

From: Ian Robertson

Sent: Friday, 13 January 2017 1:14 PM

To: 'Dave Walker' <DWALKER@thehills.nsw.gov.au>; Steve Dobis <sdobis@thehills.nsw.gov.au>; Daniel Giffney <dgiffney@thehills.nsw.gov.au>

Cc: Michelle Coleman <mcoleman@thehills.nsw.gov.au>; Michael Edgar <medgar@thehills.nsw.gov.au>

Subject: RE: What we wanted to do with a Health and Well-being clause

Hi Dave and everyone else.

I have been trying to put something together on Health and Wellbeing and I sent a note yesterday to Steve and Michelle about whether I should be drafting up a general kind of enabling clause for the EA, a policy document, or both.

Michelle's advice was that it would be good to get some general agreement from Dave about what he would be prepared to contemplate as a general principle or series of principles. I think that's a great approach, particularly when I go back and look at the email below which Dave, let's face it, you seem to have treated less seriously than I would've liked.

So I thought I would send to you (and not to the other unions at this stage) some general principles where you would either agree that it was worth including in a draft or you would reject. I'm pretty hot on this issue and we always wanted some kind of general arrangement rather than a rigid template that restricts the two days sick leave to things like prearranged medical appointments - that is, something you wouldn't ordinarily get sick leave for because you weren't sick at the time.

I spoke on a panel about this at the LGNSW HR conference and made the observation that one of the things I'd really like would be, after getting the partner, kids/kids off to work and school etc., sitting down quietly and reading a book when there was no one else at home. Amongst the other things I'd listed like meditation courses or training, yoga, exercise, going for a bushwalk, going for a surf, playing golf (don't joke, Adam Dansie at the time we were discussing the implications of something like this thought this would be leave available if we had members coming up from Bega (as we did) to come to our golf day when we used to have one. I always reckoned when we did have our union picnic Day golf Day that teams from particular workplaces doing something together like this couldn't help but have benefits back at work.

There was a lot of nodding heads to my suggestion about the pleasure available from sitting down quietly for half a day or a day reading - something you wouldn't ordinarily do in normal busy family life and something which would provide a well-being benefit. I always find painting a room a fantastic way of clearing my head, so you can see how difficult it is to start making a list of allowable activity because it will all really be down to what helps people clear their head, reduce stress, get fitter or healthier etc.

It's pretty common for people to take a sickie when they are simply sick of work, overworked, underworked or whatever, and it would be possible to divert those sort of sickie into the health and well-being. They would at least allow you to better manage potential roting of your sick leave.

What I would like to see includes the following:

1. A commitment from the Council to trial an unrestricted model facilitating access to 2 days sick leave for health and well-being purposes subject to a few procedural checks and balances.
2. A process that would see employees make application for the leave to whomever employees make an application to for their sick leave. I don't know whether the process there is employee to immediate supervisor or whatever, but I'm working on the basis that an immediate supervisor would have some idea of the sorts of things that employees they are supervising do, or would like to do, in the interests of their health and well-being.

3. The employee would make the application in writing or however you do it there identifying the activity and identifying the health and well-being benefit. It's important that employees think about this and make the effort of identifying the benefit - this will weed out a lot of the potential rorting.
4. The supervisor would be responsible for weeding out the ludicrous, or the rorts - like wanting an afternoon to go and get pissed, for example, which doesn't really fit within the spirit of the process even though we all know what a lovely time we can have doing it.
5. The leave could be provided for any physical or mental activity even, that the employee is prepared to try and justify, which would fit generally within concepts of health, fitness, exercise, improved health benefits, as well as potentially things to assist with mental health in times of stress and where I believe it appropriate that a supervisor could say to someone that they have been working too hard lately and it's obvious they need a bit of a break, why don't you put in an application for a couple of days health and well-being leave etc.
6. Before introducing this arrangement you prepare documentation (ideally with the unions) saying that the Council is prepared to trial a largely unrestricted arrangement but it will rely heavily on employees not taking advantage of a broad approach by trying to take leave for activities that they can't justify providing health and well-being benefit.
7. The trial would operate for a period of (insert number) months - it would need to be long enough for people generally to think about what they could do that would assist in their health and well-being, how they would justify it as having benefits under this provision, etc. I reckon nine would do.
8. The review would be conducted by the CC/unions to know whether this trust and good faith shown by the Council has been responded to appropriately by the employees or whether it has been a fiasco.
9. If it was a fiasco, Dave will have left the building and it won't be his fault but it is possible that this could be a richly rewarding experience for employees and the Council, providing improvements in productivity, reductions in "sickie" sick leave etc.

