusion in all communication and consultation meetings/sessions.
- 6.1.3 TAFE SA will consult with employees as to the reason and drivers for the proposed changes and the measures taken and/or proposed to avert or mitigate the impact on employees.
- 6.1.4 Consultation across TAFE SA is to be open, timely, consistent, honest and respectful, meaningful and conducted in good faith.
- 6.1.5 Consultation may not necessarily result in agreement, but where possible, consensus is the preferred outcome.
- 6.1.6 TAFE SA will seek genuine feedback and input from employees by providing a reasonable timeframe to consider proposed decisions and/or actions and provide a response to the proposals. The period of consultation and the mechanism for providing feedback should be clearly communicated at the commencement of the consultation process.

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- 6.1.7 Where change includes a change to organisational structures, information regarding the current and proposed organisational charts will be provided, including proposed role descriptors and job role classifications as they are determined.
- 6.1.8 Consultation will be supported by the communication of information that is open, consistent, honest and respectful and will provide staff the opportunity to provide feedback to the proposed changes. TAFE SA shall provide relevant communication in a timely manner and may make use of multiple avenues of communication including, but not limited to, one-on-one meetings, information sessions, emails, surveys, information with respect to frequently asked questions and video conference to provide regular updates to staff including providing summary of feedback, obtained during consultation period.
- 6.1.9 Employees will be provided with support and assistance throughout the consultation and change process so as to provide support in managing the emotional and psychological aspects associated with the change. This support may be provided by Line Management and/or the Human Resources Business Partner and/or the Employee Assistance Provider (EAP) and/or an employee representative or support person.
- 6.1.10 The implementation of change and/or new organisational structures will not be used as a mechanism for addressing unsatisfactory performance matters.
- 6.1.11 Directors and managers are pivotal in fulfilling the consultation obligations on behalf of TAFE SA. Directors and managers should be aware of and ensure that all staff understand the proposed changes, are consulted regularly during the implementation of the change process as it relates to the manager's staff. Managers shall:
- Support employees in accessing Employee Assistance Program (EAP);
 - Consult and involve staff who are temporarily absent from work on sick leave, maternity leave, special leave or on temporary assignments in other locations;
 - Consider the referral of redeployees objectively pursuant to public sector redeployment principles; and
 - Ensure existing role descriptors are up-to-date in consultation with the substantive incumbent prior to any change.
- 6.1.12 All employees will continue to participate in performance review and development during the change process to assist in identifying areas for improvement and identify associated development needs. The current role descriptor should be checked for currency at performance review and development meetings.
- 6.1.13 Where an employee is aggrieved by an administrative decision or process arising out of the change process, the employee may raise their grievance by writing to the Chief Executive or delegate, to request a review of the decision or process. Any request made must outline the reasons supporting the need for review of the decision or process.
- 6.1.14 All applications for leave approved prior to the commencement of the change and consultation process will be honoured.

6.2 In-Scope Employees

When an announcement is made that organisational change is to occur, the scope of the change will be communicated to employees working in the relevant workgroup/unit. The scope of a review will vary depending on the business reason for the review and may vary from a single workgroup, whole Business Unit, or the entire organisation. Scope will be limited to those workgroups/units necessary to achieve the business outcome that have participated in the review.

All ongoing and permanent employees that are working in the workgroup/unit undergoing review will automatically be classed as 'in-scope'.

'In-scope' employees can expect:

- To be included in, and participate in, consultation – even if they are absent from the business area (i.e. on a temporary assignment);
- To have the opportunity to be nominated or to nominate to serve on a consultative group, if one is established;
- To be provided with the reasons for a required change and to have the change process explained;
- To receive the same respect and consideration whether they work part-time or full-time;
- To be considered for any role or position at their substantive classification that align with relevant qualifications, experience and skills;
- To be considered together if they are within the Lecturers Levels 1 – 6 band;
- To receive a fair assessment as to whether they could develop the relevant level of skill, with training, within a reasonable period of time, to fulfil a new role in the new structure;
- To be involved in a merit based process if there are fewer roles at the same classification level in the new structure;
- To indicate their preference for work location or workgroup; and
- To indicate their desire to be considered for an offer of a TVSP (while TVSPs are available to TAFE SA Employees).

6.2.1 Ongoing and Permanent Employees:

TAFE SA values the contribution made by all employees, especially ongoing and permanent employees.

Consequently, available roles or positions in any new organisational structure will be filled by existing in-scope ongoing or permanent employees as a priority.

6.2.2 Temporary and Term Employees

Temporary and term prescribed Educational, Salaried, Weekly Paid or Trade term employees are not eligible to apply for 'in scope' roles or positions in the first instance.

If an Educational, Salaried, Weekly Paid or Trade temporary or term employee is converted to ongoing during the restructure process, they will be considered as an 'in-scope' employee.

Temporary and term employees will be provided with suitable employment through the consultation process for the duration of their contract. Such employees will be eligible to apply for roles or positions if they are advertised on Jobs SA.

6.3 Relocation

TAFE SA will make every effort to minimise the impact of organisational change. It is recognised that the change in work structures and service delivery for the affected workgroup/unit may cause some disruption to the current locations of roles.

This will be managed in accordance with the applicable industrial instruments and relevant Commissioner's Determinations, guidelines and standards.

However, employees will have the option to indicate if they would like to change their work location or workgroup. TAFE SA will work with the employee to accommodate their preferences wherever possible.

