

**WORKPLACE
RESEARCH**

ASSOCIATES ACN 083 481 298

WORK LEVEL STANDARDS ASSESSMENTS

FOR

SES POSITIONS

FAIR WORK BUILDING AND CONSTRUCTION

March 2014

TABLE OF CONTENTS

EXECUTIVE SUMMARY3

BACKGROUND4

METHODOLOGY4

 WORK LEVEL ASSESSMENT: CHIEF COUNSEL6

 WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR LEGAL – EASTERN10

 WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR LEGAL – CENTRAL/WEST14

 WORK LEVEL ASSESSMENT: GROUP MANAGER, OPERATIONS.....18

 WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR OPERATIONS – EASTERN22

 WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR OPERATIONS – CENTRAL/WEST26

 WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR – CAPABILITY, PERFORMANCE AND
 INNOVATION30

OTHER ISSUES.....34

 CHIEF COUNSEL34

 WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR LEGAL – EASTERN AND.....35

 EXECUTIVE DIRECTOR LEGAL – CENTRAL / WEST35

 GROUP MANAGER, OPERATIONS.....36

 EXECUTIVE DIRECTOR, CAPABILITY, PERFORMANCE AND INNOVATION37

SUMMARY OF FINDINGS AND RECOMMENDATIONS38

ATTACHMENT A: DETAILS OF THOSE WHO PARTICIPATED IN THE REVIEW39

ATTACHMENT B: CORPORATE DOCUMENTATION PROVIDED AS PART OF THE REVIEW40

ATTACHMENT C: WORK LEVEL STANDARDS CRITERIA.....41

EXECUTIVE SUMMARY

This report summarises the findings of evaluations of Senior Executive Service (SES) positions in Fair Work Building and Construction (FWBC). All current SES positions in FWBC are being evaluated by Workplace Research Associates at the request of the Director, FWBC. This review will form part of FWBC's response to the Australian Public Service Commission's (APSC) requirement for agencies to evaluate all SES positions within three years (i.e. by end 2014).

The positions evaluated were:

- Chief Counsel
- Executive Director Legal – Eastern
- Executive Director Legal – Central/West
- Group Manager Operations
- Executive Director Operations – Eastern
- Executive Director Operations – Central/West
- Executive Director Capability, Performance and Innovation

Based on an analysis of each role using the APSC's SES job evaluation methodology, the review finds and recommends the following:

Recommendation 1: That the following positions be classified at the level of SES Band 1:

- Executive Director Operations – Eastern
- Executive Director Operations – Central/West

Recommendation 2: The review finds that the following positions are currently over-classified:

- Group Manager Operations
- Chief Counsel
- Executive Director Capability, Performance and Innovation

Further, the review finds that the following positions have a work value determined as 'borderline' SES Band 1:

- Executive Director Legal – Eastern
- Executive Director Legal – Central/West

Consequently, it is recommended that FWBC consider a restructure of its Executive team to take into account the findings of this review and the roles and responsibilities that will be required with the introduction of the new National Building Code and the creation of the ABCC.

The review is presented to FWBC for consideration.

BACKGROUND

This report summarises the findings of evaluations of Senior Executive Service (SES) positions in Fair Work Building and Construction (FWBC). All current SES positions in FWBC are being evaluated by Workplace Research Associates at the request of the Director, FWBC. This review will form part of FWBC's response to the Australian Public Service Commission's (APSC) requirement for agencies to evaluate all SES positions within three years (i.e. by end 2014).

The positions evaluated were:

- Chief Counsel
- Executive Director Legal – Eastern
- Executive Director Legal – Central/West
- Group Manager Operations
- Executive Director Operations – Eastern
- Executive Director Operations – Central/West
- Executive Director Capability, Performance and Innovation

Details of those who participated in the review are presented at Attachment A.

METHODOLOGY

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹ Corporate documentation may include (and is not limited to) any or all of the following: Budget and Cabinet papers ; delegations held by the role; performance agreements; Annual Reports; Business Plans; role descriptions; Government/Ministerial statements, press releases etc ; new policy proposal documentation; organisation charts—existing and proposed.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

WORK LEVEL ASSESSMENT: CHIEF COUNSEL

KEY RESPONSIBILITIES

The key responsibilities of the role are to:

