

FILED

24 Nov 2025

**OFFICE OF THE
INDUSTRIAL
REGISTRAR**



IRC Form 65 v1

Industrial Relations Commission Rules

NOTIFICATION OF A WHS DISPUTE

Pursuant to Division 7A of the *Work Health and Safety Act 2011*

COURT DETAILS

Court	Industrial Relations Commission of NSW
Jurisdiction	Commission
Registry	
Case number	2025/454216

TITLE OF PROCEEDINGS

Notifier	Rail, Tram and Bus Union NSW
Second Notifier	Australian Services Union
Third Notifier	Association of Professional Engineers, Scientists and Managers Australia (APESMA)
Fourth Notifier	Public Service Association and Professional Officers Association Amalgamated Union of NSW
Respondent	Mr Joshua Murray, Secretary Transport

FILING DETAILS

Filed for	Rail, Tram and Bus Union NSW; Australian Services Union; Association of Professional Engineers, Scientists and Managers Australia (APESMA); Public Service Association and Professional Officers Association Amalgamated Union of NSW (the Unions)
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DETAILS OF DISPUTE

Workplace where dispute exists

Transport for NSW

WHS matter the subject of the dispute

- Work group determination matter.
- Work group variation matter.
- Access to information by a health and safety representative under s 70(1)(c).
- A request by a health and safety representative for a person assisting the representative to have access to the workplace under s 70(1)(g).
- A matter mentioned in s 72(2)(a) or (b) or (4) relating to training for a health and safety representative.
- A health and safety committee matter.
- A matter about work health and safety that is an issue to which Division 5 applies.
- An issue about cessation of work under Division 6.

Has an inspector been appointed to assist the parties to reach an agreement or resolve a dispute?

- Yes
- No

If yes – has there been a decision made by the inspector to exercise, or not exercise, compliance powers under Part 10 subject to review under Part 12?

- Yes
- No

DESCRIPTION OF DISPUTE AND RELIEF SOUGHT

- 1 This dispute pertains to the failure of Transport for **NSW** to meet their obligations pursuant to the *Work Health and Safety Act 2011* (**'WHS Act'**), the *Work Health and Safety Regulations 2025* (**'WHS Regulations'**) and the *Code of Practice for Managing Psychosocial Hazards at Work* (**'the Code'**), resulting in systemic psychosocial health and safety risks within TfNSW.
- 2 The realised risks relate to the concurrent implementation of:
 - a. The **'Workplace Presence'** policy, which mandates attendance to the office at least 50% of the time, attached and annexed as **A**. The policy was implemented on approximately the 27th of October 2025, with most staff required to comply by 1st of February 2026.
 - b. A mass restructure resulting in up to 950 job losses referred to as the Operating Model Reform (**'the Restructure'**) which was announced in approximately July 2025, with impacted staff informed between August 2025 and April 2026. As part of this restructure, the business is facilitating competitive processes for many thousands more employees to find the 950 people to remove from the structure. This means that thousands of workers will be required to participate in competitive selection processes, even where their roles remain substantially similar.
- 3 The concurrent implementation of the Restructure, the Workplace Presence Policy and the broader whole of agency reform creates significant psychological health and safety risks for staff. Workers are being required to navigate displacement pathways, competitive selection processes for their own ongoing roles and prolonged uncertainty about their future within the organisation. This is not limited to high workload or low job control; it extends directly to job security, with workers facing the possibility of being moved, redeployed into unsuitable roles or failing to secure positions through competitive processes. These processes demand continuous cognitive and emotional effort as staff prepare applications, participate in interviews, and attempt to maintain normal duties while also managing the stress of potential displacement. The pace and scale of the reforms have created change fatigue, heightened emotional strain, increased role ambiguity, and a sustained loss of stability across the workforce.

The pressure created by these structural changes is intensified by the simultaneous rollout of the Workplace Presence Policy, which together reveal how these reforms disproportionately impact workers with protected or vulnerable attributes. These risks

are more pronounced for workers who, because of characteristics such as disability, caring responsibilities, age or other protected attributes, experience greater uncertainty, reduced stability and heightened psychological strain throughout the process.

- 4 The Unions represent a large cohort of workers who have repeatedly sought union assistance due to escalating psychological harms and a lack of access to adequate and robust support services and control measures at the workplace. Workers have reported bullying, harassment, sustained stress and fatigue, and other physical symptoms indicative of serious emotional distress directly linked to the prolonged and significant workplace changes.
- 5 The Unions have consistently raised concerns with the employer verbally and in writing, attached and annexed as **B**, regarding concerns for workers health and safety.
- 6 On approximately 11 November 2025 the union notified SafeWork NSW of their concerns, submitting a **Request for Service** reference number 1-510818 attached and annexed as **C**.
- 7 On the same day the Unions advised the employer of the RFS and requested a further meeting to try to resolve the issues, attached and annexed as **D**.
- 8 On 18 November 2025 the PCBU met with the Unions.
- 9 The answers provided by PCBU representatives to questions raised by the unions indicate a failure of the PCBU to meet their obligations pursuant to the WHS Act , WHS Regulations and the Code. During the meeting, TfNSW representatives indicated:
 - a. they were, collectively, not aware if a risk assessment had been undertaken on the cumulative impacts of the two major structural changes and would have to take the query on notice;
 - b. they were, collectively, not aware of who would be responsible for undertaking the risk assessment and would have to take the query on notice;
 - c. they were, collectively, not aware if a risk assessment had been conducted on the specific risks for employees with disabilities, First Nations employees, employees with caring responsibilities, or employees who are Culturally and Linguistically Diverse and would have to take the query on notice;

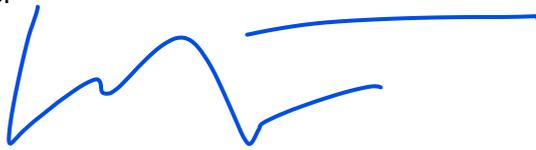
- d. in instances of staff reporting to the Unions that the cumulative stresses of the organisational changes have left them feeling suicidal or experiencing thoughts of self harm, the Union should advise the member to call 000; and
 - e. they required that the union demonstrate instances in which the risks had been realised, in order for them to act to mitigate the risks.
- 10 One PCBU representative, Mr David Morgan, who presented as the TfNSW subject matter expert on safety, was asked by the union whether he believed the PCBU had met their obligations. Mr Morgan expressed he was confident the employer had met their obligations. Mr Greg McDonald, another PCBU representative, declined to answer the question.
- 11 At date of filing there has been no actions taken by TfNSW in relation to the risks raised in the meeting, demonstrating a failure to adequately manage the psychological health and safety risks associated with prolonged and significant workplace changes, so far as is reasonably practicable, as required by the applicable WHS legislation. Specifically, s.19 of the WHS Act, clauses 38(2)(d) and 55A-D of the WHS Regulations, and the Code of Practice which is enforceable pursuant to s.274 of the WHS Act.
- 12 The Unions dispute the implementation of both the Workplace Presence Policy and the Restructure because workers have requested a review of the controls put in place by TfNSW, and those controls are inadequate to manage the risks. The combined and cumulative implementation of these changes is exposing workers to serious and imminent risks to their health and safety, as outlined above.
- 13 The Unions hold concerns that these matters are urgent and, at the date of filing, have not been contacted by a SafeWork NSW Inspector in relation to RFS 1-510818. Consequently, we are seeking the assistance of the Commission to resolve this dispute.

LISTING DETAILS

The parties will be advised of the date, time and place when the Commission will list this matter for directions. Any enquiries should be made to the Industrial Relations Commission Registry on 02 8688 3516.

SIGNATURE

Signature of Prosecutor



Capacity Authorised officer of industrial organisation

Date of signature 24/11/25

COMPLIANCE WITH PRACTICE NOTES

Parties must comply with the Practice Notes of the Commission. The Practice Notes may be found at the following website:

<https://www.irc.nsw.gov.au/irc/practice-and-procedures/practice-notes.html>

REGISTRY ADDRESS

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Sydney NSW 2000
or
Level 5, 10 Smith Street
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Telephone 02 8688 3516

1 Purpose and Scope

This Procedure supports the Workplace Flexibility and Support Policy by providing a framework to support flexible work discussions between managers and employees, and outlines the flexible work arrangements available and the processes to request and implement flexible work arrangements.

Transport acknowledges that some employees may not wish to access flexible work arrangements. In addition, not all flexible work arrangements are suitable for some roles because of industrial instruments, operational requirements and/ or the type of work involved.

Transport supports the ability for employees to work flexibly and supports the provision of a range of flexible working arrangements for all employees as set out in this Procedure.

