Change Management in the NT Public Sector

Industrial obligations and consultation under NTPS enterprise agreements

NORTHERN TERRITORY GOVERNMENT

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Acronyms	Full form
CEO	Chief Executive Officer
CPE	Commissioner for Public Employment
DCDD	Department of Corporate and Digital Development
DCMC	Department of the Chief Minister and Cabinet
ECO	Executive Contract Officer
FWA	Fair Work Act 2009 (Cth)
HR	Human Resources
NT	Northern Territory
NTPS	Northern Territory Public Sector
NTPS EA	NTPS 2021-2025 Enterprise Agreement
OCPE	Office of the Commissioner for Public Employment
PSEMA	Public Sector Employment and Management Act 1993

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1. Introduction

At times, change in the NTPS is essential to meet the needs of the community and to address Government priorities and general operational requirements.

Change management in public sector organisations may involve changes to policies, processes, technology, roles, organisational culture and structures.

In some circumstances, change may be incremental. In others, it may involve a much more substantial transformation. Change can be emergent, in that it unfolds in a spontaneous way, or it can be planned, in that it is a product of conscious reasoning and deliberate action.

This highlights an important aspect of managing change, namely understanding that organisational change is a process that can be facilitated by planning and implementation phases.

There are important and long term benefits in consulting with employees during major change. This may result in beneficial ideas being incorporated into the process, as well as a more receptive take up of the change by employees.

This guide focuses on the legislative requirements for NTPS agencies when managing a major change.

2. Managing change in the NTPS: industrial obligations

NTPS enterprise agreements recognise that organisational and technological change is ongoing, and that good change management is necessary to achieve further efficiency and productivity. To this end, all NTPS enterprise agreements include specific requirements in relation to the management of change. This is consistent with the requirement under the *Fair Work Act 2009* (Cth) that agreements contain a consultation provision.

When considering and preparing for change it is essential that agencies refer to the specific provisions in the relevant enterprise agreements.

2.1. Major change

Management of change obligations in NTPS enterprise agreements are triggered where there is a proposed major change that is likely to have a significant effect on employees. This would include circumstances where the change results in:

- the termination of the employment of employees
- major change to the composition, operation or size of the agency workforce or to the skills required of employees
- the elimination or diminution of job opportunities (including opportunities for promotion or tenure)
- the alteration to a regular roster pattern or roster arrangement, ordinary hours and/or hours of work
- the need to retrain employees
- the need to relocate employees to another workplace
- the restructuring of jobs.

It is important to note that not all change affecting employees is considered major change. For example, change in the use of information technology or in administering new legislation would not normally be considered major, whereas a change to an organisational structure, including changes to jobs and responsibilities within or across work units will usually be a major change.

2.2. The consultation process

Management of change provisions within NTPS enterprise agreements require that a consultation process occur as soon as practicable after proposing to introduce the change. This process includes:

1. Notifying relevant employees and their unions of the proposal to introduce the major change.

2. Discussing with the relevant employees the introduction of change.

3. Providing, as far as practicable, all relevant information to employees about the proposed changes or decisions or other matters that will impact on them, including information about any other matters that are believed to affect employees.

4. Providing an opportunity for employees and their representatives to put forward views, comments and suggestions on all matters regarding the impact of the proposed change, including any impact in relation to the employees' family or caring responsibilities,

5. The opportunity, where relevant, to meet with employee representatives.

6. Prompt and genuine consideration of the employees' and their representatives' views, comments and suggestions.

7. Advising employees and their representatives of the final decisions, explaining how the views expressed by the employees and their representatives were considered.

8. Following consultation on the proposal to introduce the change and making a final decision, agencies must consult employees on the implementation of the change.

All NTPS enterprise agreements can be found on the Office of the Commissioner for Public Employment (OCPE) [website](#).

Consultation does not diminish the agency's authority to make a decision based on business requirements, nor does it require a consensus or 'majority rules' process for decision making. However, consultation is necessary to offer employees a genuine opportunity to influence the outcome of change, or how change is implemented, by presenting information or views about the proposal to change which may not have been previously considered.

When consulting with employees and their representatives, it is important to be clear at the beginning on the purpose of the consultation and what aspect of the change is open for comment. For example, where a decision has been mandated by Government such as the creation of a new agency, it is not possible to consult to influence the outcome of this decision; however, consultation is required with employees on how this decision will be implemented.

