

memo

to: All Support Services Staff NSW	from: Teena Pisarev
date: 11 February 2021	cc: Philippa Charlesworth, Joanne Blake, Fionnuala Staples,
re: IVFAustralia Support Services Enterprise Support Services - 007 agreement – Notice to Employees – Request to Vote	

Dear Team,

NOTICE TO EMPLOYEES – REQUEST TO VOTE

On behalf of IVF Australia Pty Ltd (**the Company**), I am pleased to announce that we are now in a position to put forward for vote a new enterprise agreement, called the *IVF Australia Pty Ltd Support Services Enterprise Agreement 2020 (New EA)*. Accordingly, an employee vote has been scheduled to confirm if you approve of the New EA.

Place, time and method of Vote

A vote on whether to approve the New EA will be conducted by online ballot undertaken by Elections Australia Pty Ltd. The ballot is anonymous. Please find attached a copy of full instructions on how to vote online through Elections Australia Pty Ltd.

The voting period is as follows:

- **Vote opens:** 22nd February 2021 at 9am
- **Vote closes:** 26th February 2021 at 5pm

If you have any difficulty accessing a device to vote online please speak to your manager and access will be arranged for you through a computer located at a site.

All employees that will be covered by the New EA are eligible to vote, however voting is not compulsory. The New EA will be made if a majority of employees who cast a vote, vote in favour of it. If this occurs, we will apply to the Fair Work Commission for approval of the New EA.

Explanation of the New EA

Enclosed is a copy of the New EA and an explanatory statement. Copies of these documents will be placed in break out rooms and you can contact Philippa Charlesworth if you require an additional copy.

IVF Australia will also be conducting information sessions on the following days and times to explain the New EA and provide you with an opportunity to ask questions.

Please feel free to come to any one of the below sessions:

Date	Time	Method	Link
Friday 12 th February 2021	9am to 10am	Via zoom	https://virtushealth.zoom.us/j/92325064420
Friday 12 th February 2021	10am to 11am	Via zoom	https://virtushealth.zoom.us/j/91922742025
Friday 12 th February 2021	11am to 12pm	Via zoom	https://virtushealth.zoom.us/j/99532828222
Wednesday 17 th February 2021	9.30am to 10.30am	Via zoom	https://virtushealth.zoom.us/j/98358065289
Wednesday 17 th February 2021	1pm to 2pm	Via zoom	https://virtushealth.zoom.us/j/95416307503
Friday 19 th February 2021	10am to 11am	Via zoom	https://virtushealth.zoom.us/j/96835382680

If you have any questions or wish to have the New EA explained in a different manner you can contact either Joanne Blake, Finny Staples or Philippa Charlesworth and they will make the necessary arrangements.

I thank you for your ongoing contributions, and I look forward to the New EA being approved. I want to also extend our thanks to all the employee and union representatives for a very collaborative and professional approach to these negotiations and the process.

Please do not hesitate to contact me via email if you have any questions or queries.

Kind regards,



Teena Pisarev
Managing Director NSW/ACT/Singapore & Diagnostics Aust.

Explanation – IVF Australia Pty Ltd Support Services Enterprise Agreement 2020

The purpose of this comparison is to explain the nature and effect of the proposed **New EA**. **The summary below sets out what we consider to be key changes from the IVF Australia Pty Ltd Support Services Enterprise Agreement 2017 to the New EA and the effect of those changes on your employment. You should carefully read this document and also consult the New EA for the full detail of the written terms and their specific language or, better still, ask Management to explain any aspects of the New EA and this document which you do not understand, or understand fully.**

Clause Ref in New EA	Clause Name	Proposed Change in New EA	Effect of Proposed Change on Employees
1	Title	The New EA will change the name from the "IVF Australia Pty Ltd Support Services Enterprise Agreement 2017" to the "IVF Australia Pty Ltd Support Services Enterprise Agreement 2020".	No impact on employees as simply updates the title.
3/Schedule 1	Update to Entities	Update of name of entity City East Specialist Day Hospital to Alexandria Specialist Day Hospital.	No impact on employees as simply updates the name of the entity but no change in ABN number.
5	Term	The New EA will have a nominal term of three years from the date of approval by the Fair Work Commission.	The proposed change does not impact employees except provide clarity that the nominal term of the New EA will be three years from when it is approved by the Fair Work Commission.
7	Definitions	The following definitions have been added to the New EA: <ol style="list-style-type: none"> 1. National employment standards (NES) 2. Ordinary rate of pay 3. Day worker 4. Shift worker 	The inclusion of the definition provides clarity for the for ease of reference and interpretation of clauses within the New EA.