2 Who is this document for?

This Procedure applies to permanent, temporary and casual employees, and employees seconded from another organisation performing work for any of the following:

Department of Transport	YES
Transport for NSW	YES
NSW Trains	YES
Sydney Trains	YES
Sydney Metro	YES
Sydney Ferries	YES
The Point to Point Transport Commissioner	YES
Transport Asset Manager of NSW	YES
NSW Motorways	YES

The external workforce, including labour hire and external workers, is not covered by this Procedure.

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3 Flexible work arrangements available

There is a broad range of flexible work arrangements available to employees. This section provides information on the different arrangements.

3.1 Flextime

Flextime is a flexible working hours arrangement available to certain employment categories in TfNSW and Sydney Metro agencies only. See the *TfNSW Flextime, Standard and Other Working Hours Procedure* for details.

3.2 Alternative working hours arrangements

Employees can also request alternative working hours arrangements. Different arrangements apply to different occupational categories.

See 4 for information on how to apply for these arrangements.

3.2.1 TfNSW, Sydney Metro and RMS award Flextime employees

An employee can request a change to their bandwidth as a flexible work arrangement.

3.2.2 Sydney Trains and NSW Trains non-rostered Enterprise Agreement (EA) employees

An employee can request a change to their normal start or finish time for their working day during the ordinary span of hours specified in the Enterprise Agreement.

Employees can also request to start or finish their working day outside the ordinary span of hours on an irregular basis as part of an Individual Flexibility Agreement (see 3.9).

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Approval can be given to start and finish work earlier or later and to make up time to allow for a part day absence.

In both cases, the employee must continue to work their ordinary contracted hours per fortnight and the arrangement must not result in additional cost for the organisation, e.g. penalty rates or overtime.

3.2.3 RMS Wages Award employees

An employee can request an alternative work cycle arrangement including a 19 working days within a 20 day, four week period arrangement, a 4-day week arrangement or any other alternative arrangement approved by the business and endorsed by the Regional Consultative Group prior to implementation.

3.2.4 All other employees

Ordinary hours and start and finish times are specified in an employee's award or industrial agreement. An employee can request a flexible work arrangement to vary start of finish times or to propose another alternative working hours arrangement.

3.3 Shift/ annual leave swap

Employees can request to swap their rostered shift/s or rostered annual leave dates with another employee at the same classification and grade.

See 4 for information on how to apply for this arrangement.

3.4 Changing from full-time to part-time

Employees may want to work part-time because of carer's responsibilities, to undertake study, to transition to retirement or for other personal reasons.

An employee can request to move to part-time work on a temporary or ongoing basis. Usually, the part-time work will be at the employee's current grade or classification, but the employee can also request to move to a lower graded role.

If an employee moves to part-time work on a temporary basis, they retain a right of return to their full-time role. At the end of the arrangement, the employee returns to their original full-time role, or to an alternative full-time role at the same classification and level with similar duties and, where possible, at the original location.

If an employee moves to part-time work on an ongoing basis, they do not have a right of return to their full-time role and are not entitled to any payment to compensate for giving up their full-time employment status.

Ad hoc part-time arrangements of less than 4 weeks duration can be approved locally by a 1-up manager. An employee can either apply for accrued leave to cover any absences or leave without pay. For more information on this arrangement, see the applicable agency leave procedure.

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Specific application and approval processes apply to part-time work requests as a result of parental or adoption leave. For more information on this arrangement, see the applicable agency *Parental Leave Procedure*.

See 4 for information on how to apply for this arrangement. Employees can also request to work part-time as part of a job share arrangement (see 3.5).

As well as general flexibility discussions outlined in 4.1, employees and managers must also consider how their workload is to be managed under a part-time arrangement. Arrangements may include:

- the proportional reduction of all the tasks they complete on a full-time basis, or
- a reduction in the range of tasks they will be responsible for when working part-time, or
- extending deadlines to acknowledge the impact of part-time work.

3.4.1 Conditions of part-time work

Part-time employees are not expected to carry out the workload of a full-time role. Additionally, full-time employees are not expected to undertake any residual work of a full-time role which is filled on a part-time basis.

Part-time employees have the same opportunities as full-time employees to participate in training and development opportunities.

3.4.2 Hours of work

Subject to business needs and agreement, part-time employees may work the hours applicable to their employment category. See 3.2 for information on accessing alternative working hours arrangements.

Minimum and maximum hours to be worked are determined by the applicable award or industrial agreement. The normal hours of work per day for part-time employees must not exceed the normal hours worked by full-time employees in the same classification.

Consistent with conditions for full-time employees, part-time employees must not work more than 5 hours in a single block without taking a break of at least half an hour.

Part-time employees must not be directed to work outside their usual part-time hours, unless the working of additional hours is a prescribed condition of employment.

Employees may be requested to work outside their usual part-time hours due to operational requirements from time to time by agreement.

3.4.2.1 TfNSW and Sydney Metro agencies

Additional hours arrangements only apply to the TfNSW agency and Sydney Metro agency award employees specified in this section.

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A part-time employee who works additional hours has the option to:

- have the additional hours paid at their ordinary rate of pay plus a loading of $\frac{1}{12}$ th (or $\frac{5}{47}$ th loading for employees entitled to 5 weeks' annual leave) in lieu of annual leave accrual, or:
 - for RMS Group Consolidated Salaried Award salaried and professional engineer employees only – have the additional hours counted for the accrual of annual and sick leave
 - for TfNSW Group Award employees and Sydney Metro Group Award employees working under a flexible working hours arrangement – enter the additional hours worked as flextime.

Note: RMS Group Consolidated Salaried Award Maritime employees are paid their ordinary rate of pay for additional hours worked, and these are counted for the purposes of annual leave accruals.

To claim additional hours, including counting additional hours for accrual of leave if eligible, employees can:

- fill in an additional hours claim in Transport Equip by selecting HR Self Services > My Services > Payroll & Time > Overtime & additional Hours and selecting 'new'. Under Claim Type select 'Part Time Additional Hours' and complete all the fields, or
- for employees without Transport Equip access, complete an Additional Hours Claim for Part-Time Employees form.

3.4.2.2 Sydney Trains and NSW Trains agencies

Additional hours arrangements only apply to Sydney Trains and NSW Trains EA employees.

A part-time employee who works additional hours up to the ordinary hours worked by an equivalent full-time employee is paid at normal rates for those additional hours rather than overtime rates (unless otherwise stated in the EA).

3.4.3 Payment of leave loading

If the employee is eligible for leave loading and starts part-time work during the leave loading year, annual leave loading is calculated and paid as follows:

- for the period of full-time work, loading is calculated and paid at the full-time rate of the employee's current salary, and
- for the period of part-time work, the loading is calculated and paid at the part-time rate of the employee's current salary.

3.4.4 Annual leave balance on moving from full-time to part-time

If an employee moves from full-time to part-time work, they must ensure their annual leave balance meets agency requirements in relation to maximum annual

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leave balances before starting the arrangement. Refer to the relevant agency leave procedure for more information.

3.5 Job share

Job share is the voluntary sharing of duties and responsibilities of a full-time role between two or more part-time employees. Job share can be ongoing or for a limited period.

There are two common ways to divide duties between job sharers. This may vary over time with the agreement of the 1-up manager and the job sharers involved.

- Division of time – each job sharer performs the full range of duties on a part-time basis. Suitable for standard work.
- Division of responsibilities – each job sharer is assigned a specific project or group of customers. Suitable for jobs that can be split into projects or tasks.

Job sharing can only be approved when:

- the job sharers are in the same employment category and grade and the job sharers have the necessary skills, knowledge and experience to perform all of the ordinary duties required of the full-time role
- the combined total of hours worked by the job sharers does not exceed those of the full-time role
- the job share arrangement does not incur additional costs (e.g. overtime, penalty rates, etc.), and
- health and safety requirements are maintained.

See 4 for information on how to apply for this arrangement.

Before approving a job share arrangement, the manager should check that the job sharer(s) understand their roles and duties. It is also important that as a job sharer, the employee understands the degree of flexibility needed to make the arrangement successful.

A job share role may become vacant or the job share arrangement may end due to:

- resignation or transfer of a job sharer
- the job share agreement is not renewed or is cancelled (see 4.7), or
- deletion of the role.

If one of the job sharers leaves, the manager and the remaining job sharer can agree to:

- continue the job share arrangement, with the recruitment of another job share employee to backfill the remainder of the role
- return to work on a full-time basis, where the employee took up the job share arrangement as part of a temporary move from full-time to part-time work (see 3.4), or
- formalise the part-time work arrangement without job sharing (see 3.4).