- Direct and manage the provision of legal services for FWBC
- Assess, confirm and provide high level advice, written briefs and other material on legal resources, legal briefs and management of court matters
- Effectively litigate across the full range of the legislation, including civil remedy provisions of the *Fair Work (Building Industry) Act 2012*, *Fair Work Act 2009* and the *Independent Contractors Act 2006*.
- Co-ordinate examinations involving the exercise of compliance powers pursuant to the *Fair Work (Building Industry) Act 2012* and manage and instruct on legal challenges arising from the exercise of compliance powers
- Manage effective and productive relations and liaison with external legal providers, including monitoring of work flow, quality of advice and fee structures. Assist in the management of the legal budget
- Lead, manage and mentor the performance and development of legal staff to ensure that the Legal Group's structure, processes and capabilities can achieve FWBC's goals
- Liaise effectively with FWBC Senior Management and staff in providing advice on possible legal aspects of investigative approaches, briefs of evidence and the direction of court matters. Provide regular reports on the progress of Court matters
- Ensure compliance by the FWBC with the Legal Services Directions published by the Attorney-General's Department
- As a member of the FWBC Executive, proactively promote and demonstrate excellent contemporary leadership and management practices in the workplace
- Develop and maintain effective high level relationships with:
 - External stakeholders including employer and employee associations
 - The legal profession
 - The workplace relations community
 - Other intra-Government stakeholders such as the Department of Employment and OLSC
 - State Government agencies
- Engender a culture within the Legal Group that is committed to service and is ethical, respectful, accountable and impartial

KEY CLIENTS AND STAKEHOLDERS

The key clients and stakeholders associated with the role are:

Internal

- Director, Fair Work Building and Construction
- All members of the FWBC Executive Board



External

- Senior advisors in the Minister’s Office
- External stakeholders including employer and employee associations
- The legal profession, particularly the General Counsels’ network
- The workplace relations community
- Other intra-Government stakeholders such as the Department of Employment, Fair Work Ombudsman and OLSC
- State Government agencies

ANALYSIS OF THE WORK VALUE OF THE ROLE

CRITERION	SCORE	RATIONALE
Leadership: Knowledge	8	<div style="background-color: black; width: 100%; height: 100%; min-height: 200px;"></div>

Leadership: Accountability	8	
Diversity / Span	5	
Stakeholder Management	7	

Job Context and Environment	7	
Judgement and Independence	8	
TOTAL SCORE	43	BAND: SES Band 1

RECOMMENDED CLASSIFICATION

In forming a judgement about the recommended classification level for the position, information from all the sources accessed in the review was taken into account in determining its work value. An assessment of work value was made by considering the requirements of the role relative to the standards articulated in the APS-wide SES Work Level Standards.

Taken together, the data for the position support a recommended classification at the **SES Band 1 level**. The role is considered to be a 'borderline' role and further discussion in relation to its work value is included in the section 'Other Issues'.

WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR LEGAL – EASTERN

KEY RESPONSIBILITIES

The key responsibilities of the role are to:

- Lead a small team of lawyers who provide advice to agency staff and manage litigation under workplace laws in the building and construction industry
- Contribute to the executive management of the FWBC Legal Group nationally
- Apply a high-level knowledge of workplace laws as related to the building and construction industry and litigation management in the provision of advice to the FWBC
- Work collaboratively with a range of agency staff to provide advice and critically assess appropriate cases for litigation under national workplace laws in accordance with FWBC's litigation policy and its broader compliance priorities
- Manage the Legal Group's activities to support FWBC Operations in Victoria, NSW, Queensland, ACT and Tasmania
- Oversee and manage the Legal Group's litigation and stakeholder engagement activities in Victoria, NSW, Queensland, ACT and Tasmania
- Manage alternative dispute resolution processes with the aim of reaching appropriate and effective outcomes through the use of alternative dispute resolution
- Manage the Legal Group's governance obligations in Victoria, NSW, Queensland, ACT and Tasmania
- Provide accurate and effective legal advice in relation to referred corporate issues such as human resources, corporate and finance
- Provide accurate and effective legal advice in relation to referred policy issues such as the development of new legislation, regulations, delegations and other instruments
- Maintain effective relationships with external stakeholders including actively engaging with other intra-Government stakeholders, the legal profession, the workplace relations community and the building and construction industry
- Build and maintain staff members' skills and knowledge of the workplace relations framework and other relevant laws. Provide staff with opportunities for personal and professional development
- Engender a culture within the Legal Group that is committed to service and is ethical, respectful, accountable and impartial

KEY CLIENTS AND STAKEHOLDERS

The key clients and stakeholders associated with the role are:

Internal




- Director, Fair Work Building and Construction
- Chief Counsel
- All members of the FWBC Executive Board
- Other FWBC staff, particularly Inspectors

External

- Senior members of the legal profession and the industrial relations fraternity
- (As required) External stakeholders including employer and employee associations
- Other intra-Government stakeholders such as the Department of Employment, Fair Work Ombudsman, Fair Work Commission, Attorney-General’s Department and OLSC
- State Government agencies

ANALYSIS OF THE WORK VALUE OF THE ROLE

CRITERION	SCORE	RATIONALE
Leadership: Knowledge	7	<div style="background-color: black; width: 100%; height: 100%; min-height: 200px;"></div>

Leadership: Accountability	6	 The content of this cell is completely redacted with black boxes.
Diversity / Span	4	 The content of this cell is completely redacted with black boxes.
Stakeholder Management	5	 The content of this cell is completely redacted with black boxes.

