

**February 2016**

# **Transforming Health HR Principles- WPEA: Salaried Employees**

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## Table of Contents

<b>Purpose and Scope</b> .....	<b>3</b>
<b>1. Guiding principles</b> .....	<b>3</b>
<b>2. Definitions</b> .....	<b>5</b>
<b>3. Filling of positions in the new structure</b> .....	<b>6</b>
<b>4. Change in position location</b> .....	<b>9</b>
<b>5. Notification</b> .....	<b>9</b>
<b>6. Grievance resolution process</b> .....	<b>9</b>
<b>7. Employee assistance programs (EAP)</b> .....	<b>9</b>
<b>8. Review of these principles and procedures</b> .....	<b>9</b>
<b>Appendix A</b> .....	<b>10</b>
<b>Process for Change of Position Location</b> .....	<b>10</b>
<b>Relocation Process</b> .....	<b>10</b>



## Purpose and Scope

The following HR Principles will be operative for restructures occurring as a result of Transforming Health Initiatives. SA Health will identify the scope of positions falling within the particular restructures as appropriate.

It is proposed to apply these HR Principles and the organisational change processes to which they apply for all Transforming Health initiatives. SA Health recognises the role of Unions, as representatives of our employees, with a shared interest in their goals, aspirations and working conditions. In order to fulfill these shared goals and interests, SA Health is committed to the establishment and development of effective relationships with Unions, and will seek to create a two way relationship, and engage in a manner that reflects our expectation of mutual good faith and respect. To facilitate these principles it is recognised the requirement to meaningfully consult; and to provide for the exchange of views between our employees and their representatives, and the genuine opportunity for them to contribute to decision-making.

Subject to clause 8, these principles and procedures will apply for the duration of all Transforming Health initiatives.

These principles and procedures apply to those ongoing/permanent non-executive employees covered under the *South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014* and who are designated to be in-scope of the change process.

These principles and procedures should be read in conjunction with the following, where applicable:

- > *Health Care Act 2008*
- > *Public Sector Act 2009*
- > SA Public Sector Salaried Employees Interim Award
- > SA Public Sector Wages Parity Enterprise Agreement: Salaried 2014 (or successor)
- > Relevant publications issued by the Commissioner for Public Sector Employment including but not limited to:
  - Determination 7: Management of Excess Employees – Redeployment, Retraining and Redundancy
  - Determination 2: Excess Employees – Income Maintenance<sup>1</sup>
  - Determination 1: Merit, Engagement, Assignment of Duties and Transfer of Non-Executive Employees
- > SA Health (Health Care Act) Human Resources Manual


### 1. Guiding principles


The management of the transition of ongoing/permanent non-executive employees will be based on fairness and equity, and in particular the following principles will be applied:

- 1.1. Where the Chief Executive or agency head (or delegate) contemplates or proposes organisational change that is likely to result in a reduction of roles, duties or positions which may result in employees becoming excess to requirements, the Chief Executive, agency head (or delegate) will consult as is appropriate with interested parties.

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<sup>1</sup> Determination 7 & 2 apply in respect to the management of excess employees or where it is likely that organisational review may result in employees being declared excess.