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3.6 Where we work – non-frontline

Transport’s non-frontline employees are required to work principally in an approved Transport Workplace (see Definitions). This is a requirement of all NSW Government sector employees.

Workplace attendance may be combined with Virtual Working (see Definitions), in accordance with this Procedure.

Arrangement	What it looks like	Term
Standard hybrid arrangement (See 3.6.2.1)	Where an employee agrees to work 50% per month minimum in an approved Transport Workplace, including a number of set days in their assigned Position Location. See <i>The Way We Work Guide</i> on the Transport Portal for details. To meet the Standard hybrid arrangement requirements, employees must: <ol style="list-style-type: none"> attend a minimum of 10 days per month in an approved Transport Workplace, with: <ul style="list-style-type: none"> a minimum of 5 days per month in the Position Location (days agreed with team leader), and the remaining office days over the month to be at an approved Transport Workplace (prioritising the Position Location) ensure the working days in a Transport Workplace are in line with the requirements of their business area and are spread across the course of a week 	Ongoing - subject to amendment if the employee’s circumstances change
Individual hybrid agreement (See 3.6.2.2)	Any arrangement where an employee seeks to work outside of the Standard hybrid arrangement. Includes where the employee is unable to attend their assigned Position Location or another Transport Workplace at least 50% per month due to: <ul style="list-style-type: none"> caring responsibilities, disability, injury/ chronic illness, or other relevant reason the distance to commute from the nearest approved Transport Workplace living or working regionally. Requests for 100% Virtual Working require a higher level of delegated approval.	Up to 2 years; may be renewed with approval
Interstate working agreement (See 3.6.2.4)	Virtual Working from an interstate location. Approved by exception.	Up to 6 months

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3.6.1 Transport's hybrid way of working

Where operationally practical, Transport's hybrid way of working supports employees to combine working in a Transport Workplace and Virtual Working (see Definitions).

Transport's hybrid way of working is open to continuous review and adjustment to make sure it meets the needs of the individual employee, the team, and Transport.

Information about Transport's hybrid way of working is available on the Transport Portal.

3.6.2 Hybrid agreements

Employees seeking to have a regular pattern of attendance at a Transport Workplace mixed with Virtual Working will need a hybrid agreement. There are three kinds:

- Standard hybrid arrangement
- Individual hybrid agreement
- Interstate working agreement

Under all of these agreements, one-off requests to work from home do not require an application or approval and can be agreed between an employee and their manager.

See 3.6.3 for information on additional impacts and requirements of working from home or another location.

3.6.2.1 Standard hybrid arrangement

This is where an employee agrees to work principally in an approved Transport Workplace, including a number of set days in their assigned Position Location (see table above at 3.6). Detailed information about Transport's Standard hybrid arrangements is available in *The Way We Work Guide* on the Transport Portal.

For Standard hybrid arrangements, the employee must discuss office attendance requirements with their manager. The employee can then record the arrangement in the MyTransport form. This arrangement does not require approval.

A Standard hybrid arrangement is not time limited but is subject to regular review.

A Standard hybrid arrangement can be cancelled if the employee can no longer comply.

3.6.2.2 Individual hybrid agreement

Employees seeking to work anything outside of a Standard hybrid arrangement, (i.e. more Virtual Working and less workplace attendance), will need an Individual hybrid agreement, which requires approval.

Employees may request an Individual hybrid agreement for a variety of reasons, which may include:

- caring responsibilities, or due to a disability or chronic illness

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- the employee living a long commute from an approved Transport Workplace (which may be the employee’s Position Location or another approved workplace with bookable drop-in desks where required)
- living and working from a regional NSW Local Government Area (LGA) with the Position Location in a Metropolitan LGA or vice-versa
- living and working from one NSW regional LGA with the Position Location in another NSW regional LGA.

See [10](#) for a list of Metropolitan and Regional LGAs.

For Individual hybrid agreements, the employee can discuss options with their manager and work together to assess any impacts the proposed arrangement may have on their ability to deliver their work. The employee can then lodge an application through the MyTransport Flexible Work – Other Agreement form. This is submitted for the approval of the delegate.

Any hybrid agreement application requesting to work 100 percent from home or another location as Virtual Working, will need a higher level of approval.

The employee’s Position Location does not change because of an Individual hybrid agreement.

Approval for an Individual hybrid agreement is for a maximum period of two years. With approval, the agreement can be renewed in maximum two yearly increments.

3.6.2.3 Individual hybrid agreements: regional arrangements – other information

Unless it forms part of the employee’s Individual hybrid agreement, for regional arrangements there is still an expectation that employees will attend an approved Transport Workplace.

Any arrangements to meet with the team in the Position Location or another Transport Workplace with bookable drop-in desks (where required) will count towards the requirement to work principally in an approved Transport Workplace.

Transport is not liable for any costs associated with moving residence. This includes relocation costs, other associated costs relating to the new residence either at the time of moving or after the move, or the cost of any work-related travel between the new residence and the employee’s Position Location or another Transport Workplace.

Temporary arrangements to work from a different location for less than 4 weeks can be agreed with the manager. Any request, including an extension of an existing arrangement, that means the total length of the arrangement would be 4 weeks or more requires a formal application (see 3.6.2).

Once the arrangement has started, any subsequent changes made to an employee’s way of working must be reasonable in relation to the employee’s living and working location.

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In addition, any occasional requests for the employee to attend the Position Location or another Transport Workplace at short notice while living and working at the regional or alternate location must be reasonable, having regard to existing agreed arrangements, travel times and other relevant considerations.

See [3.6.3](#) for information on additional impacts and requirements of voluntary relocation of home within NSW.

3.6.2.4 Interstate working agreement

This section does not apply to current employees living on or close to the border of NSW (but in another state or territory) where their Position Location is located on or close to the border in regional NSW.

An employee can request to work temporarily from an interstate location on compassionate grounds, for example due to the illness, injury or death of a Family Member (see Definitions), or due to other exceptional circumstances. The request should be limited to the time necessary to meet the compassionate needs or exceptional circumstances and cannot be more than 6 months.

This arrangement may be combined with approved leave.

3.6.2.5 Applications for an Interstate working agreement

The employee and manager must discuss the proposed agreement before the employee submits an application. With the delegate's endorsement, the request must be sent to the Secretary for consideration/ approval.

Transport is not liable for any costs associated with an Interstate working agreement. This includes the cost of any travel between the interstate location and the employee's Position Location or another Transport Workplace.

Temporary arrangements of less than 4 weeks' duration in a 12-month period (including any leave taken as part of the arrangement) can be agreed with the manager.

Any request, including an extension of an existing agreement, that means the total length of the arrangement would be 4 weeks or more (including any leave taken as part of the arrangement) requires a formal application (see [4.2](#)).

Any occasional requests for the employee to attend the Position Location or another Transport Workplace at short notice must be reasonable having regard to existing agreed arrangements, travel times and other relevant considerations.

While an employee is working interstate, they continue to observe NSW public holidays. Employees are not entitled to take public holidays applying to the state or territory they are working from.

See [3.6.3](#) for information on additional impacts and requirements of working temporarily from an interstate location.

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3.6.3 Other impacts and requirements

3.6.3.1 Impact on employment conditions and entitlements

While an employee is working under a hybrid agreement (see 3.6.2), all terms and conditions of their employment continue to apply.

In particular:

- they are covered by workers compensation for any work-related injury while on duty, and
- they must record all hours worked and meet any requirements for minimum and maximum hours and taking breaks.

If an employee works from home, Transport is not liable for any third party injured at their home, unless the third party is a Transport employee at the employee's home in connection with work-related duties.

For information on travel between the employee's home and their Position Location and travel between the employee's home and another Transport Workplace, refer to the relevant award/ Enterprise Agreement and/ or relevant agency travel procedure.

3.6.3.2 Regular communication with the workplace

The welfare, health and safety of employees is a primary concern for Transport. An employee must make sure their manager is aware of their work location and, if required by the manager, their start and finish times. This supports effective supervision and work health and safety, particularly during disaster recovery events.

The manager ensures proper monitoring and communication by:

- agreeing arrangements in advance, particularly if the employee is working from home or another location on an occasional basis
- alerting relevant colleagues to the employee's arrangement
- maintaining regular contact between the employee and their team
- taking immediate and appropriate action to check on the employee's whereabouts and welfare if they fail to attend their expected place of work as arranged.

3.6.3.3 Hybrid agreements and caring responsibilities

An employee cannot use these working arrangements to meet ongoing full-time caring responsibilities. However, a manager can agree to a temporary caring arrangement if an employee can work with minimal disruption, for example working from home or another location to care for a parent or an older child who is sick but does not require constant supervision or care.

