

Premier's Circular

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TITLE

GOVERNMENT LABOUR RELATIONS MANAGEMENT FRAMEWORK

POLICY

The Minister for Industrial Relations and the Executive Director Government Sector Labour Relations (ED-GSLR) are responsible for the coordination and consistent management of public sector labour relations.

Public sector bodies are required to comply with the Government Labour Relations Management Framework (the Framework) at **Attachment A**.

For the purposes of this Circular, public sector bodies include:

- public sector bodies as defined in section 3 of the *Public Sector Management Act 1994*; and
- entities listed in Schedule 1 of the *Public Sector Management Act 1994*, if a decision has been made by an appropriate authority that the Framework is to apply.

The Framework also confirms responsibility for labour relations matters between the Minister for Industrial Relations, other Ministers, the ED-GSLR and GSLR.

Key Framework Requirements

Western Australian public sector labour relations matters are to be conducted in the State industrial relations system.

Public sector bodies are instructed to:

1. act consistently with this Framework, the *Public Sector Wages Policy Statement*, applicable Commissioner's Instructions, and the Government's labour relations agenda.
2. seek approval under this Framework for any payment or changed condition of employment that is not prescribed in industrial instruments or statute.
3. keep Government Sector Labour Relations (GSLR) advised of – and involved in – industrial and workforce disputes that have implications for Government at the earliest moment.

4. provide GSLR with regular updates on the status of matters which are being progressed during the life of industrial instruments.

The ED-GSLR and GSLR will emphasise policy advice, negotiation and representation, consultation and communication, and developing stakeholder relationships in the execution of their responsibilities under the Framework.

Cabinet Ministers will support their portfolio agencies in understanding and complying with the Framework.

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PREMIER

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Other relevant Circulars:	
Circular/s replaced by this Circular:	2021/03

GOVERNMENT LABOUR RELATIONS MANAGEMENT FRAMEWORK

1. This Framework is approved by Government to ensure the coordination and consistent management of public sector labour relations. The Framework, in conjunction with the Public Sector Wages Policy Statement, aims to achieve public sector labour relations outcomes that are industrially and financially sustainable, and reflect Government priorities.
2. This Framework applies to:
 - a. public sector bodies within the meaning of the *Public Sector Management Act 1994*; and
 - b. entities listed in Schedule 1 to that Act, if a decision has been made by an appropriate authority that the Framework is to apply.
3. This Framework is implemented by the Minister for Industrial Relations, the Premier, Treasurer, and the ED-GSLR.
4. Roles and responsibilities under the Framework are described below.

PREMIER, TREASURER AND MINISTER FOR INDUSTRIAL RELATIONS

5. Bargaining parameters for public sector salary and wage agreement negotiations require approval of the Premier, Treasurer and Minister for Industrial Relations.
6. Submissions by public sector bodies for approval of bargaining parameters:
 - a. are to be made to the ED-GSLR for submission to the Premier, Treasurer and Minister for Industrial Relations; and
 - b. cannot be approved unless costings have been endorsed by the Department of Treasury (Treasury).

MINISTER FOR INDUSTRIAL RELATIONS

7. Labour relations matters requiring consideration by the Minister for Industrial Relations are to be submitted through GSLR. These matters include, without limitation:
 - a. development of cross-sector labour relations policy, or agency-specific policy with broader labour relations implications;
 - b. proposals from public sector bodies including proposals for above award payments or changed conditions of employment not previously approved by Government, which relate to identified business objectives or operational efficiencies, and for which additional funding is not required; and
 - c. issues representing a risk to Government's labour relations agenda, finances, capacity to manage its workforce or ability to conduct public sector labour relations in the State industrial relations jurisdiction.
8. All labour relations submissions for the consideration of the Minister for Industrial Relations must be submitted to the ED-GSLR and include details of:
 - a. the labour relations implications for the public sector body and Government and the status of consultation with GSLR; and

- b. any funding implications and the status of consultation with Treasury.
- 9. The ED-GSLR will advise the Minister for Industrial Relations on the labour relations implications of submissions.
- 10. The Minister for Industrial Relations will advise public sector bodies to refer labour relations issues to the Expenditure Review Committee (ERC) or Cabinet if:
 - a. there are implications for management of the Government's labour relations agenda;
 - b. the proposal would result in an increase in the body's approved expense limit; or
 - c. there are flow-on cost implications.
- 11. The Minister for Industrial Relations authorises the ED-GSLR to manage labour relations proposals or issues that comply with Government policy and do not require additional funding.