Ongoing and timely communication of the change management process, the proposed changes and the reasons for them, will assist in managing the uncertainty often associated with major change.

In addition, given the role of the Commissioner for Public Employment as the statutory employer of all NTPS employees, where major change is proposed, the Commissioner should be advised of the proposed change, how the agency is managing it, and be kept informed of developments during the process. The Department of Digital and Corporate Development can provide support and assistance to agencies to manage their internal change processes and works closely with OCPE in relation to this.

Communication tips

- Build a commitment to change via consistent, timely, honest, accurate communication
- Engage the executive team early to ensure clarity of messaging and set expectations for leadership through the change process
- Clarify the vision, plans and progress of the change initiative
- Capture and address all questions and issues, and be timely in response to these
- Maximise participation in the change process
- Frequently reinforce common themes and messages
- Communicate proactively
- Enable two-way discussion and dialogue with employees and unions
- Be responsive and adapt to resolve issues
- Evaluate and modify communication and approach to helping employees manage change as needed
- Discuss what the organisation can do to ensure that staff are engaged, and create customised engagement plans
- Hold managers accountable for delivering on these plans
- Encourage employees to ask whatever is on their mind; however, it is helpful to first anticipate possible scenarios and questions.

2.3. Union representatives

Agency Chief Executive Officers (CEOs) will identify to relevant unions the reasons for change, identify the objectives to be achieved and provide a description of the resources allocated to the change process.

Management must consult with relevant employees and unions at appropriate and timely stages through change processes. Depending on the significance of the impact on employees, CEOs may establish an agency consultation committee specifically to formally consult relevant unions. However, the CEO must still communicate and consult directly with all relevant employees.

Where the agency requires time to understand the nature and effect of proposed change, prior to formulating a proposed process for implementation, this should also be communicated to employees and their representatives.

The Working with Unions Guideline provides further information on the rights and obligations of employee representatives, union officials and management in the workplace.

2.4. Treatment of employees

In line with NTPS enterprise agreements and the human resource management principle (section 5C) of the *Public Sector Employment and Management Act 1993*, CEOs and their delegates are required to:

- treat all employees fairly, reasonably and in a non-discriminatory way
- allow reasonable access to training and development
- provide an internal mechanism for resolution of problems and grievances
- foster a culture of respect in the workplace

- have regard to the general well-being of employees, including giving due attention to individual workloads.

The entirety of the change process must be monitored to ensure that, as far as possible, the outcomes match the objectives, and the processes and practices aim to create a positive, stable and harmonious work environment.

2.5. Stages of major change in the NTPS

It is essential that all change management plans consider relevant legislative requirements for each stage of change. Not all major change impacts employees, but where they are affected, the NTPS enterprise agreement requirements must be implemented for each stage. OCPE can advise on this.

2.6. Process for the filling of vacancies resulting from major change

Requirements in relation to the filling of vacancies resulting from major change are found in Employment Instruction 1 Filling Vacancies and the associated Commissioner's Guideline.

2.7. NTPS redeployment and redundancy provisions

In the event that redeployment and redundancy are a consequence of major change, the NTPS redeployment and redundancy provisions are set out in Employment Instruction 14 Redeployment and Redundancy Procedures and the relevant NTPS enterprise agreement.

2.8. Grievances

There are review mechanisms for NTPS employees who are aggrieved due to matters affecting them in their employment, including during a change management process.

Employment Instruction 8 Internal Agency Complaints and Section 59 Grievance Reviews states that all agencies must have a policy and procedure allowing employees to lodge a grievance. Local level resolution of grievance under internal agency procedures is the preferred mechanism for resolving employee concerns.

3. Summary of considerations for a change management process

ACTION	TIPS & CONSIDERATIONS
ACTION 1: Is it major change? Identify whether the change contemplated is the type of major change covered by the change management provisions.	- Is it a "major change" in the workplace that is likely to have a significant effect on employees?