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3.6.3.4 IT and office equipment for use at home or another location

Employees are responsible for costs associated with the purchase of IT and office equipment for use at home or another location and ongoing use of any landline, electricity, internet connection, etc. if used.

IT are unable to provide additional office equipment for use at home or another location over and above the standard IT equipment supplied to employees. Contact IT via MyTransport for more information.

3.6.3.5 Work Health and Safety

If working from home or another location, an employee must make sure their workstation is set up correctly, that the work area and access ways are clear and safe and power outlets are not overloaded, and they must complete any necessary Health and Safety documentation or training. More advice is available on the Transport Portal or by contacting the Health and Safety team.

To report an incident or injury, employees should follow the instructions on the Safety Hazards, Incidents, or Injuries page. Employees are also responsible for purchasing a first aid kit at their own expense if they do not have one, and ensuring it is available at home.

The employee or their manager can contact the Health and Safety team for advice and assistance if necessary.

3.6.3.6 Remote Area Allowance and Additional Annual Leave (TfNSW and Sydney Metro agencies only)

An Individual hybrid agreement (regional arrangement) or Interstate working agreement can impact an employee’s access to location-based additional annual leave and remote area allowance benefits where applicable.

Individual hybrid agreement (regional arrangement)	Employee with ongoing substantive role in:		
	an entitlement area requests an Individual hybrid agreement in a non-entitlement area	a non-entitlement area requests an Individual hybrid agreement in an entitlement area	an entitlement area requests an Individual hybrid agreement in a different entitlement area
Entitlement			
Additional Annual Leave	entitlement unaffected	no entitlement	entitlement unaffected
Remote Area Allowance and Travel Benefits	no entitlement	no entitlement	entitlement unaffected

If an employee is granted access to additional annual leave because of other work arrangements such as shiftwork, etc. their entitlement is not affected by a change in location.

Where an arrangement impacts an entitlement as indicated in the table, the 1-up manager must email advice to mypay@transport.nsw.gov.au.

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3.6.4 Reviews and appeals against delegate decision

If an employee's request for an Individual hybrid agreement has been rejected by the employee's manager, the employee can request a review by the delegate.

If the request for an Individual hybrid agreement has been rejected by the delegate and the employee wishes to appeal the decision, see *The Way We Work Guide* for details of reviewers.

For Individual hybrid agreements, where an employee seeks a review of an initial rejection of their request, the review will be conducted by the delegate based on the original application and decision.

Alternatively, the employee can elect to have a meeting to discuss their appeal request with the delegate. The employee can choose to bring a support person to the meeting, which may include a union representative.

For appeals against a reviewer's decision or for appeals relating to requests to work 100% remotely or interstate refer to the *Dispute Settlement Procedure* in the relevant award/ Enterprise Agreement or for Transport Service Senior Managers and Transport Service Senior Executives refer to the *Transport Grievance Management Procedure*.

Any employee who feels this Procedure has been unfairly applied may refer to the *Transport Grievance Management Procedure*.

3.7 Transition to retirement

If an employee is close to retiring, they can choose from a variety of flexible work arrangements to make the transition smoother.

Employees may consider accessing leave to reduce their work hours, entering a part-time or job share arrangement, or accessing any other flexible work arrangement. See the relevant sections of this Procedure for details.

Employees may also consider taking up an alternative role (including mentoring or training roles as part of a succession plan) on either a temporary or ongoing, or full-time or part-time basis.

See 4 for information on how to apply for this arrangement.

The manager should consider succession planning requirements when reviewing an employee's transition to retirement plan.

For general information on planning for retirement see [Service NSW – Planning your retirement](#) webpage.

3.8 Using leave flexibly

A variety of leave types can be used to support flexible work arrangements. Refer to the relevant agency leave procedures for details.

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In addition, this Procedure provides access to flexible uses of leave without pay that complement the entitlements in the relevant agency leave procedures and provide additional benefits. The agency leave procedures contain information on the impacts of leave without pay.

If an employee has a travel pass, this must be surrendered for any period of leave without pay greater than 1 month. See agency employee travel pass documentation for more information.

Before working in secondary employment, including while on any form of paid leave or leave without pay (which includes career breaks), or before requesting paid leave or leave without pay for the purpose of working in secondary employment, an employee must obtain approval in accordance with the *Transport Secondary Employment Policy*.

See 4 for information on how to apply for a flexible use of leave without pay arrangement.

3.8.1 Part-year employment

Part-year employment lets an employee take leave without pay for up to a maximum of 12 months in the coming year. An employee may request this, for example, to meet caring responsibilities where they do not have enough paid leave accrued.

Employees must have exhausted their paid leave entitlements before starting leave without pay for part-year employment.

Employees can request an extension of their part-year employment arrangement by submitting a new application each year.

3.8.2 Career breaks

A career break lets an employee take leave without pay in a single block for a minimum of 12 months and up to a maximum of 3 years. Career breaks may be taken for a variety of reasons including full-time dependent care for an extended period, full-time studies, overseas travel, or another reason.

Career breaks can only be approved where the applicant:

- is an ongoing employee with at least 3 years of continuous service (in either a full-time or part-time capacity), and
- has used up all paid leave entitlements, including Long Service Leave, before commencing a career break, except for Professional Engineers under the *RMS Consolidated Salaried Award*.

An employee may take a total of 5 years as a career break during their employment with Transport, but only a maximum of 3 years at any one time.

Employees are not required to relinquish their substantive position when they take a career break.

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Secondary employment during a career break will be approved by exception only. See the *Transport Secondary Employment Policy* for details.

3.8.3 Purchased leave

Purchased leave is a flexible work arrangement that allows employees to acquire additional paid leave in exchange for a reduction in salary.

Purchased leave rules vary depending on the employee's employment category. While applications for purchased leave arrangements are assessed in accordance with this Procedure, additional information on entitlements and requirements are contained in the relevant agency purchased leave procedure.

3.9 Enterprise Agreement (EA) Employee Individual Flexibility Agreement

Only Sydney Trains and NSW Trains EA employees can request an Individual Flexibility Arrangement (IFA) to vary the effect of the terms of the EA in relation to when work is performed.

An IFA must:

- not be covered by any applicable flexible work arrangements outlined elsewhere in this procedure
- meet the genuine needs of Sydney Trains/ NSW Trains and the employee
- relate to when work is performed, and
- result in the employee being better off overall than they would be if no arrangement was made.

See 4 for information on how to apply for an IFA.

3.10 Any other arrangement

If after discussion with the manager the available flexible work arrangements do not provide the employee with enough flexibility, the manager can contact the People and Culture (P&C) Business Partner to explore options for establishing a local arrangement under the applicable award or agreement.

See 4 for information on how to apply for any other arrangement.

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4 Assessing, implementing and managing flexible work arrangements

4.1 Talk to the manager about options

Any employee may make a flexible work request which the employer will consider based upon the employee's circumstances and role and in accordance with this Procedure and *The Way We Work Guide*.

Not all the flexible work arrangements above will meet an employee's needs or the needs of their work area. Some arrangements are only available if an employee is employed under a particular award or agreement.

For every possible arrangement, an employee should look at the impacts an arrangement might have on them, their colleagues and the work of their unit.

For more information, toolkits and resources, visit Flexible Working on the Transport Portal.

Once an employee has an idea of what is possible, they should talk with their manager about what they need and how they can achieve that while making sure work is not negatively impacted. Employees should be open to alternatives and modifications to arrangements.

Employees are not limited to choosing only one flexible work arrangement. Arrangements can also be combined.

Most arrangements can be approved by an employee's 1-up manager, but some arrangements require additional approvals. See 4.2 for information.

4.2 Put in a request

After an employee has a discussion with their manager, they should put in a flexible work arrangement request.

Temporary employee requests must not extend past the employee's end date.

Depending on the arrangements being requested, the employee may need to fill in a form.