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- 1.2. SA Health recognises the importance that consultation plays in the management of organisational change; and, consultation with employees and employee representatives will be consistent with relevant enterprise agreements and awards and where applicable publications of the Commissioner for Public Sector Employment (CPSE).
  - 1.3. Consultation will occur with relevant unions in relation to proposed organisational structures.
  - 1.4. Employees will be provided with support and assistance throughout the change process in order to better manage the emotional and psychological aspects of change. This will be provided by the employee assistance programs (EAP) as per clause 7.
  - 1.5. Communication with employees will take a number of forms including personal correspondence, emails, and briefing sessions.
  - 1.6. Employees currently engaged on a casual, temporary or contract basis are excluded from these principles and procedures. As a result, their employment arrangements will be considered on a case-by-case basis when taking into account the new organisational structure arrangements.
  - 1.7. The implementation of new structural arrangements will not be used as a mechanism for addressing unsatisfactory performance issues.
  - 1.8. Managers have an essential role in fulfilling management obligations. They should be aware of and ensure that all staff fully understand proposed changes and are consulted regularly during implementation of the change process as it relates to the manager's staff. Managers are reminded that they must:
    - > Support staff in accessing the EAP as required.
    - > Consult and involve staff who are absent from work on extended sick leave, maternity leave, special leave or on temporary contracts in other locations.
    - > Consider the referral of unattached employees or redeployees objectively pursuant to public sector redeployment principles; and ensure that prior to considering whether an employee is excess to requirements (and formally declaring them excess), the agency will consider whether there are suitable alternative roles, duties or positions within the agency that are available or likely to become available within a reasonable time and into which the employee could be transferred to, with or without the provision of additional training to the employee.
    - > Ensure existing role descriptions/job and person specifications are up-to-date (in consultation with the substantive incumbent). Role descriptions/job and person specifications will be used to determine whether a position is unchanged or different. Accordingly, the accuracy of role description/job and person specifications is fundamental to the accurate translation of positions.
  - 1.9. All staff will continue to participate in performance review and development during the change process to identify any areas for their improvement and development needs.
  - 1.10. Where an employee is aggrieved by a decision or process arising out of the change process, and in order to achieve timely resolution of these issues, the procedures set out in clause 6 will be utilised.

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- 1.11. New and/or changed structures will be reflected appropriately in job and person specifications for new positions.
  - 1.12. All applications for leave of absence approved prior to the change process will be honoured.
  - 1.13. Employees will be formally advised in writing of their transfer to a new position. This will be done prior to transfer.
  - 1.14. Employees required to travel between work locations during their working hours will be paid for the time occupied in travel and will be reimbursed for motor vehicle mileage if using their own vehicle. No employee is required, under any circumstances whatsoever, to use their private vehicle for official purposes if they do not wish to do so.

## 2. Definitions

- 2.1. **Unchanged position** (eg: less than 20% change) means an existing position required in the new structure where the duties, responsibilities and scope are substantially the same.
- 2.2. **Different position** (eg: more than 20% change) means:
  - > a position required in the new structure where the duties, responsibilities and scope have not previously been performed within one position, or
  - > an existing position required in the new structure which will undergo a significant change in duties, responsibilities and scope (this may result in a different classification level).  
Changes in location and/or reporting relationships do not of themselves constitute a position being a “different position”.
- 2.3. **Non retained position** means an existing position that will not be retained in the new structure.
- 2.4. **Unattached employee** means a substantive employee whose position is not retained in the new structure or whose position has significantly changed.
- 2.5. **Merit based selection process** means choosing the best person for the job, based both on candidates’ abilities and their potential for development. The primary consideration in a selection decision must be based on an assessment of relative suitability using a selection process based on the Role Description/Job & Person Specification.
- 2.6. **Substantive** means the employee who is ongoing/permanent in the position (including individuals on leave or who have a right of return to the position).
- 2.7. **Work/functional group** means substantive incumbents of the subject unchanged positions (eg: where substantive incumbents would have translated into an unchanged position if an equal number of positions had been available in the new structure). The scope of the ‘work group’ will require consideration on a case-by-case basis, and may not be limited to a single work unit located at one site.
- 2.8. **Position location** means the location where the employee will typically report for work.



2.9. **Quarantine process** means where positions are advertised for restricted groups of ongoing/permanent in-scope employees.

2.10. **New structure** means a restructure of the relevant workgroup/Division.

### 3. Filling of positions in the new structure

#### 3.1. Unchanged positions

3.1.1. Substantive incumbents of unchanged positions will be confirmed in the position in the new structure where:

- > an equivalent number of unchanged positions will be retained in the new structure, or
- > the number of unchanged positions in the new structure exceeds the number of substantive incumbents.

3.1.2. Where the number of substantive incumbents exceeds the number of unchanged positions retained in the new structure, a quarantined merit based selection process may be undertaken to appoint to the available positions.

3.1.2.1. In the first instance, the positions will be filled through an appropriate merit based process for the relevant work group.

