



ASSOCIATES ACN 083 481 298

**WORK LEVEL STANDARDS ASSESSMENTS**

**FOR**

**SPECIFIED POSITIONS**

**FAIR WORK BUILDING AND CONSTRUCTION**

June 2016 (Final July 2016)

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## EXECUTIVE SUMMARY

This report summarises the findings of evaluations of specified positions for Fair Work Building and Construction (FWBC).

In 2015 – 2016, Mr Nigel Hadgkiss, Director, Fair Work Building and Construction led a review and restructure of FWBC. The review is documented in a separate report *FWBC Review of the Executive Structure (Final December 2015)* prepared by Workplace Research Associates and was communicated to staff in April 2016 and then finalised in May 2016. As part of the restructure, two Senior Executive roles were materially redesigned and Mr Hadgkiss has now requested that they be evaluated to determine the appropriate classification level for the roles. The roles are:

- General Counsel
- Regional Manager (several positions)

Based on an evaluation of the revised roles using the Australian Public Service Commission's SES role evaluation methodology, the following recommendation is offered:

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

- General Counsel
- Regional Manager (several positions)

The review is presented to FWBC for consideration.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## WORK LEVEL ASSESSMENT: GENERAL COUNSEL

### KEY RESPONSIBILITIES

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The key responsibilities of the role are to assist the Director to monitor and promote appropriate standards of conduct by building industry participants and 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. The role is required to:

- Oversee and lead the provision of legal services for FWBC; establish and maintain a leadership and influencing role among multi-disciplinary teams working in a collaborative environment
- Be responsible for the agency's legal practice management, professional leadership and a 'community of legal practice' by promoting professional mentoring, guidance and development
- Provide high level technical advice and advocacy and 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*
- Advocate on behalf of the FWBC, as the Commission's representative, in the courts and the Fair Work Commission
- Assess, confirm and provide high level advice on briefs of evidence and other material, including internal agency legal matters
- Co-ordinate and conduct 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
- Provide early and proactive advice in relation to legal and organisational risk associated with interventions by the FWBC
- Oversee all court matters including the adequacy of resources to meet key performance indicators
- 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
- 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

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regular reports on the progress of court matters; the role is the senior legal adviser to the FWBC Director and Executive Team

- Ensure compliance by the FWBC with the Legal Services Directions published by the Attorney-General's Department
- Identify, respond to an progress law reform issues
- As a member of the FWBC Executive, proactively promote and demonstrate excellent contemporary leadership and management practices in the workplace
- Be responsible for the strategic management of legal risk and the enhancement of FWBC's legal capabilities
- 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, Attorney-General's Department, Fair Work Ombudsman and Office of Legal Services Co-ordination
  - Relevant State Government agencies
- Engender a culture within FWBC that is committed to service and is ethical, respectful, accountable and impartial.

## **KEY CLIENTS AND STAKEHOLDERS**

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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, Attorney-General's Department, Fair Work Ombudsman and Office of Legal Services Co-ordination
- Relevant State and Territory Government agencies

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**ANALYSIS OF THE WORK VALUE OF THE ROLE**


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CRITERION	SCORE	RATIONALE
Leadership: Knowledge	8	<div style="background-color: black; width: 100%; height: 100%; min-height: 200px;"></div>
Leadership: Accountability	7	<div style="background-color: black; width: 100%; height: 100%; min-height: 300px;"></div>

Diversity / Span	5	 The content of this cell is completely redacted with black boxes.
Stakeholder Management	8	 The content of this cell is completely redacted with black boxes.



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

## **RECOMMENDED CLASSIFICATION**

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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** (score = 43; required range 34 – 44).

## WORK LEVEL ASSESSMENT: REGIONAL MANAGER (MELBOURNE, BRISBANE, SYDNEY, PERTH)

### KEY RESPONSIBILITIES

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The key responsibilities of the role are to:

- Manage the work of multi-disciplinary teams of investigators, lawyers and support staff who are responsible for providing advice and assistance to building industry participants regarding their rights and obligations under relevant building industry laws, particularly the *Fair Work (Building Industry) Act 2012*, the *Fair Work Act 2009* and the Building Code 2013
- Exercise statutory powers including: the investigation of suspected contraventions; the provision of representation in appropriate circumstances; and the dissemination of information
- Assist the Director to monitor and promote appropriate standards of conduct by building industry participants; ensure that building work is carried out fairly, efficiently and productively for the benefit of all building industry participants and for the benefit of the Australian economy as a whole
- Lead operations and take action to ensure compliance with the Building Code 2013
- Provide high quality advice on operational principles, policy and practice to the Director and Executive Team of the FWBC
- Develop regional strategy to ensure continuous improvement and to ensure that FWBC's educational, investigative and litigation capabilities are deployed in ways which maximise their effectiveness
- 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
- Continually review the progress of all current investigations and litigation
- Convene regular regional meetings of multi-disciplinary teams
- 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 Director and the FWBC Executive in relation to broader corporate leadership and management issues and promote effective leadership and management practices; liaise closely with the General Counsel, Chief Operating Officer and National Manager Building Code to ensure a nationally consistent approach
- Ensure an efficient and effective allocation of resources for the purposes of informing and educating industry participants
- Develop and implement strategy to improve contemporary knowledge of the building and construction industry in the region

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- Achieve regional sustainability through the oversight and development of people and through meeting financial and compliance requirements of FWBC; manage resources to undertake proactive compliance activities where appropriate
  - Ensure the benefits of industry reform are promoted, as well as National Code compliance
  - Ensure timely and accurate responses to complaints and other matters referred to the FWBC
  - Provide the FWBC Executive with the strategic advice required to maximise the impact of FWBC's educational, investigative and Building Code compliance activities regionally and nationally
  - Provide advice to the Director and critically assess appropriate cases for litigation under national workplace laws in accordance with the Legal Services Directions and the agency's broader compliance priorities
  - Drive organisational strategy to ensure that FWBC delivers high-level investigative and litigation outcomes to Government and other stakeholders; and
  - Take responsibility for significant change initiatives that will have agency and/or cross-agency impacts.

## **KEY CLIENTS AND STAKEHOLDERS**

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The key clients and stakeholders associated with the role are:

### Internal

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

### External

- Senior staff in the Department of Employment, Department of Finance, Fair Work Ombudsman, Comcare, Safe Work Australia, Australian Taxation Office, State and Territory Government counterparts
- The legal profession, including the General Counsels' network and Office of Legal Services Co-ordination
- The workplace relations community
- 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 and other key trade union groups

**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: 150px;"></div>
Leadership: Accountability	7	<div style="background-color: black; width: 100%; height: 100%; min-height: 150px;"></div>

Diversity / Span	7	
Stakeholder Management	7	

<p>Job Context and Environment</p>	<p>7</p>	
<p>Judgement and Independence</p>	<p>7</p>	
<p><b>TOTAL SCORE</b></p>	<p><b>41</b></p>	<p><b>BAND: SES Band 1</b></p>

## **RECOMMENDED CLASSIFICATION**

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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** (score = 41; required range 34 – 44).



## SUMMARY OF FINDINGS AND RECOMMENDATIONS

The review finds and recommends the following:

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

- General Counsel
- Regional Manager (several positions)

The review is presented to FWBC for consideration.

**ATTACHMENT A: DETAILS OF THOSE WHO PARTICIPATED IN THE REVIEWS**

<b>Position</b>	<b>Interviewee</b>	<b>Analyst</b>
General Counsel	Mr Nigel Hadgkiss, Director	██████████
Regional Manager	Mr Nigel Hadgkiss, Director	██████████

**ATTACHMENT B: CORPORATE DOCUMENTATION PROVIDED AS PART OF THE REVIEW**

<b>Position</b>	<b>Documentation</b>
General Counsel	Position Description Organisation chart for the top structure of FWBC Report on <i>FWBC Review of the Executive Structure (Final December 2015)</i> prepared by Workplace Research Associates
Regional Manager	Position Description Organisation chart for the top structure of FWBC Report on <i>FWBC Review of the Executive Structure (Final December 2015)</i> prepared by Workplace Research Associates

## 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"> <li>▪ Leadership</li> </ul>	<ul style="list-style-type: none"> <li>▪ 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"> <li>– <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.</li> <li>– <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.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ Diversity / Span</li> </ul>	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Stakeholder Management</li> </ul>	<ul style="list-style-type: none"> <li>▪ Measures the nature of interaction and the degree of authority to enter into arrangements with critical stakeholders.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Job Context and Environment</li> </ul>	<ul style="list-style-type: none"> <li>▪ Measures the complexity and diversity of the operating environment.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Judgement and Independence</li> </ul>	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>

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