Table 1. Application methods and approvers

Flexible work arrangement	How to apply	Approver/s
3.1 Flextime	No need to apply. This is available to eligible employees	
3.2.1 Change in bandwidth	TfNSW/Sydney Metro – email 1-up manager for endorsement	Role 53
3.2.2 Vary start/ finish time within ordinary span of hours	Complete Sydney Trains or NSW Trains EA – Variable Start Finish Times Within	1-up manager

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Flexible work arrangement	How to apply	Approver/s
	Ordinary Hours Application and Agreement form TfNSW/Sydney Metro – flextime see 3.1, non-flextime see 3.10 below	
3.2.3 Alternative work cycle	RMS Wages – email 1-up manager	Relevant Point 3 manager and endorsed by RCG.
3.2.4 Vary start/ finish outside ordinary span of hours or propose alternative working hours	Sydney Trains or NSW Trains EA – see 3.9 below TfNSW/Sydney Metro – see 3.10 below	
3.3 Shift/ annual leave swap	Complete Exchange of Shifts Rostered Annual Leave form	Sydney Trains or NSW Trains EA – Level 3 manager TfNSW/Sydney Metro – 1-up manager
3.4 Changing from full-time to part-time	Complete MyTransport Flexible Work - Part-Time Work form or Transport Part-time Work Application and Agreement form	Sydney Trains or NSW Trains EA – Level 4 manager with Role 80 TfNSW/Sydney Metro – 1-up manager
3.5 Job share	Complete MyTransport Flexible Work – Job Share form or Transport Job Share Application and Agreement form	Sydney Trains or NSW Trains EA – Level 4 manager with Role 80 TfNSW/Sydney Metro – 1-up manager
3.6.2.1 Standard hybrid arrangement	Complete MyTransport form	No approval required
3.6.2.2 Individual hybrid agreement	See the Hybrid Working page on the Transport Portal Complete MyTransport form	See <i>The Way We Work Guide</i>
3.6.2.4 Interstate working agreement	Complete MyTransport form	See <i>The Way We Work Guide</i>
3.7 Transition to retirement	Complete MyTransport Flexible Work – Other Agreement form or Transport Any Other Flexible Work Arrangement Application and Agreement form	Sydney Trains or NSW Trains EA – Level 4 manager with Role 80 TfNSW/Sydney Metro – 1-up manager
3.8 Using leave flexibly	See relevant agency leave procedure	
3.8.1 Part year employment	Complete MyTransport Flexible Work – Part Year Employment Request form or Transport Part Year Employment or Career Break Application and Agreement form	Sydney Trains or NSW Trains EA – Level 4 manager with Role 80 TfNSW/Sydney Metro – 1-up manager

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Flexible work arrangement	How to apply	Approver/s
3.8.2 Career break	Transport Part Year Employment or Career Break Application and Agreement form	Sydney Trains or NSW Trains EA – Level 4 manager with Role 80 TfNSW/Sydney Metro – 1-up manager
3.8.3 Purchased leave	See agency procedure	
3.9 EA employee IFA	Complete Individual Flexibility Arrangement Application form	Role 53
3.10 Any other arrangement	Email 1-up manager for discussion with P&C Business Partner	Role 53

The notice period for all flexible work arrangement requests is 4 weeks unless the manager agrees to a shorter notice period.

The actual start date of the arrangement depends on the complexity of implementing the arrangement, and this date is agreed in discussion between the employee and their manager.

Unless a flexible work arrangement is an entitlement arising from legislation or an industrial instrument, approval is subject to management consideration of impacts (see below).

All agreements include a right of return to the employee’s previous working arrangements when the flexible work arrangement ends, except in cases where an employee moves permanently to a part-time role (see 3.4). The employee remains in their substantive position except where noted under specific arrangements in this Procedure.

4.3 Assess the request

Requests for flexibility will not be unreasonably refused.

The employee’s request is assessed by the approver, who may be the employee’s 1-up manager or another role depending on the type of request made (see above table).

The approver may contact the P&C Business Partner for help in assessing the request.

Because the employee has already discussed arrangements with their manager, any issues should already have been identified, but the approver may come back to the employee with other questions that need to be worked out constructively before the request is finalised.

Transport expects the approver to approve the request where it meets the employee’s needs and does not negatively impact operational requirements and/or customer service.

The approver considers:

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- how practical the arrangement is, considering the role and type of work the employee does
- any negative impact on the operational requirements and/ or customer service and whether deliverables can be maintained
- possible impacts on the workload and safety of others and the employee's own work health and safety, including managing fatigue and fitness for duty
- other arrangements that might need to be put in place as a result, including the need to hire additional employees
- how any relevant legal obligations will continue to be met
- the employee's performance in their role and ability to continue to work effectively under the flexible work arrangement, and
- any other relevant factor.

When calculating the potential costs of a flexible work arrangement, the approver must also consider the costs of not approving the request. For example, the cost of recruitment to backfill a role when an employee is participating in flexible work arrangements may be offset against the costs of the employee resigning from the organisation because flexible work arrangements were not offered. Such costs would include the cost of losing experienced and skilled employees and recruiting and training a replacement employee. A P&C Business Partner can assist in identifying indicative costs where required.

The approver must respond to an employee's request in writing no later than 21 calendar days from the date of application.

Sydney Trains and NSW Trains EA employees who are covered by the *Fair Work Act 2009* (Cth) and:

- are the parent, or have responsibility for the care, of a child who is school aged or younger
- are a carer (under the *Carer Recognition Act 2010*)
- have a disability
- are 55 or older
- are pregnant
- are experiencing family and domestic violence, or
- provide care or support to an immediate family or household member who is experiencing family and domestic violence,

can apply to the Fair Work Commission for dispute resolution and arbitration if they do not receive a response within 21 days of submitting their request.

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4.4 Request approved and agreement formally made

How an employee's request is approved depends on which flexible work arrangement has been applied for.

If an employee has completed a form as part of their application, the form contains their agreement.

Any flexible work arrangement using a type of leave is approved by the employee's manager in Transport Equip (or the correct paper form for offline approvals).

For any other arrangement, the employee and their manager can write all the agreed details down, including:

- the start date of the agreement
- detailed agreed terms and conditions
- for temporary arrangements, the end date of the agreement, which must be no longer than 12 months from the start date except for:
 - Career Breaks, which can be for up to 3 years (see 3.8.2)
 - Standard hybrid arrangements, which do not require an end date (see 3.6.2.1)
 - Individual hybrid agreements, which can be up to 2 years (see 3.6.2.2),
 - Interstate working agreements, which are a maximum of 6 months with no extension (see 3.6.2.4), and
- an agreed date to meet and review the success of the flexible work agreement (see 4.6).

The various forms available can be used as a guide for what to include in a written agreement.

If an employee is using a printed form or other written agreement, the employee and the approver should keep a signed copy before forwarding it to the processing area listed on the form.

For EA employee Individual Flexibility Agreements (see 3.9), Employee Relations provide the employee with a copy of the formal arrangement within 14 days of receipt.

Once the agreement is made the employee may need to complete other applications, e.g. leave applications, where the arrangement includes flexible use of leave.

4.5 Approver considers refusing request

If the approver is considering refusing an employee's flexible work arrangement request, they must first discuss this with the P&C Business Partner.

A request can only be refused on genuine business grounds. These include:

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- that the new working arrangements or extension requested would be too costly
- that there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements or extension requested
- that it would be impractical to change the working arrangements of other employees, or recruit new employees, to accommodate the new working arrangements or extension requested
- that the new working arrangements or extension requested would be likely to result in a significant loss in efficiency or productivity
- that the new working arrangements or extension requested would be likely to have a significant negative impact on customer service.

If after discussion the approver is still considering refusing the employee's request, they must meet with the employee to try to reach agreement on the request, which may include discussing alternative arrangements to meet the employee's needs.

If no agreement can be reached after this discussion, the approver must discuss the matter with the P&C Business Partner and/ or Employee Relations.

After any discussions, if the flexible work arrangement is to be refused the approver must provide the employee with a written response advising:

- details of the reasons for the refusal
- the particular business grounds for refusing the request
- how those grounds apply to the request
- any alternative arrangements (other than the requested change) that could be made to accommodate the employee's circumstances, or a statement confirming no alternative arrangements are possible.

In addition and for Sydney Trains and NSW Trains EA employees who are covered by the *Fair Work Act 2009* (Cth) and:

- are the parent, or have responsibility for the care, of a child who is school aged or younger
- are a carer (under the *Carer Recognition Act 2010*)
- have a disability
- are 55 or older
- are pregnant
- are experiencing family and domestic violence, or
- provide care or support to an immediate family or household member who is experiencing family and domestic violence,

the written response must advise:

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- that the employee can escalate the matter to the Fair Work Commission if they disagree with the reasons for refusal, and that the FWC will:
 - try to mediate and/or conciliate the matter, by talking to the employee and the employer
 - arbitrate the matter if conciliation is unsuccessful
- where further information about the dispute process can be found.

All other Transport employees who are dissatisfied with the approver's response can lodge a grievance under the *Transport Grievance Management Procedure*.

Refusal of a request does not prohibit an employee from requesting alternative flexible work arrangements.

4.6 Trial period

With the exception of hybrid way of working arrangements, which are subject to continuous review and adjustment (see 3.6.1), all flexible work arrangements must have a trial period of between 3 and 6 months to make sure they meet the employee's needs and the needs of the business.