Those substantive incumbents who are unsuccessful (or who do not apply) will be declared unattached employees<sup>2</sup>. Workforce Directorate will work with unattached employees to identify if any suitable vacancies exist in the new structure on a progressive basis. Consideration will be given to whether there are suitable alternative roles, duties or positions within the agency that are available or likely to become available within a reasonable time and into which the employee could be transferred to, with or without the provision of training to the employee.

Employees may be assigned to positions commensurate with their classification, skills and experience.

3.1.2.2. If positions remain vacant they may be advertised in the usual manner, eg: JobsSA\* or external press (subject to approval by Workforce Directorate or other instruction of the Chief Executive or delegate).

\*At this point Workforce Directorate will consider unattached employees and/or broader public sector work injured employees, or redeployees for vacant positions. Employees may be referred as is appropriate.

#### 3.2. Different positions

The position may be advertised in the usual manner, eg: JobsSA\* or external press; or where applicable quarantined in accordance with the publications of the CPSE or the SA Health (Health Care Act) Human Resources Manual in regard to merit, engagement, assignment of duties and transfer of Non-Executive employees, and subject to approval by Workforce Directorate or other instruction of the Chief Executive or delegate.

\*At this point Workforce Directorate will consider unattached employees and/or broader public sector work injured employees or redeployees. Employees may be referred via the JobsSA - Agency Vacancies (pending publication) as is appropriate.

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<sup>2</sup> In accordance with Section 47 of the *Public Sector Act 2009* – Assignment of Duties (where applicable) an employee may be assigned to a position commensurate with their classification, skills and experience.



### 3.3. **Reclassification**

Employees who would otherwise have been reclassified on or after the date the HR Principles come into effect will be paid a temporary allowance equivalent to the classification level determined until such time as the new structure is implemented or the position's status is determined. For SA Ambulance Service employees this will be facilitated via a temporary salary allowance; for health unit employees this will be facilitated via a higher duties payment; and for SA Health employees this will be facilitated via an additional duties payment and therefore included as salary for superannuation purposes.

Confirmation of classification in the new organisational structure occurs where:

- 3.3.1. management or an existing ongoing/permanent SA Health employee has made application for reclassification; and
- 3.3.2. the position has been approved by the appropriate delegate to be at a higher level; and
- 3.3.3. the role occupied by the employee is required in the new structure and is categorised one classification level higher than their existing substantive classification; and
- 3.3.4. the incumbent is in receipt of a reclassification allowance as a result of the assessment.

The employee will then be confirmed in the new position subject to the provisions of these principles and procedures.

In respect of matters relating to career structure/classification, the provision of applicable Enterprise Agreements will prevail over these HR Principles to the extent of any inconsistency.

### 3.4. **Non retained positions**

Where a position will not be retained in the new structure, the incumbent will become an unattached employee and will be considered for referral to any suitable vacancy in accordance with these principles.

### 3.5. **Unattached employees**

Unattached employees are those staff affected by the establishment of the new structure. Where for instance, existing ongoing positions are identified as not required in the new structure or staff are unsuccessful for a new position in the new structure, affected staff will, in the first instance, become unattached employees.

- 3.5.1. Managers will be responsible for providing meaningful work (at the substantive classification level) to the employee until they have been placed in a suitable ongoing/permanent position.
- 3.5.2. *Salaried Employees - SA Public Sector Wages Parity Enterprise Agreement: Salaried 2014 - Redeployment/Retraining and Redundancy*
  - 3.5.2.1. In the event that any ongoing salaried employee is not placed in an ongoing/permanent position, and is therefore unattached, the employee will be considered for any suitable roles, duties or responsibilities within the agency that are available or likely to become available within a reasonable time and into which the employee could be placed with or without training. The provisions of the Enterprise Agreement, and where applicable the Determinations and Guidelines of the Commissioner for Public Sector Employment (CPSE) will apply<sup>3</sup>.