Job Context and Environment	6	<div style="background-color: black; width: 100%; height: 100%; min-height: 150px;"></div>
Judgement and Independence	6	<div style="background-color: black; width: 100%; height: 100%; min-height: 150px;"></div>
TOTAL SCORE	34	BAND: SES Band 1

RECOMMENDED CLASSIFICATION

In forming a judgement about the recommended classification level for the position, information from all the sources accessed in the review was taken into account in determining its work value. An assessment of work value was made by considering the requirements of the role relative to the standards articulated in the APS-wide SES Work Level Standards.

Taken together, the data for the position support a recommended classification at the **SES Band 1 level**. The role is considered to be a 'borderline' role and further discussion in relation to its work value is included in the section 'Other Issues'

WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR LEGAL – CENTRAL/WEST

KEY RESPONSIBILITIES

The key responsibilities of the role are to:

- Lead a small team of lawyers (2.5 FTE) who provide advice to agency staff and manage litigation under workplace laws in the building and construction industry
- Contribute to the executive management of the FWBC Legal Group nationally
- Apply a high-level knowledge of workplace laws as related to the building and construction industry and litigation management in the provision of advice to the FWBC
- Work collaboratively with a range of agency staff to provide advice and critically assess appropriate cases for litigation under national workplace laws in accordance with FWBC's litigation policy and its broader compliance priorities
- Manage the Legal Group's activities to support FWBC Operations in Western Australia, South Australia and the Northern Territory
- Oversee and manage the Legal Group's litigation and stakeholder engagement activities in Western Australia, South Australia and the Northern Territory
- Manage alternative dispute resolution processes with the aim of reaching appropriate and effective outcomes through the use of alternative dispute resolution
- Manage the Legal Group's governance obligations in Western Australia, South Australia and the Northern Territory
- Provide accurate and effective legal advice in relation to referred corporate issues such as human resources, corporate and finance
- Provide accurate and effective legal advice in relation to referred policy issues such as the development of new legislation, regulations, delegations and other instruments
- Maintain effective relationships with external stakeholders including actively engaging with other intra-Government stakeholders, the legal profession, the workplace relations community and the building and construction industry
- Build and maintain staff members' skills and knowledge of the workplace relations framework and other relevant laws. Provide staff with opportunities for personal and professional development
- Engender a culture within the Legal Group that is committed to service and is ethical, respectful, accountable and impartial

KEY CLIENTS AND STAKEHOLDERS

The key clients and stakeholders associated with the role are:

Internal




- Director, Fair Work Building and Construction
- Chief Counsel
- All members of the FWBC Executive Board
- Other FWBC staff, particularly Inspectors



External

- Senior members of the legal profession and the industrial relations fraternity
- (As required) External stakeholders including employer and employee associations
- Other intra-Government stakeholders such as the Department of Employment, Fair Work Ombudsman, Fair Work Commission, Attorney-General’s Department and OLSC
- State Government agencies

ANALYSIS OF THE WORK VALUE OF THE ROLE

CRITERION	SCORE	RATIONALE
Leadership: Knowledge	7	<div style="background-color: black; width: 100%; height: 100%; min-height: 200px;"></div>

<p>Leadership: Accountability</p>	<p>6</p>	
<p>Diversity / Span</p>	<p>4</p>	
<p>Stakeholder Management</p>	<p>5</p>	

Job Context and Environment	6	
Judgement and Independence	6	
TOTAL SCORE	34	BAND: SES Band 1

RECOMMENDED CLASSIFICATION

In forming a judgement about the recommended classification level for the position, information from all the sources accessed in the review was taken into account in determining its work value. An assessment of work value was made by considering the requirements of the role relative to the standards articulated in the APS-wide SES Work Level Standards.

Taken together, the data for the position support a recommended classification at the **SES Band 1 level**. The role is considered to be a 'borderline' role and further discussion in relation to its work value is included in the section 'Other Issues'

WORK LEVEL ASSESSMENT: GROUP MANAGER, OPERATIONS

KEY RESPONSIBILITIES

The key responsibilities of the role are to:

- Champion the FWBC vision and goals within the agency working closely with the Operations SES and State Directors
- Assist the FWBC Director to monitor and promote appropriate standards of conduct by building industry participants
- Contribute as a senior member of the FWBC Executive Board to the efficient and effective operations of the agency
- Ensure that building work is carried out fairly, efficiently and productively for the benefit of all building industry participants and the benefit of the Australian economy as a whole
- Exercise a full range of compliance strategies to address identified contraventions of workplace laws
- Provide advice and assistance to building industry participants regarding their rights and obligations under relevant legislation
- Lead teams to ensure effective compliance and responsive enforcement performance; Operations teams are located in Melbourne, Sydney, Canberra, Brisbane, Perth, Adelaide, Hobart and Darwin
- Exercise statutory powers including:
 - The investigator of suspected contraventions
- Lead operations and take action to ensure compliance with the *National Code of Practice for the Construction Industry* ('National Code')
- Provide a comprehensive regulatory and advisory service by:
 - Ensuring all enquiries and complaints are investigated in a timely and efficient manner
 - Monitoring industry activities to identify unreported or emerging issues
- Convene regular Operations Managers' meetings to review the progress of all current investigations
- Attend joint Operations and Legal meetings, as needed, for specific high profile / sensitive cases
- Foster a stakeholder focus in the agency and develop and maintain relationships with key staff in other Government and related portfolio agencies

KEY CLIENTS AND STAKEHOLDERS

The key clients and stakeholders associated with the role are:

Internal

- Director, Fair Work Building and Construction
- All members of the FWBC Executive Board

External

- Minister’s Office
- Senior staff in the Department of Employment, Department of Finance, Fair Work Ombudsman, Comcare, Safe Work Australia, State Government counterparts
- Senior staff of the Master Builders Association, Australian Chamber of Commerce and Industry, Australian Industry Group, Housing Industry Association, Australian Constructors Association (as required)

ANALYSIS OF THE WORK VALUE OF THE ROLE

CRITERION	SCORE	RATIONALE
Leadership: Knowledge	8	<div style="background-color: black; width: 100%; height: 100%; min-height: 300px;"></div>

Leadership: Accountability	8	
Diversity / Span	6	
Stakeholder Management	6	

Job Context and Environment	7	<div style="background-color: black; width: 100%; height: 100%; min-height: 200px;"></div>
Judgement and Independence	7	<div style="background-color: black; width: 100%; height: 100%; min-height: 150px;"></div>
TOTAL SCORE	42	BAND: SES Band 1

RECOMMENDED CLASSIFICATION

In forming a judgement about the recommended classification level for the position, information from all the sources accessed in the review was taken into account in determining its work value. An assessment of work value was made by considering the requirements of the role relative to the standards articulated in the APS-wide SES Work Level Standards.

Taken together, the data for the position support a recommended classification at the **SES Band 1 level**. The role is considered to be a 'borderline' role and further discussion in relation to its work value is included in the section 'Other Issues'.

WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR OPERATIONS – EASTERN

KEY RESPONSIBILITIES

The key responsibilities of the role are to:

- Contribute to, and manage the work of teams of multi-disciplinary investigators including the development, implementation and maintenance of effective national investigative procedures
- Manage investigations teams in NSW, ACT, Victoria, Tasmania and Queensland
- Provide high quality advice on operational principles, policy and practice to the executive of the FWBC
- Undertake significant representational responsibilities and engage in high level liaison with employer and employee representatives, other government agencies, professional associations and individuals
- Ensure that investigative teams provide accurate and timely data required for FWBC reporting, monitoring and accountability requirements
- Support the Group Manager Operations and the FWBC Executive in relation to broader corporate leadership and management issues and promote effective leadership and management practices
- Ensure an efficient and effective allocation of resources for the purposes of informing and educating industry participants
- Provide advice and assistance to industry participants regarding rights and obligations
- Manage resources and disseminate information and hold discussions regarding designated building laws
- Ensure the benefits of industry reform are promoted, as well as National Code compliance
- Manage resources to undertake proactive compliance activities where appropriate
- Ensure timely and accurate responses to complaints and other matters referred to the FWBC
- Ensure, where appropriate, matters are referred to external agencies and regular updates are received
- Develop and implement strategy to improve contemporary knowledge of the building and construction industry in the region
- Provide the FWBC Executive with analysis on developments in the building and construction industry in the region
- Attend joint Operations and Legal meetings, as needed, for specific high profile / sensitive cases
- Identify and develop targeted training to equip our staff to undertake their work professionally

KEY CLIENTS AND STAKEHOLDERS

The key clients and stakeholders associated with the role are:

Internal

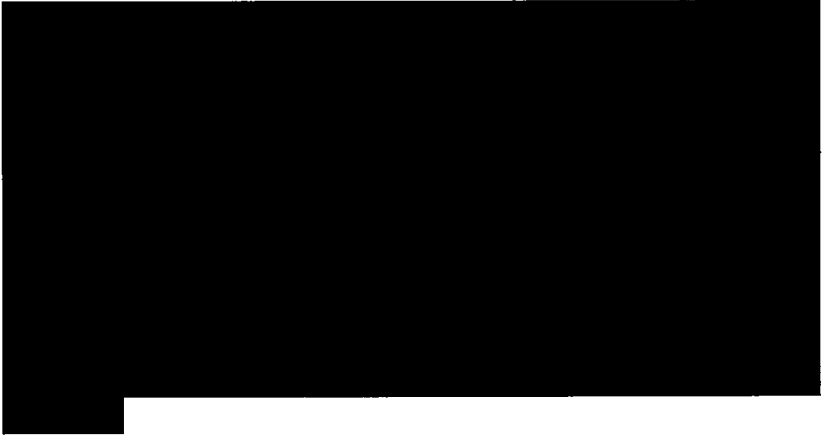


- Director, Fair Work Building and Construction
- Group Manager Operations and Chief Counsel
- All members of the FWBC Executive Board

External

- Senior staff in the Department of Employment, Department of Finance, Fair Work Ombudsman, Comcare, Safe Work Australia, Australian Taxation Office, State Government counterparts
- Head contractors and senior staff of the Master Builders Association, Australian Chamber of Commerce and Industry, Australian Industry Group, Housing Industry Association, Australian Constructors Association, National Electrical and Communications Association, Australian Mines and Metals Association

ANALYSIS OF THE WORK VALUE OF THE ROLE

CRITERION	SCORE	RATIONALE
Leadership: Knowledge	6	<div style="background-color: black; width: 100%; height: 100%; min-height: 300px;"></div>

Leadership: Accountability	7	
Diversity / Span	6	
Stakeholder Management	6	

Job Context and Environment	6	<div style="background-color: black; width: 100%; height: 100%;"></div>
Judgement and Independence	7	<div style="background-color: black; width: 100%; height: 100%;"></div>
TOTAL SCORE	38	BAND: SES Band 1

RECOMMENDED CLASSIFICATION

In forming a judgement about the recommended classification level for the position, information from all the sources accessed in the review was taken into account in determining its work value. An assessment of work value was made by considering the requirements of the role relative to the standards articulated in the APS-wide SES Work Level Standards.

Taken together, the data for the position support a recommended classification at the **SES Band 1 level**.

WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR OPERATIONS – CENTRAL/WEST

KEY RESPONSIBILITIES

The key responsibilities of the role are to:

- Contribute to, and manage the work of teams of multi-disciplinary investigators including the development, implementation and maintenance of effective national investigative procedures
- Manage investigations teams in Western Australia, South Australia and the Northern Territory
- Provide high quality advice on operational principles, policy and practice to the executive of the FWBC
- Undertake significant representational responsibilities and engage in high level liaison with employer and employee representatives, other government agencies, professional associations and individuals
- Ensure that investigative teams provide accurate and timely data required for FWBC reporting, monitoring and accountability requirements
- Support the Group Manager Operations and the FWBC Executive in relation to broader corporate leadership and management issues and promote effective leadership and management practices
- Ensure an efficient and effective allocation of resources for the purposes of informing and educating industry participants
- Provide advice and assistance to industry participants regarding rights and obligations
- Manage resources and disseminate information and hold discussions regarding designated building laws
- Ensure the benefits of industry reform are promoted, as well as National Code compliance
- Manage resources to undertake proactive compliance activities where appropriate
- Ensure timely and accurate responses to complaints and other matters referred to the FWBC
- Ensure, where appropriate, matters are referred to external agencies and regular updates are received
- Develop and implement strategy to improve contemporary knowledge of the building and construction industry in the region
- Provide the FWBC Executive with analysis on developments in the building and construction industry in the region
- Attend joint Operations and Legal meetings, as needed, for specific high profile / sensitive cases
- Identify and develop targeted training to equip our staff to undertake their work professionally

KEY CLIENTS AND STAKEHOLDERS

The key clients and stakeholders associated with the role are:

Internal

- Director, Fair Work Building and Construction
- Group Manager Operations and Chief Counsel
- All members of the FWBC Executive Board

External

- Senior staff in the Department of Employment, Department of Finance, Fair Work Ombudsman, Comcare, Safe Work Australia, Australian Taxation Office, State Government counterparts
- Head contractors and senior staff of the Master Builders Association, Australian Chamber of Commerce and Industry, Australian Industry Group, Housing Industry Association, Australian Constructors Association, National Electrical and Communications Association, Australian Mines and Metals Association

ANALYSIS OF THE WORK VALUE OF THE ROLE

CRITERION	SCORE	RATIONALE
Leadership: Knowledge	6	<div style="background-color: black; width: 100%; height: 100%; min-height: 300px;"></div>

Leadership: Accountability	7	
Diversity / Span	6	
Stakeholder Management	6	

Job Context and Environment	6	<div style="background-color: black; width: 100%; height: 100%;"></div>
Judgement and Independence	7	<div style="background-color: black; width: 100%; height: 100%;"></div>
TOTAL SCORE	38	BAND: SES Band 1

RECOMMENDED CLASSIFICATION

In forming a judgement about the recommended classification level for the position, information from all the sources accessed in the review was taken into account in determining its work value. An assessment of work value was made by considering the requirements of the role relative to the standards articulated in the APS-wide SES Work Level Standards.

