



**Independent Governance Review of
the Health Services Act 2016**

United Workers Union Submission

INTRODUCTION

About UWU

1. UWU is one of the largest public sector unions in Australia. The WA health system relies on UWU members to feed, clean, and care for patients. Our members are the glue that holds the system together and are passionate about their work, despite being amongst the lowest paid workers in the State. If not for UWU members, there would be no WA health system.

Background

2. On 1 July 2016, the *Health Services Act 2016 (WA)* (**HSA**) commenced and provided a legal framework that devolved the governance and structure of the WA health system. Health Service Providers (**HSP**) were established as separate legal entities and the HSA determined responsibility and accountability across the system.
3. The Minister for Health has commissioned an Independent Panel to advise whether the current governance framework is efficient and effective.
4. As part of the Panel's review it has sought, and received, input from United Workers Union (**UWU**). These submissions form the formal position of UWU and are based on feedback received from workers across all the HSPs and from all regions in Western Australia.

Summary of UWU Position

5. The current governance framework is flawed, and as such:
 - 5.1. roles, responsibilities and accountabilities are unclear;¹
 - 5.2. the system manager does not have the ability to set system wide direction or adequately manage system wide risk, resulting in inconsistent practices and a lack of integration across the HSPs;²

¹ The blurring of lines, practically at least, between Director General, Chief Executive and Board has, in our experience, resulted in a lack of focus and an inability to adopt a system wide approach to issues.

² Even in the face of clear advice from the system manager, HSPs have adopted their own unique interpretations of industrial instruments and centrally issued policies. This was on show several times during the recent pandemic when system wide communications were amended at HSP level creating confusion and inconsistencies.

- 5.3. pockets of excellence exist but they exist in isolation, there is little recognition of a responsibility to the entirety of the WA health system;³
- 5.4. a lack of clear accountability makes it near impossible to implement system wide policies, including specific WA Government priorities;⁴
- 5.5. there is no effective workforce planning across the WA health system with individual HSPs essentially in competition for labor with no consideration given to system priorities⁵;
- 5.6. workers do not have a positive experience of working in the WA health system and struggle with the lack of an overall organisational culture;⁶ and
- 5.7. all the above results in a significant opportunity cost for the health system.⁷

DISCUSSION

The Employing Authority

6. UWU members are employed by an individual HSP, in effect creating multiple different employers across the WA health system. It has become apparent that this model of employment has created:
- 6.1. inconsistent application and interpretation of industrial instruments across the HSPs;

³ Even where systems work well, they tend to only work well for that HSP, or a hospital therein. Incentives to adopt good practice throughout the health system appear not to exist, with individual HSPs reticent to learn and collaborate.

⁴ From a UWU perspective we note that it has been a policy priority of this, and the previous Labor Government, to reduce non-permanent employment in the health system. Despite this clear direction the cohort of workers that UWU represents continues to have high levels of insecure employment, virtually unchanged in six years. A lack of intent by the HSPs is in no small measure due to an ability to avoid accountability for failures to implement policy.

⁵ Competition for labour may arguably be healthy in the private sector, but in a health system whose remit is to serve West Australians this does not work and results in there being no guarantee that areas of most need are given priority resource. This results in HSPs developing attraction and retention strategies in isolation and without considering the needs of the overall system.

⁶ As has become apparent from the Minister's survey, as well as overwhelmingly in the feedback we receive from members, workers have not formed cultural attachments with the idea of HSPs. Our members still predominantly see themselves as employees of the WA health system yet find themselves artificially outside of this being an actuality.

⁷ For example, local disputes from already decided central policy diverts resource and focus as well as creating a culture of conflict rather than collaboration.

- 6.2. policies being developed in isolation without due consideration being given to the system wide impact;
 - 6.3. the inability of the system manager to set clear direction and develop system priorities;
 - 6.4. a dilution of industrial relations and human resource expertise and skills, resulting in a negative flow on effect through the decision-making practices of middle management;
 - 6.5. an absence of a clear and identifiable WA health system organisational culture;
 - 6.6. competition for vacant positions between HSPs with no consideration on system wide workforce requirements; and
 - 6.7. a logistical and practical obstacle to good, transparent governance.
7. UWU is of the opinion that WA health system employees should be employed centrally rather than by individual HSPs. We believe this will create an environment where:
- 7.1. consistent application and interpretation of industrial instruments is more easily achievable with transparent accountability for decision making;
 - 7.2. employees can more easily see themselves as WA health system workers and develop a clear and recognisable culture;
 - 7.3. staff movement can be facilitated to suit the system's needs and recruitment can be focused on areas of most need;
 - 7.4. experienced IR and HR practitioners can target system wide deficiencies and concentrate their expertise in providing solutions; and
 - 7.5. Government policies and priorities can be better encouraged consistently across the system.

Union Engagement

8. Good governance requires effective communication through all levels of the health system. Inconsistent access to decision makers by the representatives of workers has led to:

- 8.1. fragmented engagement and inconsistent messaging;
 - 8.2. issues with system wide implications often being dealt with in isolation;
 - 8.3. the ability for workers to have a real voice in their workplace being stifled, and opportunities for positive system wide change given no adequate forum; and
 - 8.4. a sense of frustration and isolation on the part of workers and their representatives.
9. UWU believes that formal consultative structures involving decision makers and workers should be established as part of a transparent governance system. This should involve:
- 9.1. the existing Ministerial Advisory Panel being incorporated into the governance structure and affording a platform for ongoing high-level work on system wide structural issues; and
 - 9.2. the existing Health Union Consultative Group being incorporated into the governance structure with regular access to the Director General and the ability for all Unions with members working in the health system to identify and resolve discrete system issues.

Workforce Data

10. Effective governance can only be transparent and accountable with effective and consistent data. Current reporting across HSPs is:
- 10.1. inconsistent in practice and methodology resulting in difficulty in agreeing on baseline measures; and
 - 10.2. an obstacle to adopting best practice and identifying system wide opportunities.
11. UWU believes that good governance requires good and accurate reporting standards. As such:
- 11.1. baseline standards and measures to be adopted and applied across the health system; and
 - 11.2. developed data to be provided to Unions on a regular and ongoing basis.

RECOMMENDATIONS

- A. WA health system employees should be employed centrally.
- B. Formal consultative structures involving decision makers and workers should be established.
- C. Consistent and accurate data reporting to be developed and shared with Unions.
- D. UWU has had the opportunity to read the review submissions made by the Health Services Union WA and supports:
 - i. Recommendation 1.
 - ii. Recommendation 2.
 - iii. Recommendation 3.
 - iv. Recommendation 5.
 - v. Recommendation 6.
- E. UWU has had the opportunity to review submissions made by the Australian Medical Association (WA) and supports:
 - i. Recommendation 1b.
 - ii. Recommendation 3.