If a manager extends an initial 3 month trial period up to 6 months, they must provide the employee with written reasons for the extension which are specific, objective and justifiable and which take into account the employee's needs.

The employee and their manager may agree to a shorter trial period, particularly for short-term flexible work arrangements.

During the trial, the employee and their manager discuss the effectiveness of the arrangement on at least a monthly basis and work constructively to address any issues. Any agreed changes to arrangements are documented (see 4.7).

Assuming the trial period is successful, the manager continues to monitor the flexible work arrangement and addresses any issues that occur.

4.7 Vary, extend, end the agreement

See the agency purchased leave procedure for information on changes to purchased leave agreements.

For all other flexible work arrangements, if the employee or their manager wants to vary or extend the flexible work arrangement, they need to have a discussion first. Once there is agreement to the changes, any variation or extension of an agreement requires approval of the approver (see 4.2) before it is implemented.

If an employee changes job to another role (either temporarily or ongoing), the existing flexible work arrangement will be assessed by the employee's manager to make sure it is still practical.

Flexible work arrangements can be ended at any time by:

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Employee

- taking into account other arrangements in place and agreeing an end date with their manager, or
- if an end date cannot be agreed, providing the manager with no less than 21 calendar days and no more than 28 calendar days' written notice of the termination.

Manager

Providing the employee with written reasons for the termination which are specific, objective and justifiable, and due to:

- changes to the employee's duties or the business needs of the work area that make the arrangement unworkable
- a decline in the employee's productivity or efficiency
- the employee's proven misconduct, or
- another valid reason

and

- taking into account other arrangements in place and agreeing an end date with the employee, or
- if an end date cannot be agreed, providing the employee with no less than 21 calendar days and no more than 28 calendar days' written notice of the termination.

For EA employee Individual Flexibility Agreements, the manager must consult with Employee Relations before ending the agreement.

See 3.5 for additional information on ending job share arrangements.

If an employee is dissatisfied, they can raise a grievance under the *Transport Grievance Management Procedure*.

5 Other information employees should know

5.1 Grow Perform Succeed/ Performance Development

Goals, activities and timeframes in an employee's Grow Perform Succeed or other performance development and review plan must take into consideration any approved flexible work arrangement.

5.2 Impact on other entitlements

Flexible work arrangements do not affect an employee's grade or classification (except where an employee has requested to move to a lower grade as part of their arrangement), or their access to training, higher duties and other career development or promotion opportunities.

Some flexible work arrangements can affect an employee's accrual of leave, e.g. moving to part-time employment (see 3.4) means leave accrues on a part-time basis. For impact of leave without pay on leave accrual and other entitlements, see the relevant agency leave procedure. Transport Shared Services can provide further advice.

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EA employees who take a continuous period of leave without pay of more than one month must surrender their travel pass. This does not include Gold Pass holders. See the agency Employee Passes Booklet for more information.

5.3 Financial advice

Some flexible work arrangements may affect pay, tax or superannuation, e.g. going part-time or taking leave without pay.

Employees should get independent financial and/ or superannuation advice before making the change.

5.4 People with a disability

Flexible work arrangements can also help if an employee has a disability, as part of a broader strategy to make sure they are properly supported in the workplace.

Agency workplace or reasonable adjustment documents have more information on the support available.

5.5 Domestic and family violence

An employee's 1-up manager can approve flexible work arrangements to support an employee experiencing domestic and family violence. A manager can also approve flexible work arrangements if an employee is providing care and support for family members who have experienced domestic and family violence.

Follow the steps above to discuss and make a request. Managers should implement requests as soon as possible, including waiving or minimising any notice period for requests, or agreeing interim arrangements where notice periods are unavoidable, e.g. due to IT system change requirements, in order to support the employee.

For additional information and support, see the *Transport Domestic and Family Violence Procedure*.

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Appendix A:

6 Accountabilities

Who	
Executive Director Governance and Workforce Relations Strategy	Accountable for ensuring this Procedure continues to align with Transport’s strategic direction, and that guidance and controls are in place to help business areas measure and monitor compliance with this Procedure and any related documents.
Chief Executives of the Transport agencies to which the Procedure applies	Accountable for ensuring program areas in their agencies align and comply with this Procedure.
All staff to whom the procedure applies	Responsible for complying with the requirements in this Procedure.

7 Related/supporting documents

1. Transport Workplace Flexibility and Support Policy
2. Transport Grievance Management Procedure
3. Transport Domestic and Family Violence Procedure

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8 Definitions

For the purposes of this Procedure:

<p>Family member</p>	<ul style="list-style-type: none"> • a spouse or former spouse of the employee • de facto spouse, who is either the opposite or the same sex as the employee and lives with the employee as the employee's partner on a bona fide domestic basis although not legally married to the employee • a child or adult child (including an adopted child, a stepchild, a foster child or an ex nuptial child), parent (including a foster parent or legal guardian), grandparent, grandchild, or sibling of the employee or of the spouse or de facto spouse of the employee • a relative of the employee who is a member of the same household, where for the purposes of this definition: <ul style="list-style-type: none"> ○ "relative" means a person related by blood, marriage, affinity or Aboriginal kinship structures ○ "affinity" means a relationship that one spouse or partner has to the relatives of the other, and ○ "household" means a family group living in the same domestic dwelling.
<p>Position Location</p>	<p>An employee's assigned headquarters as detailed in their employment contract, or the Transport Workplace where the employee is assigned to work.</p>
<p>Transport Workplace</p>	<p>An approved Transport Workplace may be an office, depot, project site, operational site, or station.</p> <p>Transport's 'Connected Workplaces' model provides access to bookable desks and unique spaces at some Transport office locations for all non-frontline employees, regardless of their Position Location.</p>
<p>Virtual Working</p>	<p>Working at a location other than an employee's Position Location or a Transport Workplace.</p>

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9 Document control

9.1 Superseded documents

This Procedure replaces the following documents:

- Transport Flexible Work Arrangements Procedure CP24002

9.2 Document history

Date & Procedure No	Document owner	Approved by	Amendment notes
12 April 2024 CPr24002	Director Workforce Relations and Management	Director Workforce Relations and Management	Combines agency-specific documents relating to flexible work arrangements into one consolidated Procedure. Updated to include newer workplace flexibility practices like Hybrid ways of working and Hybrid+.
27 October 2025 CPr24002.1	Executive Director Governance and Workforce Relations Strategy	Executive Director Governance and Workforce Relations Strategy	Updates to ways of working arrangements/agreements.

9.3 Feedback and help

For further information about this Procedure, contact the Shared Services Service Centre or your People & Culture Business Partner. Contact details can be found on the Transport Portal.

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Appendix B

10 Local Government Areas (LGAs)

Metropolitan LGAs	Cumberland	Liverpool	Strathfield
Bayside	Fairfield	Mosman	Sutherland
Blacktown	Georges River	Newcastle	Sydney
Blue Mountains	Hawkesbury	North Sydney	The Hills
Burwood	Hornsby	Northern Beaches	Waverley
Camden	Hunters Hill	Parramatta	Willoughby
Campbelltown	Inner West	Penrith	Wollondilly
Canada Bay	Ku-ring-gai	Randwick	Wollongong
Canterbury-Bankstown	Lane Cove	Ryde	Woollahra
Regional LGAs	Coffs Harbour	Kempsey	Orange
Albury	Coolamon	Kiama	Parkes
Armidale Regional	Coonamble	Kyogle	Port Macquarie Hastings
Ballina	Cootamundra-Gundagai Regional	Lachlan	Port Stephens
Balranald	Cowra	Lake Macquarie	Queanbeyan-Palerang Regional
Bathurst Regional	Dubbo Regional	Leeton	Richmond Valley
Bega Valley	Dungog	Lismore	Shellharbour
Bellingen	Edward River	Lithgow	Shoalhaven
Berrigan	Eurobodalla	Liverpool Plains	Singleton
Bland	Federation	Lockhart	Snowy Monaro Regional
Blayney	Forbes	Maitland	Snowy Valleys
Bogan	Gilgandra	Mid-Coast	Tamworth Regional
Bourke	Glen Innes Severn	Mid-Western Regional	Temora
Brewarrina	Goulburn Mulwaree	Moree Plains	Tenterfield
Broken Hill	Greater Hume	Murray River	Tweed
Byron	Griffith	Murrumbidgee	Unincorporated ACT
Cabonne	Gunnedah	Muswellbrook	Unincorporated NSW
Carrathool	Gwydir	Nambucca Valley	Upper Hunter
Central Coast	Hay	Narrabri	Upper Lachlan
Central Darling	Hilltops	Narrandera	Uralla
Cessnock	Inverell	Narromine	Wagga Wagga
Clarence Valley	Junee	Oberon	
Cobar			

Procedure number: CPr24002.1	Effective date: 27/10/25
Procedure owner: ED, Governance & Workforce Relations Strategy	Review date: 27/10/28
Uncontrolled when printed	

Walcha

Walgett

Warren

Source: Dept of Regional NSW

Warrumbungle

Weddin

Wentworth

Wingecarribee

Yass Valley

Procedure number: CPr24002.1	Effective date: 27/10/25
Procedure owner: ED, Governance & Workforce Relations Strategy	Review date: 27/10/28
Uncontrolled when printed	

Annexure B.1

 Outlook

Concerns regarding workplace presence

From Catherine Treloar <ctreloar@rtbu-nsw.asn.au>

Date Mon 03/11/2025 09:00

To Renee Nixon <renee.nixon@transport.nsw.gov.au>; Jess Middleby-clements <jess.middleby-clements@transport.nsw.gov.au>; Greg McDonald <greg.mcdonald@transport.nsw.gov.au>

Cc Natalie Falvey <Nfalvey@rtbu-nsw.asn.au>

Good morning,

I am writing again with concerns about the workplace presence policy.