I reckon the five of you could list four things immediately that you find terrific for destressing, or making you feel better and improving your levels of well-being, that you might find hard to incorporate into a policy document and this would convince you of what a terrific opportunity you have here to embark on a bold initiative, in a real partnership with your employees, based on trust and a commitment to improved health and well-being in the workplace and the undeniable productivity benefits that would flow from that.

I reckon if you can come back to me with what you are prepared to agree to as a general principle, I could have something to you within a couple of days. So, potentially by the end of next week.

Cheers

Ian Robertson
Secretary
depa

From: Dave Walker [<mailto:DWALKER@thehills.nsw.gov.au>]

Sent: Thursday, 10 November 2016 9:27 AM

To: Ian Robertson <ian@depa.net.au>; Steve Dobis <sdobis@thehills.nsw.gov.au>; Daniel Giffney <dgiffney@thehills.nsw.gov.au>

Cc: Michelle Coleman <mcoleman@thehills.nsw.gov.au>; Michael Edgar <medgar@thehills.nsw.gov.au>

Subject: RE: What we wanted to do with a Health and Well-being clause

Ian

Looks like I neglected my health based on my current head cold , but in the spirit of the matter I will take some time out and meditate while considering your (yoga) position on the matter.

In not so good health

Comrade Walker

From: Ian Robertson [<mailto:ian@depa.net.au>]

Sent: Thursday, 10 November 2016 9:21 AM

To: Dave Walker; Steve Dobis; Daniel Giffney; Daniel Papps; nfalvey@professionalsaustralia.org.au

Subject: FW: What we wanted to do with a Health and Well-being clause

Hi everyone

I'm forwarding to you an email I sent to the woman in charge of HR at Central Coast Council about what should be in a health and wellbeing policy.

I haven't forgotten that I'm going to draft up something for our continuing EA discussions out at The Hills, but I thought it would be useful to provide this history, so everyone has a bit of an idea what we were trying to do in the Award in 2014.

And then you would enthusiastically embrace the original idea and we could develop a model policy.

(By the way, Dave, the Committee of Management resolved that we will provide a cash prize to the Council with the best Health and Wellbeing policy. That will probably be presented at the 2017 LGNSW HR conference , so you'll have a year to introduce the broad and unrestrained policy and then be able to demonstrate how brilliantly it's worked!

It can be your lasting legacy to the industry.)

Cheers

Ian Robertson

Secretary

depa

From: Ian Robertson

Sent: Wednesday, 9 November 2016 5:43 PM

To: Blank

Subject: What we wanted to do with a Health and Well-being clause

Hi Blank

Wow, here is a real opportunity for you to do something really significant and I hope I can talk you into it!

When we were developing our log of claims for the 2014 award back in 2013, there was significant publicity about Australia's obesity epidemic, for want of a better word. There is a huge amount of evidence that shows that employees who have better health and well-being (however you like to describe it) will have fewer sick days and will be more attentive and productive when they are work. There was also a very significant study released publicly from the University of Queensland supporting all this.

The NSW government has information and we looked at all of this stuff in developing our claim. This is how it appeared in our 2014, Log of Claims:

Do something to assist healthy lifestyles and fight obesity

Australians are getting too fat and our obesity rates are higher even than those in the US. A study in November 2013 by Queensland Health found that two thirds of Queensland doctors claim to be spending almost half the time treating obesity -related conditions such as diabetes and heart disease.

Obesity and healthy lifestyles have a direct impact on work, access to sick leave and productivity.