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Determination 7 – Management of Excess Employees-Redeployment, Retraining and Redundancy  
Determination 2 – Management of Excess Employees-Income Maintenance  
Determination 1 – Merit, Engagement, Assignment of Duties and Transfer of Non-Executive Employees



- 3.5.2.2. Where the duties of an employee are no longer required and it is not practicable to transfer to and, where relevant assign the employee to other duties commensurate with their substantive remuneration level within a reasonable time the employee will be notified in writing by the Chief Executive that they are excess to requirements. DHA will actively case manage employees declared excess to requirement to effectively assist in any transition to new roles. Appendix 1 of the Enterprise Agreement and the applicable Determinations and Guidelines of the CPSE will apply.
- 3.5.2.3. In accordance with Appendix 1 of the Enterprise Agreement should an employee be declared excess to requirement an applicable voluntary separation arrangement<sup>4</sup> must be offered to the employee if they haven't been successful in gaining alternative ongoing employment within the first 3 months of being declared excess (from the date of written notice).
- 3.5.2.4. Where an employee declared excess identifies a preference for redeployment/retraining and declines the invitation to express interest in an early separation package in the first 3 months then the quanta of any future invitation to accept a package will be reduced:
- i. Redeployment period more than 3 months and up to 6 months 50% reduction;
  - ii. Redeployment period greater than 6 months and up to 9 months 75% reduction.
- 3.5.2.5. Where an employee has not been able to secure a new role by the end of a 12 month period (from the date of written notification) and has declined consideration of an early separation package during that time, they may be separated with a suitable payment.
- 3.5.2.6. The Chief Executive must notify the employee and union/s at the same time the CPSE, at least three months prior to the employee being due to reach the end of the 12 months of being excess.
- 3.5.3. If no suitable positions at the employee's substantive level are identified, and appropriate consultation and agreement with the employee has been made, the employee may be placed into a position at a lower classification level. Where an employee is placed on an ongoing/permanent basis in a position at a lower classification level, established income maintenance principles<sup>5</sup> will apply in accordance with redeployment, retraining and redundancy determinations and guidelines of the CPSE in relation to the management of excess employees as is applicable. A suitable role, duties or position may be at a lower classification/remuneration level than an employee's current substantive classification level, providing the classification does not provide a salary of less than 75% of the employee's substantive salary. Transfer of excess employees to duties, roles or positions with a lower classification/remuneration level should only be considered when other options have been exhausted.

### 3.6. Employee Right of Return

In the case of Public Sector Act employees, unless otherwise negotiated, all existing employee right of return arrangements will be honoured. In the case of employees engaged pursuant to the *Health Care Act 2008*, a commitment in relation to a return to substantive position following any secondment/leave/temporary contract, etc. will also be honoured.

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<sup>4</sup>Treasurer's Budget Statement June 2014: TVSP 10 weeks plus 2 weeks payment per year of service to a maximum of 52 weeks.

<sup>5</sup> Determination 2 - Excess Employees - Income Maintenance





## 4. Change in position location

The process for change of position location is outlined in Appendix A.

## 5. Notification

All in-scope employees will receive progressive written notification of their situation, e.g. upon translation to the new structure or status as an unattached employee.

## 6. Grievance resolution process

Grievances in relation to the application of these principles should be handled in accordance with the following:

- 6.1. The grievance should, in the first instance be referred to the employee's line manager for consideration and resolution.
- 6.2. If the grievance is not resolved the matter should be referred to the Executive lead for determination.

The provisions of clause 6 do not limit a party's right to avail themselves to the grievance procedures as provided in the *Public Sector Act 2009 (Sections 59-62)* where applicable or in accordance with clause 3 of the SA Health (Health Care Act) Human Resource Manual. The provisions of the SA Public Sector Salaried Employees Interim Award and the Wages Parity Enterprise Agreement: Salaried 2014 (or successor) apply.

Employees with a concern/grievance arising from a process or procedure not directly related to the implementation of the change process should follow the grievance procedures or Right of Review as provided in the *Public Sector Act 2009* (where applicable) or as outlined in the SA Health (Health Care Act) Human Resource Manual for *Health Care Act 2008* employees.

## 7. Employee assistance programs (EAP)

Employees may access EAP services available within SA Health.

## 8. Review of these principles and procedures

It is acknowledged that it may be necessary to review these HR Principles and Procedures as organisational structural arrangements develop, including the operative period. Any such review during the change process will be undertaken after twelve (12) months of the operative date in consultation with the relevant industrial organisations.