Clause Ref in New EA	Clause Name	Proposed Change in New EA	Effect of Proposed Change on Employees
8	Consultation regarding change	The New EA introduces a requirement for your employer to consult with you about a change to the regular roster or ordinary hours of work.	Employees will not be consulted with about a change to the regular roster or ordinary hours of work.
10	Part Time Hours	The New EA requires the employer to agree to increase hours where a part time employee requested a review of their hours when working regularly above their contracted hours but such application should not be unreasonably refused.	Part time employees will now require agreement by their employer to adjust their part time hours.
11.3. b	Casual employment	The New EA lists what may constitute a reasonable grounds of refusal by the employer of a request of casual conversion. The examples listed mirror the modern award.	No effect on employees other than providing some clarity of types of items that would be considered reasonable refusal of a casual conversion request.
12(ii)(a)	Employee notice of resignation	The New EA allows an employee and the employer to agree a shorter notice period of resignation by an employee.	Employees are allowed to give shorter notice of resignation when agreed to by the employer.
15	Wages	<p>Wage rates set out in appendix 1 will increase by 1.8% 1 November 2020, 1 November 2021 and 1 November 2023.</p> <p>The Employer will pay employees a one-off payment equal to 1% of an employee's base rate earnings between the period 1 January 2020 to 31 December 2020.</p> <p>The wages offer, parental leave changes, backpay and one-off payment is subject to the New EA being approved by the employees at the first vote.</p>	<p>Employees' wages will increase through this New EA.</p> <p>The wages offer significantly above CPI comparable rates and will allow maintenance of top wages across the period of the New EA. The one off payment is to recognise the challenging year of 2020 and the increase in volume experienced post COVID lockdowns.</p>

Clause Ref in New EA	Clause Name	Proposed Change in New EA	Effect of Proposed Change on Employees
			The wages offer, parental leave changes, backpay and one-off payment is subject to the New EA being approved by the employees at the first vote.
16	Junior Rates	The Junior Rates have been amended to be consistent with the modern award.	The proposed change will ensure that junior rates meet the requirements of the BOOT.
17	Payment of salary	The New EA provides that all outstanding entitlements will be paid to an employee no later than 7 days after the termination.	The amendment ensures that employees are paid entitlements within 7 days of termination whereas it was silent in the previous EA.
18	Superannuation	Update of First State super to Aware super	No impact on employees as simply updates the name.
21	Clothing/uniform	The New EA changes to ability to pay a capped uniform provision to a provision of sufficient uniforms. The New EA also includes a laundry allowance.	No longer a capped allowance amount and commitment to provision of sufficient uniforms. Employees will now be entitled to a laundry allowance of \$.32 cents per shift.
23	Overtime Meal Allowance	The New EA includes an overtime meal allowance where employee works more than 1.5 hours past their usual finish time will be provided with a free meal or a meal allowance.	The change provide clarity on meal allowance provision during overtime worked.

Clause Ref in New EA	Clause Name	Proposed Change in New EA	Effect of Proposed Change on Employees
24	Hours of work	<p>A definition of a day workers hours of work has been included to define it as between 6am and 6pm Monday to Friday to provide clarity.</p> <p>The New EA has also been amended to clarify the penalties for working ordinary hours on a Saturday and Sunday.</p>	<p>The proposed change clarifies the current practice as to the payment of day worker entitlements and penalties on a weekend.</p>
25	Overtime	<p>The overtime clause has been amended to break down the entitlements of full time, part time and casual employees separately and incorporates overtime provisions from other clause sin the New EA into one clause.</p> <p>Overtime is now payable where an employee works outside ordinary hours rather than simply above 8 hours.</p> <p>Employees can now request that their TOIL be paid out.</p> <p>The New EA includes new entitlement for 10 hours off between shifts when overtime is worked.</p> <p>The New EA removes requirement that prevents part time employees from being directed to work additional hours.</p>	<p>The clause has been rearranged to make it easier to read which has no impact on employees.</p> <p>Employees will now be able to request to have their TOIL paid out.</p> <p>Employees now entitled to 10 hours off between shifts when overtime is worked.</p> <p>Overtime will be paid outside ordinary hours but not necessarily after 8 hours and explicitly prohibition from directing part time employees to work additional hours has been removed.</p>
27	Shiftwork	<p>The New EA clarifies that shift penalties is paid on all ordinary hours worked on a shift attracting a shift work penalty.</p>	<p>No change but clarifies interpretation under the EA.</p>

Clause Ref in New EA	Clause Name	Proposed Change in New EA	Effect of Proposed Change on Employees
		The New EA clarifies that Saturday, Sunday and Public Holiday penalties are applied separately.	
28	Rostering	The New EA now allows rosters to be changed with 48 hours' notice.	Rosters may be changed by providing 48 hours' notice.
31	Flexible work arrangements	The New EA explicitly provides for a right to request a flexible work arrangement in accordance with the National Employment Standards.	No change as the NES has already applied but it provides clarity to employees.
33	Professional Development/Conference leave	New entitlement added for professional development/conference leave. Each full-time Employee (pro-rata for part-time Employees) will be entitled to access up to 5 days' paid professional development/conference leave per year to attend approved conferences/seminars	Employees will be entitled to 5 days paid professional development leave per year. Great new benefit for employees added to the New which is not in the previous EA.
34	Annual leave	Shiftworker definition added for the purposes of annual leave and the National Employment Standards. Change to wording allowing someone to work 4 or more hours on 10 or more weekends being either a Saturday, Sunday or Public Holiday immediately adjacent to a Saturday or Sunday) during the year in which their annual leave accrues.	Changes to clarify wording and the hour threshold for weekends will now be 4 hours rather than more than 4 hours.
35	Annual leave loading	The New EA provides employees get the greater of 17.5% or applicable penalties that would have been paid but for the annual leave where they are a shift worker.	Employees who are shift workers will now get paid their penalty rates on annual leave if that is higher than the annual leave loading.