We have already had members report that their managers are requesting that they start to come into the office from now. We also have reports that members are agreeing to return to the office 50% of the time, when they aren't sure how they will manage that and their caring commitments, due to fear of being made redundant.

This is exactly the situation I warned Transport about.

The employer is, in effect, pressuring women, carers, and people with disabilities to return to the office more than they are able to, for fear of otherwise being made redundant.

Please respond as a matter of urgency with a proposed plan to manage this major psychosocial risk, and ensure that the employer is not actively harming already marginalised cohorts.

Regards,
Catherine Treloar

Annexure B.2



Re: EAP access - staff at risk

From Jess Middleby-clements <Jess.Middleby-clements@transport.nsw.gov.au>

Date Mon 03/11/2025 16:59

To Catherine Treloar <ctreloar@rtbu-nsw.asn.au>

Cc Greg Mcdonald <Greg.Mcdonald@transport.nsw.gov.au>; Kate Hennessy <Kate.Hennessy@transport.nsw.gov.au>; Renee Nixon <Renee.Nixon@transport.nsw.gov.au>; Natalie Falvey <Nfalvey@rtbu-nsw.asn.au>; Nathan Saad <nsaad@unionsnsw.org.au>

Hi Catherine

TfNSW is deeply concerned about our people's experience through this change and the concerns that have been raised about their experience with EAP is a matter that we are taking seriously. Our investigations and work with our EAP provider TELUS to improve the service being provided are ongoing to ensure the support our employees need is in place.

In addition to the work we are already doing to speak with Telus about the concerns. If employees have concerns about their experience with Telus they are invited to raise any concerns via wellbeing@transport.nsw.gov.au (or union representatives on their behalf are welcome to). Staff may also provide feedback directly to Telus via 1300 360 364 if they do not wish to disclose their name and details via the Wellbeing team.

We refer to the concerns raised via email and in meetings in relation to the Employee Assistance Program (EAP). We have set out some further detail below:

Comments made in the Secretary's livestream on 27 October 2025

Following the unions raising concerns about reports of 2.5-3 week wait times for employees to access EAP we followed up with Telus. Matters were escalated in mid-September immediately after being advised of employee concerns by the unions. Another follow up meeting occurred with Telus on 21 October 2025. These conversations, about the concerns raised, are ongoing.

To clarify, the comments made in the livestream related to the matter having been escalated to the Deputy Secretary and that she had followed up about these concerns, this was not the first time TfNSW had raised the concerns with Telus following the unions initially raising concerns with us.

EAP services and wait times

The EAP is an important part of Transport's wellbeing strategy and provides short-term, confidential counselling for employees and their immediate families.

- Access: Up to 6 sessions per issue, per year; multiple issues allowed.
- Support includes: counselling, nutrition, financial coaching, leadership guidance, and relationship/family support
- Available 24/7 via phone, video, in-person, the TELUS Wellbeing App, and SMS counselling.

Our EAP provider has been engaged and updated regarding the level of change across the organisation and have advised us that relevant support is available. We have been advised that as at 29 October 2025 EAP appointments are being arranged within 3-5 days of initial contact and any urgent support had been provided within 2 hours.

We have been advised that any appointment delays beyond 3-5 days have been advised to be due to employee preferences (e.g. clinician gender, timing, location).

We invite the unions to provide specific details regarding employees who have experienced significant wait times so that we can work with Telus to investigate these matters.

Specialised services offered to TfNSW by Telus

We confirm that EAP clinicians are on standby during this period of change and have been throughout the Operating Model program. There is a specialised TfNSW service offered by Telus for our employees. Further, during consultation and determination meetings employees are provided with contact details for a Telus clinician they can contact directly. For example a recent consultation meeting included the following message:

EAP Clinician, Shantel Payne, will be on standby for staff seeking phone support. You can contact Shantel on 0417 474 526. If you are unable to reach them on the first try, they will already be supporting another employee. Please leave a message with your name, best contact number and they will call you back.

If you feel that you need additional support after this time, please contact EAP directly on 1300 360 364.

Other Wellbeing Sessions and Materials

We are also continuing to put in place other sessions as part of our wellbeing framework to support employees through this change. Some of the other initiatives that are also in place:

- Wellbeing Sprint Messages: Fortnightly updates for leaders during times of change, so leaders can best support employees.
- Wellbeing Moments: Short, interactive sessions delivered by Transport's Wellbeing team in team meetings—9 delivered in October, 12 more scheduled.
- Good Day at Work Series: Now in its third year, focus has been aligned with current change environment, current theme (Sept–Nov) is *"Caring for self and others."*
- New EAP Resources: Recently added to the wellbeing resource library.

We note that the unions have also raised concerns regarding the interaction of the Workplace Presence Policy and the Operating Model changes, and TfNSW's proactive management of psychosocial risks. We will respond to these matters in a separate email to you as a matter of priority however, it will take some more time to pull together the information you have requested.

Please do not hesitate to let me know if employees raise further concerns about EAP.

Many thanks

Jess

From: Catherine Treloar <ctreloar@rtbu-nsw.asn.au>

Sent: Monday, November 03, 2025 14:56

To: Jess Middleby-clements <Jess.Middleby-clements@transport.nsw.gov.au>; Greg McDonald <Greg.Mcdonald@transport.nsw.gov.au>

Cc: Natalie Falvey <nfalvey@rtbu-nsw.asn.au>; Nathan Saad <nsaad@unionsnsw.org.au>

Subject: RE: EAP access - staff at risk

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Hi there,

Following up on a response to this critical safety issue.

If information about the capacity and accessibility of EAP is not readily available, that is, in and of itself, quite concerning.

Regards,
Catherine

From: Jess Middleby-clements <Jess.Middleby-clements@transport.nsw.gov.au>
Sent: Wednesday, 29 October 2025 10:04 AM
To: Catherine Treloar <ctreloar@rtbu-nsw.asn.au>; Greg Mcdonald <Greg.Mcdonald@transport.nsw.gov.au>
Cc: Natalie Falvey <nfalvey@rtbu-nsw.asn.au>; Nathan Saad <nsaad@unionsnsw.org.au>
Subject: Re: EAP access - staff at risk

Hi Catherine

Thanks for your email. As discussed in the meeting yesterday I will come back to you in writing as soon as possible.

Many thanks

Jess

From: Catherine Treloar <ctreloar@rtbu-nsw.asn.au>
Sent: Tuesday, October 28, 2025 15:54
To: Jess Middleby-clements <Jess.Middleby-clements@transport.nsw.gov.au>; Greg Mcdonald <Greg.Mcdonald@transport.nsw.gov.au>
Cc: Natalie Falvey <nfalvey@rtbu-nsw.asn.au>; Nathan Saad <nsaad@unionsnsw.org.au>
Subject: EAP access - staff at risk

CAUTION: This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

I am writing regarding **strong concerns** the RTBU holds for staff wellbeing.

I cite the below as the basis for my concerns:

- Regular, persistent reports of 2.5-3 week wait times for staff to access EAP
- Staff not accessing EAP due to concerns about wait times
- Staff receiving insufficient support when they do access EAP
- The statement made today in the livestream by the Secretary that seemed to indicate that something was only being done now, and that it was just now being realised that

capacity was an issue, which was then reiterated by Tracey who stated that “yes, I directed my team to contact the EAP yesterday to look into their capacity”.

The unions have been consistently raising concerns about the EAP and staff wellbeing.

At the next meeting, Jess you stated that the EAP had been surged for specific times, and that you understood it had been contacted last week.