## Appendix A

### Process for Change of Position Location<sup>6</sup>

Where an unchanged position will move to another location(s), affected substantive incumbents will be given a reasonable period of notice (eight weeks) in writing of the requirement to change locations. No substantive incumbent will be forced to move their household. Employees may be reasonably required to be relocated across the Adelaide metropolitan area as provided and defined at [www.sa.gov.au](http://www.sa.gov.au) and includes the Eastern Adelaide, Northern Adelaide, Southern Adelaide and the Western Adelaide SA Government regions.

### Relocation Process

There are two circumstances that will be covered by the principles in this Appendix B:

The movement of employees where there are more employees than positions in one location, but vacancies exist in other locations; or

The deferral of the relocation of employees whose primary location is changing or the position is no longer required in that location.

*Note: the provisions of this Appendix A do not apply to the movement of employees within the City of Adelaide.*

#### **1. More substantive incumbents than unchanged positions that are to move to a new location(s)**

- 1.1. In the first instance, substantive incumbents at the same level will be asked to volunteer to work at the new location(s).
- 1.2. If the number of volunteers exceeds the number of positions available in the new location(s), the positions will be advertised through a quarantined Expression of Interest process for the affected employees only.
- 1.3. If there are insufficient volunteers within the affected work unit location (where the position(s) is no longer required) then other excess staff in other locations that are in-scope of these principles will be asked to volunteer, provided they meet the minimum essential requirements and are of the same substantive level.
- 1.4. If more employees nominate to move to a new work location than there are positions, then a merit-based selection process must apply to determine who moves to the nominated location.
- 1.5. If there are still more employees than positions in the affected work unit location, a merit-based selection process will be conducted to determine those employees that may be unattached and where applicable excess. Once this has been determined these employees will be managed in accordance with the HR Principles and Procedures.
- 1.6. If there are still new or existing vacancies in work unit locations after this process, they will be filled in accordance with the HR Principles and Procedures.

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<sup>6</sup> Section 47 of the *Public Sector Act 2009* - Assignment of Duties applies to *Public Sector Act 2009* employees and Section 34 (4) of the *Health Care Act 2008* applies to *Health Care Act 2008* employees.



Staff will be given an opportunity to discuss any relocation proposal for their position with their managers and their Human Resource Consultant, including deferral of the immediate need to move locations. No employees will be forced to move their household to continue their current substantive job if the location changes as a result of the establishment of the new organisational structure pursuant to this document<sup>7</sup>.

All staff affected by the requirement of a change of location of their substantive position will be given a reasonable period of notice of eight weeks in writing to make arrangements to meet the conditions above.

## **2. Deferral of location change requests**

- 2.1. Employees who are still unable to move after the eight week notice period, and after negotiation with their managers still believe that they will suffer unreasonable hardship as a result of required relocation of their employment, can submit a request in writing giving reasons for consideration by the Executive lead.
- 2.2. The Executive lead will consider each submission against the criteria listed below and then make a determination as to whether deferral of location is warranted. In considering written submissions the Executive lead may seek advice from any relevant information source in making a decision, including staff making the requests.
- 2.3. Employees will be notified of the outcome of their submission within 14 days of lodgement.

## **3. Relocation deferral criteria factors**

The three major factors to be considered in assessing relocation deferment requests are:

- > certified medical conditions for staff or their dependants
- > family responsibilities
- > other extenuating circumstances that will cause significant financial or personal hardship for the employee (evidence must be provided).

Please note that the consideration of deferral of relocation is only available to *ongoing/permanent* employees in relation to the work location of their *substantive* position. This process does not apply to either *temporary* employees or those *ongoing employees in temporary positions*, where the work location of their *temporary* position is changing.

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<sup>7</sup> Employees may be reasonably required to be relocated across the Adelaide Metropolitan area as defined and provided at [www.sa.gov.au](http://www.sa.gov.au) and includes: Eastern Adelaide, Northern Adelaide, Southern Adelaide and Western Adelaide SA Government regions.



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## For more information

**Email:** [Health.TransformingHealth@sa.gov.au](mailto:Health.TransformingHealth@sa.gov.au)  
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