



22 May 2012

Letter to the parties to 133/2011 and 155/2011

LGSA: Adam Dansie and Michele O'Neil
USU: Graeme Kelly and Steven Hughes
LGEA: Martin O'Connell and Gordon Brock

Dear Comrades and Colleagues

I write following the observations made by Haylen J this afternoon in the Commission. Principally, in response to his support of the continuing process of agreement between us to develop agreed Industry Guidelines, the substantial progress that has been made to date and that a final document is in the offing.

Clearly I am pleased that His Honour observed that it would be "helpful" to the continuing process if the employers "made available" the information which we are seeking. He emphasised that "if one of the participants has a concern, having information available may ease the process" and we are all more likely to "reach the 30 June deadline date only if all of the participants have confidence in the process."

I know that Michele observed as we left that it was an "informal recommendation" but regardless of its status, it is a clear expression from the Commission that the information we are seeking should be provided to enhance the process and ensure that all the parties have confidence in it.

To avoid any confusion I thought it useful to list the things I put to the Commission that we would like. You are all well aware of what we are looking for - evidence of what is said to have occurred during the trial in an examinable way so that we can make observations about evidence and in addition to that evidence, the costs of the exercise properly measured.

I note that His Honour reminded us all that this information can be provided confidentially - whether that be the specifics of sick leave, access to EAPs and statistics for accident/incidents - and I undertake not to disclose this specific information from these councils. I also undertake not to disclose anything which may be put as "commercial in confidence", although I note in passing that the three councils which have already refused our request for information about the costs (even though they are publicly available) haven't raised this as a concern.

So, we are seeking:

1. Evidence that allows us to test the assertions that have been made in the Working Party Report and in subsequent discussions that the trial directly resulted in an increase in sick leave and access to EAPs. This information should be provided for the preceding five years and, just as the Working Party Report has compared the first six months of 2011 with the second six months when the trial took place, this information, to be readily examinable and comparable, needs to be broken into the first half of the year and the second half of the year for each of the five councils. This would allow us to make an evidence-based judgement.

2. The assertion has been made that people who are known to be high risk because of alcohol or other drug issues were the ones who took more leave to avoid being at work while testing was taking place. If this is true, and if it follows that having fewer at risk employees at work improves health and safety, then this should be evident from an analysis of reportable incidents and accidents over the past five years and, in particular, incidents and accidents before the trial and during the trial period. This allows us to make an evidence-based judgement.
3. The costs of the trial at the participating councils in terms of engaging any external contractor to educate, train, test etc. We note that Newcastle spent \$101,000 but we don't know what they got for the money. It would be useful to have a breakup of this publicly available figure at Newcastle and a similar breakup of the costs incurred at the other four councils would allow us to make judgements like whether testing should be conducted by an external provider or an internal resource etc. And while the LGSA believes that it is not their role to advise councils about wise spending of money, it's certainly of interest to depa how councils spend their money when that is always the first argument in rejecting any claims we might make.
4. Finally, an estimate of the indirect costs involved to the Council by identifying the number of hours that may have been involved by participants in the trial and subsequently. This would include: lost time for those employees tested; lost time for supervisors and other managers involved in overseeing the testing and the delivering of employees randomly chosen; hours that could be calculated for training and the significant number of hours that would have been expended by some of the HR Managers and other staff in the "more than two dozen" meetings of the Working Parties and the drafting of Working Party Report and other things. The compiling of the Working Party Report in itself would have involved a substantial amount of time for council employees.
5. And for completeness, a simple response to the 25 issues I identified for our discussion on 7 May. Some of these can be answered with a simple yes or no and a few might require a sentence or two.

The furnishing of this information will allow us to proceed towards agreed Industry Guidelines. I indicate my willingness to meet at short notice after this information is available.

Regards



Ian Robertson
Secretary