Claim 24: Introduce measures to encourage healthy lifestyles and combat obesity by:

- Providing subsidies for agreed programs of health and fitness and/or
- providing access to sick leave for seeking professional advice on developing programs to assist with healthy lifestyles and combating obesity.

So, you can see that what we were looking for here is a long, long way away from what we ended up with and, particularly, the template HR in LGNSW prepared to assist councils.

Anyway, figuring that anything was a foot in the door, we reached agreement on the current arrangements that allow employees to take up to 2 days from their sick leave "to participate in a health and/or well-being activity" subject to a number of considerations.

Compromises were made, but subclauses (i) and (ii) are reasonably faithful to the intention of that original claim:

- (i) The parties to the Award recognise that workplace health and wellbeing programs can lead to positive outcomes such as improved employee work performance and productivity, improve employee recruitment and retention, reduced absenteeism, and other benefits.
- (ii) Employers are encouraged to develop workplace health and/or well-being programs that are suited to the needs and resources of the employer.

It's pretty clear is from 24(i) that we had a broad intention to do good work and a general acceptance of the positive outcomes for the Council.

But, for reasons that remain largely unclear (but LGNSW says they had to respond to irresponsible statements being made around the country by the USU) LGNSW developed a template to assist councils in introducing these arrangements and, of course, that template listed all of those preventative kind of medical appointments. So, they missed the point entirely and even abandoned their own commitment evident in 24(i).

After I had seen the template (the first version was worse) I have them add the words of the tale of that about "that anything else approved by the GM" or something like that. At the time, that was the best I could get from LGNSW

I thought, because it was my idea after all, that Council should welcome and embrace a broad approach in looking at this because being too prescriptive would kill it off. My view was that as long as it fell within the general parameters of improving health and well-being, then why not try an open embracing of the concept, emphasising that rorting the system will be discouraged and will kill off what is intended to be a provision beneficial to employees, but providing to supervisors the capacity to approve applications from employees if they think that the activity proposed would improve the employee's health and well-being.

After all, supervisors should have a pretty clear idea about what people do for stress relief and enjoyment and, I hoped that this would be the sort of mechanism where someone could come and tap you on the

shoulder and say I've noticed that you've been a bit too stressed at work, I'm suggesting you take a day or two off as health and well-being leave. You know that kind of thing.

I thought it would be useful to operate with as few restrictions as possible for say six months, monitor it as it happened to make sure that there are a catastrophic excesses, but after six months, review the sort of activities that had been approved for access to sick leave. It probably wouldn't be much leave anyway, when you think about it, and it may reduce sickies anyway, but then you would have some data about the sort of things that people thought would help their health and well-being.

Why not yoga, or meditation, or playing golf, or going surfing, or bushwalking, or appointments with a personal trainer to set up a health and well-being program, or going for a nice long walk, all learning to swim so you can use swimming is an exercise, was spending a day at home reading a book without the bloody husband or wife or whatever or kids in the way etc. etc.

I do blame LGNSW and their dreadful template for frustrating what was really a combined view anyway and, in our log of claims for the 2017 Award we have proposed two things:

Clause 21 A Sick Leave

Insert a paragraph prefacing sick leave entitlements as follows:

The parties to the award recognise that health and wellbeing have a critical effect upon an employee and their access to sick leave. Employers who are healthy and have higher levels of wellbeing are accepted to be more productive and have fewer illnesses warranting access to sick leave and councils managing sick leave must address this principle consistent with opportunities available under clause 24 Health and Well-being.

Clause 24 Health and Wellbeing

Delete the words "are encouraged to develop" in 24 (ii) and replace with "shall", so that all councils must develop a policy.

Review the development of facilitative policies in the industry and identify strategies to assist those councils struggling, hostile or uninterested.

Amend the LGNSW HR template to be more facilitative rather than restrictive.

So, there you are. I would be happy to come and talk you into this because getting a big council like yours on board with the original intention of the clause would be absolutely fabulous. And, there will be undeniable benefits flowing to the organisation because healthier and fitter employees are more productive and take fewer sick days.

Regards and good luck!

Ian Robertson
Secretary
depa