EXECUTIVE DIRECTOR GOVERNMENT SECTOR LABOUR RELATIONS AND GOVERNMENT SECTOR LABOUR RELATIONS

- 12. The ED-GSLR has, with the approval of Government, authority to undertake the coordination and governance of all public sector labour relations matters. This includes authority to:
 - a. provide strategic advice on cross-sector and public sector body specific matters to the Minister for Industrial Relations, ERC, Cabinet and public sector bodies;
 - b. on behalf of Government:
 - i. to lead negotiations for cross-sector industrial agreements; and
 - ii. to support public sector bodies in negotiations for single-agency industrial agreements or, if directed by the Minister for Industrial Relations, to lead those negotiations;
 - c. manage industrial agreement arrangements that are minor, technical or administrative in nature, comply with Government policy and do not require additional funding;
 - d. maintain a list of cross-sector employment conditions that public sector bodies must include in replacement industrial agreements;
 - e. approve proposals from public sector bodies that:
 - i. do not require approval of the Minister for Industrial Relations;
 - ii. have been endorsed by the relevant portfolio Minister where required;
 - iii. comply with Government policy;
 - iv. do not require an increase in the public sector body's approved expense limit; and
 - v. do not represent a risk of a kind described in clause 7(c);
 - f. issue policy statements, instructions and circulars to public sector bodies;

- g. support public sector bodies to resolve industrial and workforce matters by providing advice, representing and advocating for their interests in formal and informal settings, and brokering outcomes with public sector unions; and
 - h. maintain in force appropriate authority from public sector bodies to appear and act for them, including signing documents, in proceedings before industrial tribunals.
 - i. promote a co-operative approach to the management of labour relations with public sector unions.
13. The ED-GSLR also has any functions conferred by Acts or statutory instruments, industrial agreements, binding orders of the Western Australian Industrial Relations Commission or otherwise by Government.
 14. The ED-GSLR may perform any functions through, or on the advice of, GSLR or officers of GSLR.
 15. GSLR is to report in writing to the Minister for Industrial Relations in July and January of each year:
 - a. on approvals granted by the ED-GSLR under this Circular to public sector bodies over the preceding 6 months resulting in above award payments or changed conditions of employment for individual employees or groups of employees; and
 - b. in each case, including details of the public sector body involved, number of employees affected, duration of the approval, costs as estimated by the public sector body and any other matter considered by the ED-GSLR to be relevant to the approval or requested to be included by the Minister.
 16. GSLR is solely responsible for the management and maintenance of, and variations to, public sector awards.

GOVERNMENT MINISTERS

17. Ministers are to:
 - a. ensure all public sector bodies within their portfolios are aware of, and comply with, Government labour relations policy, including this Framework and the Public Sector Wages Policy Statement;
 - b. resolve matters at a Ministerial level where there are indications public sector bodies have not complied with this Framework;
 - c. ensure matters with significant labour relations implications are referred to GSLR and, where appropriate, Treasury; and
 - d. endorse submissions on public sector labour relations matters from public sector bodies, to the Minister for Industrial Relations, ED-GSLR, ERC or Cabinet.

PUBLIC SECTOR BODIES

18. Public sector bodies are to:
 - a. keep GSLR advised of, and involved in, matters relevant to the ED-GSLR's functions under this Framework, giving priority to involving GSLR as soon as practicable, and before reaching a settled position, in matters:

- i. representing risks of a kind described in clause 7(c) of this Framework;
 - ii. where there is potential for industrial action;
 - iii. where proposals for above award payments or changed conditions of employment are being considered; and/or
 - iv. where costs may flow on to other areas;
- b. comply with the Public Sector Wages Policy Statement;
- c. in negotiations for replacement industrial agreements:
 - i. engage with GSLR and Treasury prior to commencement of negotiations on their key operational and strategic workforce priorities;
 - ii. consult with GSLR and Treasury in development of bargaining parameters;
 - iii. ensure Treasury has endorsed costings before submission to GSLR;
 - iv. allocate adequate resources to ensure necessary approvals are sought in a timely manner;
 - v. provide submissions to GSLR for submission to the Premier, Treasurer and Minister for Industrial Relations within timeframes notified by GSLR;
 - vi. obtain approval from the ED-GSLR of draft replacement industrial agreements before lodgement with the WA Industrial Relations Commission; and
 - vii. operate within their approved bargaining parameters.
- d. in all matters relating to public sector labour relations:
 - i. operate within Government approvals and the requirements of this Framework;
 - ii. consult and collaborate with GSLR;
 - iii. advise Treasury of matters affecting approved agency expense limits or with other significant financial effects;
 - iv. comply with labour relations policy statements, instructions and circulars issued by the ED-GSLR; and
 - v. accept that Government objectives will on occasion override their own and conduct themselves in a manner that recognises the broader interests and policy objectives of Government against the specific business interests of the individual public sector body.
 - vi. ensure consultation with unions meets the obligations of industrial instruments.
 - vii. promote a co-operative approach to labour relations.