Taken together, the data for the position support a recommended classification at the **SES Band 1 level**.

WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR – CAPABILITY, PERFORMANCE AND INNOVATION

KEY RESPONSIBILITIES

The key responsibilities of the role are to:

- Lead the Branch to develop strategic initiatives and deliver programs that support the agency's goals in the following areas:
 - Strategic business planning
 - Transformation / change management
 - Stakeholder engagement
 - People, Learning and culture, including HR operations
 - Innovation / continuous improvement
 - Data and systems, including ICT
- Champion the work and policy direction of FWBC, building strong and mutually beneficial relationships with external and internal stakeholders and creating a high-performance workplace
- Work collaboratively with the broader FWBC Executive Board providing strategic advice and direction
- Manage relationships with key external stakeholders, including the Minister's Office, unions, employer associations and Commonwealth and State Government departments and agencies
- Develop and manage effective strategic relationships with a diverse range of internal and external stakeholders
- Provide assistance, support and direction to Operations and Legal staff in managing high profile cases
- Develop and guide the strategic direction for the HR, IT, stakeholder engagement and planning and performance functions of the Branch
- Prepare Ministerial and parliamentary correspondence including responses to Questions on Notice, Senate Estimates briefings and other relevant documentation in areas of responsibility
- Manage the communications and education functions for the FWBC including the website, intranet, production of facts sheets and other education materials, the development and implementation of targeted campaigns
- Provide strategic advice and assistance on internal communications aimed at increasing employee engagement across the agency

KEY CLIENTS AND STAKEHOLDERS

The key clients and stakeholders associated with the role are:

Internal

- Director, FWBC
- All senior executive members of the FWBC Executive Board
- State Directors, Inspectors and senior legal staff

External

- Senior staff in the Fair Work Ombudsman, Australian Competition and Consumer Commission, Australian Securities and Investments Commission, the Australian Taxation Office,

ANALYSIS OF THE WORK VALUE OF THE ROLE

CRITERION	SCORE	RATIONALE
Leadership: Knowledge	6	<div style="background-color: black; width: 100%; height: 100%; min-height: 200px;"></div>
Leadership: Accountability	6	<div style="background-color: black; width: 100%; height: 100%; min-height: 100px;"></div>

Diversity / Span	5	
Stakeholder Management	4	
Job Context and Environment	6	

Judgement and Independence	6	[REDACTED]
		[REDACTED]
		[REDACTED]
TOTAL SCORE	33	BAND: Below SES Band 1

RECOMMENDED CLASSIFICATION

In forming a judgement about the recommended classification level for the position, information from all the sources accessed in the review was taken into account in determining its work value. An assessment of work value was made by considering the requirements of the role relative to the standards articulated in the APS-wide SES Work Level Standards.

Taken together, the data for the position support a recommended classification below the **SES Band 1 level**. The role is considered to be a 'borderline' role and further discussion in relation to its work value is included in the section 'Other Issues'.

OTHER ISSUES

In this section of the report, we present issues arising from the review.

CHIEF COUNSEL

This role has been evaluated as falling just below the work value for an SES Band 2 (score = 43; required range 45 – 53). The key factors that have impacted on the work value of the position are:

- The structure of the legal function appears to be somewhat ‘top-heavy’. There are senior lawyers who provide advice and opinions to their respective Executive Directors (Legal) who, in turn, brief the Chief Counsel. This level of management is seen as unnecessary and this situation exacerbated by the fact that external Counsels also provide advice back to senior legal staff to assist in decision-making for many of the matters. It is not apparent that each of the three tiers of management makes a significant unique contribution to the legal function
- The Operations Group and the Legal Group have produced a joint annual Business Plan, however, longer term strategic planning does not seem to be a strong feature of the role. It is acknowledged that the agency will be transitioning to the ABCC and its vision and focus will be somewhat redefined. Additionally, a new National Building Code will come into force in the next few months which will increase the role and function of the agency. It is suggested, once the new organisation is established and begins to operate in a revised regulatory environment, the role participates in and makes a significant contribution to the development of a strategic, intelligence-led planning and monitoring framework
- The role has significant stakeholder relationships with a number of internal parties and it has some external focus also. However, the level of external stakeholder engagement does not appear to be high and tends to be on an ‘as needed’ basis. Linking to the comment above, there appears to be scope to enhance and strengthen the stakeholder management dimension of the role with the advent of the ABCC
- The span and diversity of the role are narrower than that typically found at the SES Band 2 level in other agencies, including other General Counsel roles (e.g., the ATO, the ACCC, the FWO etc.)