ACTION 2: Understand the change Managers to have a clear understanding of the change required and to allocate adequate resources to it.	- Be well prepared before communicating proposed changes to affected employees.
	- Know the detail surrounding proposed changes, including:
	  - reasons for the change
	  - the objectives to be achieved
	  - the resources to be allocated to the change process

ACTION	TIPS & CONSIDERATIONS
	- the stakeholders that will be affected and/or require consultation - estimated timeframes for implementation. • Management to agree on key communication messages – ensure all managers involved communicate clear and consistent messages.

ACTION 3: Consult employees & representatives
Consult with affected employees and relevant employee representatives at appropriate and timely stages through the development of change strategies and processes.
 	
Note: Given the Commissioner for Public Employment's role as statutory employer, it is strongly recommended that agencies embarking on major change also communicate with the OCPE at an early stage in the process and keep the OCPE informed of developments throughout the process. OCPE is available to provide assistance at any stage of the process, upon request.
	• Where practicable, consultation should be achieved through face-to-face meetings as a group or individually. If not practical then other methods such as email, bulletins or staff information sheets should be used.
	• Face to face consultation should always be documented in writing (e.g., minutes taken, key information included in follow up letter to affected employees).
	• Management should offer to meet with relevant employee representatives.
	• The CEO may establish a consultative committee as a forum for consultation if appropriate.
	• At appropriate stages of the process, communications should refer to:
	  - the opportunity for employees and relevant employee representatives to provide comments and suggestions (note, employee and employee representative suggestions should be documented in writing)
	  - the consideration of comments and suggestions received
	  - the outcome of considerations
	  - parties involved in making the final decisions.
	• Provide regular updates to affected employees and relevant employee representatives during the change process, in response to developments or delays (e.g. if consideration of issues is taking some time, communicate that relevant issues are still being considered and advice of developments will be communicated in due course).
	• Notify the CPE of the proposed change and how employees may be affected.
	• It is recommended that communications cover off on the following issues, as a minimum:
	  - What does the change involve?
	  - What are the reasons for the change?
	  - What are the objectives to be achieved?
	  - What resources will be allocated to the change process?
	  - What is the estimated timeframe for implementation?
	  - What suggestions or comments do employees and their representatives have on proposals, so that they can be factored into management's consideration?
	  - Confirmation that suggestions have been considered and how (What did the consideration involve? Were

ACTION	TIPS & CONSIDERATIONS
	suggestions able to be accommodated in whole or in part? If not, why?). - Relevant agency contact/s that employees and/or their representatives can contact if they require information or support. - Offer access to Employee Assistance Program (EAP) services, including providing relevant details for approved EAP service providers.
ACTION 4: Fair treatment of employees Fair and sensitive treatment of employees during the change process, including the provision of adequate support mechanisms, where necessary.	• Ensure that sound, logical bases exist in support of decisions or actions affecting specific employees. • Consider natural justice requirements. • Monitor individual workloads. • Identify necessary training and development opportunities where relevant. • Provide key agency contact details. • Continue to offer access to EAP where relevant. • Ensure any employee concerns or grievances are handled promptly. • Ensure relevant processes and procedures are followed where applicable (e.g.: grievance or dispute resolution processes, redeployment and redundancy procedures).
ACTION 5: Filling vacancies Filling of vacancies arising from major change undertaken in accordance with Employment Instruction 1 Filling Vacancies and relevant NTPS enterprise agreement provisions.	• Refer to Employment Instruction 1 and the redeployment and redundancy provisions under the relevant NTPS enterprise agreement, or contact DCDD Workforce Services or your Human Resource Business Partner for further information.
ACTION 6: Redeployment and redundancy NTPS redeployment and redundancy provisions applies where an ongoing employee is surplus to agency business requirements, these provisions are not to be used an alternative for management of an employee.	• Refer to Employment Instruction 14 and the redeployment and redundancy provisions under the relevant NTPS enterprise agreement, or contact DCDD Workforce Services or your Human Resource Business Partner for further information.

Link to relevant documents

[Fair Work Act 2009 (Cth)](#)

[Public Sector Employment and Management Act 1993](#)

[Working with Unions Commissioner's Guideline](#)

[Employment Instruction 1: Filling Vacancies](#)

[Filling Vacancies – Commissioner's Guidelines](#)

[Employment Instruction 8: Internal Agency Complaints and Section 59 Grievance Reviews](#)

[Employment Instruction 14: Redeployment and Redundancy Procedures](#)

[Current NTPS enterprise agreements](#)