It should be noted that due to business needs and other factors, some roles will be located at specific campuses, regions or locations.

6.4 Targeted Voluntary Separation Package (TVSP)

During the course of a consultation and change process, where there is to be a reduction in the number of roles at a particular level or classification, employees will have the opportunity to indicate their desire to be considered for an offer of a TVSP while TVSPs remain available to TAFE SA employees.

An indication by an employee to receive an offer of a TVSP is no guarantee an offer will be made.

6.5 Transition Principles

- 6.5.1 The transitional process will not be used as an opportunity for promotion. All issues related to classification of existing salaried roles must be addressed at the start of the review.
- 6.5.2 Current and prolonged additional duties allowances will be reviewed prior to any transition into the new structure.
- 6.5.3 Ongoing employees currently acting in a higher classification level will be considered for transition at their substantive classification level only in the first instance.
- 6.5.4 Roles within a new structure will be filled from the highest to lowest level or classification.
- 6.5.5 If there are equal number of employees as roles at the same classification in the new structure AND the role is an 'Unchanged' position AND the employee has the necessary qualifications, skills or experience to perform in the role successfully, with or without reasonable training and development, then an employee(s) will be assigned to the new role on a direct transition, like-for-like classification basis.

6.5.6 If the number of employees at a classification level exceeds the number required OR the role is a 'Different' position OR the employee(s) do not have the necessary qualifications, skills and experience to perform in the role successfully, with or without reasonable training then the employee(s) will have their suitability for the role assessed utilising:

- A submitted Resume/Curriculum Vitae; and
- Skills Assessment Selection Tools; and/or
- An employee submission.

Interviews will be conducted if the panel deem such are necessary to rank employees.

6.5.7 Should interviews be required, a merit based selection process will be initiated.

6.5.8 Should roles continue to be vacant following the conclusion of the transition process then in the first instance consideration to fill the vacancies will be given to any unplaced/unassigned excess or work injured employees.

6.5.9 If a vacant role(s) remains, consideration may be given to converting existing employees on term contracts.

6.5.10 Any remaining vacant role(s) will be advertised via the whole of government excess list and/or Jobs SA.

6.6 Implementation

A key priority during implementation phase of the change and consultation process is to lessen the impact on day-to-day business requirements.

All efforts will be made to minimise the number of unplaced, unassigned and formerly declared excess employees as a result of transitioning to the new structure. Every effort will be made to complete implementation efficiently to provide certainty to in-scope staff.

Implementation will be undertaken with appropriate open communication, consultation and involvement of all staff.

The implementation will be in line with TAFE SA values and the relevant Industrial Instruments that apply to TAFE SA Educational, Salaried, Weekly Paid or Trade employees. Implementation outcomes will be balanced between the business needs of TAFE SA and the entitlements of its staff.

6.7 Excess Employees Following Finalisation of the Structure

A substantive ongoing and permanent employee(s) who is not placed by the conclusion of the restructuring process will be advised that they are to be declared as an Excess Employee.

The Senior Consultant, Career Transition will assist the employee once they have been declared as an Excess Employee.

6.8 Grievance Procedures

Employees who believe they have grounds for a formal grievance may make a lodgement according to the relevant legislation and industrial instrument they work under.¹

In the first instance, Educational, Salaried, Weekly Paid or Trade employees should address their grievance, and any request for review of the relevant decision or process, in writing (or email), to the Chief Executive, TAFE SA. Any request made for review of a decision or process must be lodged in the required timeframe and must outline the reasons supporting the need for review.

Where an employee has a grievance relating to a matter arising under their relevant Enterprise Agreement, such as consultation, this can be raised in accordance with the respective Enterprise Agreement.

Salaried Employees

A grievance relating to a TAFE SA salaried employee can be raised under clause 27 of the South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014 (or successor).

Educational Staff

A grievance relating to a TAFE SA prescribed educational staff member can be raised under clause 3.1 of the TAFE SA Educational Staff Enterprise Agreement 2012 (or successor).

Weekly Paid Employees

A grievance relating to a TAFE SA weekly paid employee can be raised under clause 25 of the South Australian Public Sector Wages Parity Enterprise Agreement: Weekly Paid 2015 (or successor).

Trades Employees

A grievance relating to a TAFE SA weekly paid employee can be raised under clause 31 of the South Australian Public Sector Wages Parity (Plumbing, Metal and Building Trades Employees) Enterprise Agreement 2011 (or successor).

Employees have the right to choose to raise a matter of concern directly with their Union.

7 Responsibilities

7.1 TAFE SA Executive Directors, Directors and Managers

TAFE SA Executive Directors or Directors or Managers as relevant have responsibility for fulfilling specific responsibilities in relation to this *TAFE SA Consultation and Change Policy* and for ensuring relevant staff are aware of, and appropriately trained in, relevant procedural requirements.

7.2 TAFE SA Staff

TAFE SA employees must comply with this policy.

¹ Employees are requested to check the industrial instruments to see if they have grounds for a valid grievance.

7.3 Chief Executive, TAFE SA

The Chief Executive, TAFE SA has responsibility to review an aggrieved employee complaint.

7.4 Review of TAFE SA Policy

TAFE SA policies must undertake a full review process, including staff consultation and TAFE SA Executive/Board approval, at least every two years, but may be actioned earlier according to strategic priorities, reforms or feedback received.