**WORK LEVEL ASSESSMENT: EXECUTIVE DIRECTOR LEGAL – EASTERN AND
EXECUTIVE DIRECTOR LEGAL – CENTRAL / WEST**

These roles have been evaluated as only just meeting the work value for an SES Band 1 (score = 34; required range 34 – 44). This score indicates that the roles are ‘borderline’ SES Band 1 positions. Their work value is impacted by a number of factors, some of which are referenced above in the commentary of the Chief Counsel role which manages the position.

The key factors that have impacted on the work value of the position are:

- The roles have key stakeholder relationships with a number of internal parties and, to some extent, there is an external focus also. However, the level of external stakeholder engagement does not appear to be high and tends to be on an ‘as needed’ basis. Linking to the comment above in relation to the Chief Counsel role, there appears to be scope to enhance and strengthen the stakeholder management dimension of the roles with the advent of the ABCC
- The span and diversity of the roles are narrower than that typically found at the SES Band 1 level in other agencies, including specialist legal positions (e.g., the ATO, and the FWO etc.)
- Although the roles provide specialist legal advice to the Director and other staff, they rarely instructs in Court on litigation matters and are not principally involved in setting legal precedent
- As mentioned above, the structure of the legal function appears to be somewhat ‘top-heavy’. There are senior lawyers who provide advice and opinions to their respective Executive Directors (Legal) who, in turn, brief the Chief Counsel. This level of management is seen as unnecessary and this situation exacerbated by the fact that external Counsels also provide advice back to senior legal staff to assist in decision-making for many of the matters. It is not apparent that each of the three tiers of management makes a significant unique contribution to the legal function

GROUP MANAGER, OPERATIONS

This role has been evaluated as falling just below the work value for an SES Band 2 (score = 42; required range 45 – 53). The key factors that have impacted on the work value of the position are:

- The role has some legacy corporate responsibilities that have been retained by the incumbent who was previously in charge of the corporate area. These include:
 - Being a signatory for the agency's cheque account
 - Acting as the senior executive responsible for security
 - Managing the agency's accommodation leases
- Recently, the role has been preparing and liaising with the department on the implementation plan for the transition from the FWBC to the ABCC. This has involved budget forecasting, the drafting of Cabinet submissions and consultations with FWBC SES. This function is also arguably a corporate role.
- The structure supporting the operations function appears to be somewhat 'top-heavy'. There are State Directors at the EL 2 or EL 1 levels who manage operations in their regions. This level of management is overseen by two SES Band 1 positions who are responsible for operations divided along geographical lines as Executive Director Operations Eastern and Executive Director Operations Central / West. The Band 1 positions are in turn overseen by this role as Group Manager Operations. It is not apparent that each of these three tiers of management make a significant unique contribution to the function.
- It is noted that The Executive Directors sign off on investigations, however, there is an additional layer of management (SES Band 2 level) in the structure. It also appears that the Group Manager is very closely involved in the detailed management of all sensitive or difficult cases as are the Executive Directors and the State Managers.
- The Operations Group and the Legal Group have produced a joint annual Business Plan, however, longer term strategic planning does not seem to be a strong feature of the role. It is acknowledged that the agency will be transitioning to the ABCC and its vision and focus will be somewhat redefined. It is suggested, once the new organisation is established and begins to operate in a revised regulatory environment, the role participates in and makes a significant contribution to the development of a strategic, intelligence-led planning and monitoring framework.
- The role has significant stakeholder relationships with a number of internal parties and it has some external focus also. However, the level of external stakeholder engagement does not appear to be high and tends to be on an 'as needed' basis. Linking to the comment above, there appears to be scope to enhance and strengthen the stakeholder management dimension of the role with the advent of the ABCC.

EXECUTIVE DIRECTOR, CAPABILITY, PERFORMANCE AND INNOVATION

This role has been evaluated as falling just below the work value for an SES Band 1 (score = 33; required range 34 – 44). The scope of the role has changed a number of times over the last 1 – 2 years with a significant shift from an ‘education led’ focus to a focus on performance monitoring, measurement and an industry intelligence function to guide and inform operations. The Branch that the role manages has down-sized and its budget has been reduced.

The key factors that have impacted on the work value of the position are:

- The role’s stakeholder management responsibilities are principally internally focused and do not involve consistent, high level negotiations with a broad range of external stakeholders. The role does not have ongoing substantial involvement with central policy agencies; it does not sit on cross-agency committees or forums, nor does it have a significant representational role as a representative or spokesperson for FWBC.

It is noted that stakeholder management is likely to become a more substantive part of the role as both the industry intelligence function and the new stakeholder engagement model are developed and implemented.