Not only is the EAP not a proactive measure to support staff, it is certainly not proactive at all if it is only available on ‘surge’ capacity on the days that new policies, or structures, are announced or consulted on.

Given the above, I would request that Transport provide, in writing:

1. Information about when EAP has been surged and when they have been contacted
2. Information about what Transport has determined is an appropriate wait time for access to EAP
3. Information about why EAP were only contacted yesterday (or last week, depending on which Transport representative is remembering the information correctly) when concerns had been raised early last week

I look forward to your urgent response.

Regards,

Catherine Treloar

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Annexure B.3

 Outlook

Restructure incidents - manager training urgently required

From Catherine Treloar <ctreloar@rtbu-nsw.asn.au>

Date Fri 17/10/2025 17:25

To Greg.Mcdonald@transport.nsw.gov.au <Greg.Mcdonald@transport.nsw.gov.au>; Jess Middleby-clements <jess.middleby-clements@transport.nsw.gov.au>

Good afternoon Greg & Jess,

I am writing to urgently raise two incidents that have occurred recently that give me concern that managers have 1) not been adequately trained in change management processes, and 2) have not adequately been informed about the proposed process for the restructure.

As I have raised with you previously on a teams call, a manager began a consultation meeting with impacted staff by saying words to the effect of "I hope everyone is feeling energised and raring to go as we head into the Christmas period".

In a cost of living crisis, the thought of asking staff facing extreme financial stress if they are excited about the Christmas period is beyond insensitive.

Perhaps even more concerningly, we have received reports that a manager told staff that his preference would be a "spill and fill process" where the entire team would have to compete for every role in the team, including reapplying for their own roles. His statements have understandably caused stress and confusion.

To clarify, this was not an instance of the manager poorly phrasing the many-to-few process. The manager was expressing his wish that he could make every staff member reapply for every role, to allow him a "clean slate".

I would request as a matter of urgency that all managers are reminded of the process that will be followed, and all staff in impacted divisions (even if they have not gone through consultation) are informed of the general process including that a "spill and fill" process will not be followed. Even if this has occurred before, it evidently needs to occur again.

Please call me if you wish to discuss further on 0482 677 100.

Kind regards,
Catherine

Annexure B.4

 Outlook

Outstanding request for information

From Catherine Treloar <ctreloar@rtbu-nsw.asn.au>

Date Mon 10/11/2025 10:03

To Renee Nixon <renee.nixon@transport.nsw.gov.au>; Greg McDonald <greg.mcdonald@transport.nsw.gov.au>; Jess Middleby-clements <jess.middleby-clements@transport.nsw.gov.au>

Hi all,

As we have previously discussed, the RTBU views the safety issues associated with two major organisational changes as urgent.

I have requested information regarding proactive steps the employer has taken to address the psychosocial risks. Jess originally provided just information regarding EAP as it related to the Op Model restructure. I clarified my request, and was told further information was coming. This was just over a week ago. No information has been provided regarding the risks associated with implementing both major changes at the same time.

Additionally, I requested material that was referenced in the risk assessment as a risk mitigation measure for the workplace presence policy last week. This has not been provided.

The information I have requested should be easily accessible – given that the restructure and policy are currently being implemented, any risk mitigation measures should be ready to go.

If they are not, that gives me even greater cause for concern regarding the lack of risk mitigation measures taken by the employer.

Can I please be provided with an estimated date that the information requested will be provided?

Regards,
Catherine

Annexure C



Outlook

Combined Unions request for assistance from SafeWork NSW regarding Transport for NSW

From Katie O'Neil <koneill@rtbu-nsw.asn.au>

Date Tue 11/11/2025 12:02

To contact@safework.nsw.gov.au <contact@safework.nsw.gov.au>; Liam O'Dwyer <liam.o'dwyer@safework.nsw.gov.au>

Cc Catherine Treloar <ctreloar@rtbu-nsw.asn.au>; Natalie Falvey <Nfalvey@rtbu-nsw.asn.au>; jprimrose@asu.org.au <jprimrose@asu.org.au>; gbuttigieg@asu.org.au <gbuttigieg@asu.org.au>; sturner@professionalsaustralia.org.au <sturner@professionalsaustralia.org.au>; nosorio@professionalsaustralia.org.au <nosorio@professionalsaustralia.org.au>; Liam O'Dwyer <liam.o'dwyer@safework.nsw.gov.au>; meredith.mcinnnes@safework.nsw.gov.au <meredith.mcinnnes@safework.nsw.gov.au>; Legal <legal@rtbu-nsw.asn.au>

 9 attachments (5 MB)

Addressing concerns re: EAP; 2. FAQs - Workplace Presence Determination - Advance Copy for Unions.pdf; FW: Outstanding request for information; 3. Workplace presence - Conversation guides - copy for unions.pdf; 6. The Way We Work Guide.pdf; 4. Workplace Presence Work Health Safety Risk Assessment - 04092025.pdf; 1. flexible-work-arrangements-procedure (3).pdf; 5. Transition Guides - copy for unions.pdf; 2025.11.11 - CU Written request to SafeWork NSW.pdf;

Dear Relevant Officer,

I send this correspondence with the consent from the ASU and PA unions.

As instructed by 'Mikayla' from the contact centre yesterday, please see the **attached** documents relating to existing and prolonged exposure to psychological health and safety risks, that are currently directly affecting 950 employees, and indirectly affecting approximately 19,000 employees of Transport for NSW, and her related entities. This matter is subject to ongoing disputation, with a high media interest.

The formal request is contained within the document titled 2025.11.11 CU Written request to SafeWork NSW.

We **attach** supporting documentation as follows:

1. Policy
2. FAQ
3. Conversation Guide
4. Risk Assessment
5. Transition Guide
6. The Way we Work Guide
7. Employer response to email regarding EAP capacity following multiple meetings about our concerns
8. Outstanding information requests

Please be advised we have significant documentation that may further assist the Regulator, but this information is sensitive in nature and currently is not de-identified.

The Combined Unions will await further correspondence from the Regulator in this regard. If the Regulator will not act in relation to this matter, please advise earliest so that we can escalate this

matter in the most appropriate forum.

Mr O'Dwyer - we have included you as the most relevant person within the Stakeholder Engagement – Unions and HSRs team. Ms McInnes is included as a courtesy.

Kind regards,



Katie O'Neill
Industrial Officer

Rail, Tram & Bus Union (NSW Branch)

Email: koneill@rtbu-nsw.asn.au

Phone: 0488 738 277

Level 4 321 Pitt Street,
Sydney, NSW 2000

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Annexure D

 Outlook

SafeWork Notification - Request for further discussion

From Catherine Treloar <ctreloar@rtbu-nsw.asn.au>

Date Tue 11/11/2025 13:25

To Greg Mcdonald <greg.mcdonald@transport.nsw.gov.au>

Cc Jan Primrose <jprimrose@asu.org.au>; Gerard Buttigieg <gbuttigieg@asu.org.au>; Natalie Falvey <Nfalvey@rtbu-nsw.asn.au>; Natty Osorio <nosorio@professionalsaustralia.org.au>; Steve Turner <sturner@professionalsaustralia.org.au>; Katie O'Neil <koneill@rtbu-nsw.asn.au>

Good morning Greg,

I am writing regarding the RTBUs concerns, which we have repeatedly shared with you and your colleagues, regarding the psychosocial risks posed to staff as a result of the simultaneous Organisational Restructure and Workplace Presence policy introduction.

In meetings and in email exchanges, we have discussed our concerns about the failures of the EAP service, the lack of training provided to managers, and the entirely avoidable risk associated with two simultaneous experiences of prolonged organisational change.

Unfortunately, the information we have received from your team has not been sufficient to allay our fears, and in some instances have worsened our fears.

For example, the only additional control measure on the psychosocial risks associated with the Workplace Presence policy was a 'campaign' regarding psychosocial risks, which the union has not seen. It is unclear what the 'campaign' is referring to - Renee sent me a calendar of communications material about a range of subjects, is that the 'campaign'?

As a further example, apparently the consultation sessions for the restructure are also considered the risk consultation sessions, despite that not being included anywhere in the invitation to the session.

The RTBU has conducted a survey which has returned results that 90% of staff are worried about the impact of workplace presence on their safety at work. The ASU (CCd in) have conducted a similar survey with similar results. PA (CCd in) have had similar reports from their membership.

As a result of the above, we have this morning written to SafeWork, requesting that they intervene to assess the risks and associated mitigation measures put in place by TfNSW.

I think it would be beneficial for both parties if we would meet to again discuss our concerns.

Please let me know of a suitable time over the next few days where we can meet.

Thanks,
Catherine