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37	Personal Care leave	Clause now refers to and is aligned with the National Employment Standards. Clarification of timing of medical certificates if someone is unwell.	Minor changes to ensure compliance with the National Employment Standards.
39	Parental Leave	<p>The New EA increases paid primary carer leave from 10 weeks to 12 weeks parental leave.</p> <p>If the New EA is approved in the first vote, then the organisation will provide on a good faith basis from the date of approval by staff vote anyone eligible and needing parental leave as a primary carer this new entitlement prior to approval by the Fair Work Commission.</p>	<p>Employees will have an increase of 2 weeks paid parental leave for primary carers.</p> <p>If the agreement is approved in the first vote, then the organisation will provide on a good faith basis from the date of approval by staff vote anyone eligible and needing parental leave as a primary carer this new entitlement prior to approval by the Fair Work Commission.</p>
42	Public Holidays	The New EA has clarified and included various practical examples of public holiday scenarios include picnic day to aid interpretation.	No substantial change other than to make public holiday clause clear.
Schedule 1	Classifications and Definitions	New classifications such as Senior Administration Officer level 2, CSSD level 4 Supervisor (with Certificate), Billing Officer Level 4, Administration Officer Level 1 year 1, added and review of classification descriptions.	New opportunities for progression within these classifications. No staff member will be re-classified to a lower level than what they are on now.
Various	-	The New EA makes various minor amendments to wording and structure to ensure the New EA reads better. For example some clauses dealing with Part Time Overtime have been moved from the part time clause to the overtime clause.	No impact on employees

Reference instruments and further explanation

New EA	Please refer to the full copy of the proposed New EA: IVF Australia Pty Ltd Support Services Enterprise Agreement 2020 which has been provided to you to obtain a comprehensive understanding of the proposed contents of the EA. A hard copy can be requested from management at any time.
Current EA	The New EA intends to continue to cover employees covered by the <i>IVF Australia Pty Ltd Support Services Enterprise Agreement 2017</i> (Current EA). A copy of the Current EA can be found at the following web address: https://www.fwc.gov.au/documents/documents/agreements/fwa/ae426393.pdf
NES	The NES covers the 10 minimum employment entitlements that have to be provided. The proposed New EA cannot provide employment conditions that are less beneficial, or exclude, terms provided by the NES. This means the minimum conditions of the NES apply to your employment under the New EA. More information about the NES is available at https://www.legislation.gov.au/Details/C2019C00270/Html/Volume_1#_Toc533164836 and https://www.fwc.gov.au/awards-and-agreements/minimum-wages-conditions/national-employment-standards . A hard copy can be requested from management at any time.
Better off Overall	A necessary requirement for the approval of the New EA is that it passes a test known as the Better Off Overall Test (BOOT). The BOOT requires that the New EA be 'better off overall' as compared to the <i>Health Professionals and Support Services Award 2020</i> (Award). This means that while some terms and conditions may be less favourable than the equivalent award provision, and other terms and conditions will be more favourable, overall the New EA must be more beneficial to employees covered. The BOOT takes into account both monetary and non-monetary terms and conditions.
Undertakings	In the event that the Fair Work Commission (FWC) has concerns about the ability to approve the New EA the FWC may approve the New EA by accepting an undertaking that meets the concern. An undertaking would amend certain clauses of the New EA to meet the concern. The FWC may only accept a written undertaking from an employer, after seeking the views of each bargaining representative and if satisfied that the effect of accepting the undertaking is not likely to cause financial detriment to any employee or result in substantial changes to the agreement. When the FWC approves the agreement, any accepted undertaking(s) is both noted in the decision and is attached to the copy of the agreement published on the FWC's website.

<p>Modern Award</p>	<p>The New EA excludes the <i>Health Professionals and Support Services Award 2020</i> but if you would like to access a copy it can be found at the following web address: http://awardviewer.fwo.gov.au/award/show/MA000027</p>
<p>New EA</p>	<p>If you want further information, there are a number of options:</p> <ul style="list-style-type: none"> • Go to the Fair Work Commission website http://www.fwc.gov.au • Phone the Fair Work Ombudsman on 13 13 94 • Go to the Fair Work Ombudsman website http://www.fairwork.gov.au • Hearing or speech impairment <ul style="list-style-type: none"> • TTY (teletypewriter): phone 1800 555 677 and ask for 13 13 94. • Speak and Listen (speech-to-speech relay): phone 1800 555 727 and ask for 13 13 94. • Internet relay: connect to the National Relay Service and ask for 13 13 94. o • Translating and Interpreting Service (TIS): 13 14 50. <p>If you are under 18, you may be more comfortable with an older person to assist on your behalf. If English is not your first language or you have a disability, you may require further special assistance. If that is the case, please email or phone Philippa Charlesworth who will make appropriate arrangements to ensure that you understand the nature and the effect of the New EA.</p>