- The span of the role is very narrow by comparison with the majority of SES positions. While there is a reasonable level of diversity in the functions that sit within the Branch, overall staff numbers are low and the budget and budgetary responsibilities are at the low end of the SES spectrum.
- The Branch has a number of corporate functions but does not currently manage all corporate activities within FWBC. A number of corporate functions are the responsibility of the Group Manager, Operations. These have been detailed above.

The omission of these functions from the Branch and the provision of certain corporate functions by other agencies under Memoranda of Understanding (e.g. IT, accommodation, payroll) detract from the potential work value of the role.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The review finds and recommends the following:

Recommendation 1: That the following positions be classified at the level of SES Band 1:

- Executive Director Operations – Eastern
- Executive Director Operations – Central/West

Recommendation 2: The review finds that the following positions are currently over-classified:

- Group Manager Operations
- Chief Counsel
- Executive Director Capability, Performance and Innovation

Further, the review finds that the following positions have a work value determined as 'borderline' SES Band 1:

- Executive Director Legal – Eastern
- Executive Director Legal – Central/West

Consequently, it is recommended that FWBC consider a restructure of its Executive team to take into account the findings of this review and the roles and responsibilities that will be required with the introduction of the new National Building Code and the creation of the ABCC.

The review is presented to FWBC for consideration.

ATTACHMENT A: DETAILS OF THOSE WHO PARTICIPATED IN THE REVIEW

[REDACTED]		
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

ATTACHMENT B: CORPORATE DOCUMENTATION PROVIDED AS PART OF THE REVIEW

Position	Documentation
Chief Counsel	Duty Statement Performance Agreement for [REDACTED] for 1/7/13 – 30/6/14 Organisation chart for the Group
Executive Director Legal – Eastern	Duty Statement Performance Agreement for [REDACTED] for 1/7/13 – 30/6/14 Organisation chart for the Branch
Executive Director Legal – Central/West	Duty Statement Performance Agreement for [REDACTED] for 1/7/113 – 30/6/14 Legal Group Executive Committee Monthly Summary (December 2013) Legal Group Monthly Report (December 2013) Organisation chart for the Branch
Group Manager Operations	Duty Statement Performance Agreement for [REDACTED] for 1/7/13 – 30/6/14 Implementation Plan for re-establishing the ABCC Financial Delegations Human Resources Delegations Operations Group Organisation Chart
Executive Director Operations – Eastern	Duty Statement Performance Agreement [REDACTED] for 1/7/13 – 30/6/14 Operations Group Organisation Chart
Executive Director Operations – Central/West	Duty Statement Performance Agreement for [REDACTED] for 20/1/13 – 30/6/13 Field Operations Report (December 2013) Operations Group Organisation Chart
Executive Director Capability, Performance and Innovation	Duty Statement Performance Agreement for [REDACTED] for 1/7/13 – 30/6/14 Finance and Global Budget Report (Executive Board Minute dated 16 January 2014) Organisational chart for the Branch

ATTACHMENT C: WORK LEVEL STANDARDS CRITERIA

The SES Work Level Standards describe five key criteria that define work value at the three classification levels. The criteria are:

Criterion	Definition
<ul style="list-style-type: none"> ▪ Leadership 	<ul style="list-style-type: none"> ▪ Measures two factors: the depth and scope of knowledge required and the effect of a role on agency outcomes. <ul style="list-style-type: none"> – <u>Knowledge</u> means knowledge essential to the role—both management and environmental knowledge or professional knowledge using specific professional qualifications or a combination thereof. – <u>Accountability</u> means the impact of the role on agency outcomes measured by making two judgements in tandem—<i>scale</i> and <i>nature of impact</i>. <i>Scale</i> measures the impact of the role—within or beyond an agency. <i>Nature of impact</i> defines the nature of the action taken by the role.
<ul style="list-style-type: none"> ▪ Diversity / Span 	<ul style="list-style-type: none"> ▪ Measures the resource management responsibilities of a role along two dimensions—the size of the management role as well as the diversity and complexity of those responsibilities.
<ul style="list-style-type: none"> ▪ Stakeholder Management 	<ul style="list-style-type: none"> ▪ Measures the nature of interaction and the degree of authority to enter into arrangements with critical stakeholders.
<ul style="list-style-type: none"> ▪ Job Context and Environment 	<ul style="list-style-type: none"> ▪ Measures the complexity and diversity of the operating environment.
<ul style="list-style-type: none"> ▪ Judgement and Independence 	<ul style="list-style-type: none"> ▪ Measures the degree of guidance provided by operating frameworks—policy, statutory, etc—and the scope for judgement and discretion to act, to approve or to make decisions.

SES CLASSIFICATION	SCORE
SES Band 1	34-44 points
SES Band 2	45-53 points
SES Band 3	54-60 points