

ACT Enterprise Bargaining Update

Dear Member,

As you will know, ACT Health made an application to suspend/terminate the HSU's industrial action in Support Services on 4 July 2018. This was withdrawn as part of an agreement with the HSU to cancel the planned industrial action for 6 and 11 July 2018 and to have negotiations facilitated by Deputy President Kovacic of the Fair Work Commission.

In the Commission, the HSU put the position that there should be a flat dollar wage increase to workers on less than \$66,670, the ATO definition of low paid. However, the ACT Government representatives advised that there was no movement on wages. That is, Chief Minister Barr refused to budge even though in the June quarter CPI has just topped 2.8% in the ACT.

The Government tabled a new rostering provision for the Health Agreements (attached):

- *ACT Public Sector Administrative and Related Classifications*
- *ACT Public Sector Support Services Enterprise Agreement*
- *ACT Public Sector Health Professionals Enterprise Agreement*
- *ACT Public Sector Technical and Professional Enterprise Agreement*
- *ACT Public Sector Medical Practitioners Enterprise Agreement*

In order for the HSU to respond to this new clause, a meeting of HSU representatives will take place on **Tuesday 7 August 2018**.

For Health Professionals, negotiations are tracking along very slowly, but so far we have reached agreement on all ARINS to be rolled in to the Agreement, all occupation allowances to be non-renewable, a new Medical Imaging Classification Structure, agreement to pay clinicians at their substantive rate for overtime and to provide an 8 hour break after recall, plus reasonable travel. In addition, there is a commitment to conduct a classification review.

For our members under the Technical and other Professional Enterprise Agreement we have tabled a new classification structure for TOs in Pathology but are yet to have a meeting about this.

For all groups a more detailed newsletter will be issued in the next week.

In unity,



Gerard Hayes
Secretary, HSU NSW/ACT/QLD

Rostering provisions in Enterprise Agreements:

In the current enterprise agreements majority support of affected staff is required to introduce shift work or a new roster.

The Government initially proposed to amend all EAs to allow for new rosters to be implemented even in the absence of majority agreement, provided that the Government could demonstrate it had met strict criteria and provided no less than 6 months' notice.

Following negotiations the Government has amended its proposal several times, particularly in relation to scope. The Government has withdrawn the proposal in relation to most agreements. It has limited the application of the clause to circumstances where service hours are proposed to be significantly altered in relation to those agreements.

ACT Government's current proposal:

Amended Current Clause (for inclusion in all agreements)

The proposal is to leave existing rostering provisions in the core part of the agreements unchanged, except for a clarification of current practice in relation to existing rosters. This clarification is contained in the underlined sections in the clauses below, and maintains the status quo.

B6.7 The head of service may, after consulting with the employees affected and the employees' representatives and following agreement of a majority of employees affected introduce:

B6.7.1 shift work;

B6.7.2 a new roster; or

B6.7.3 an arrangement of shift cycles.

B6.8 Rosters setting out the start times, finish times, and rotation of shifts over at least a twenty-eight day period will be posted at least fourteen calendar days prior to the commencement of the roster.

Amendments to Existing Rosters

B6.9 Amendments may be made to rosters to meet the operational or business needs of a particular business unit. These amendments will be made available to affected staff as soon as practicable. For clarity these amendments are not viewed as the introduction of a new roster and do not require majority of staff agreement as that required under subclause XX.

Proposed New Clause (for inclusion in specified agreements)

For the following agreements it is proposed to include a new clause about changes that are required as a result of needing to significantly alter service delivery hours:

- ACTPS Medical Practitioners EA;
- ACTPS Health Professionals EA;
- ACTPS Nursing and Midwifery EA;
- ACTPS Support Services EA;
- ACTPS Technical and other Professional EA; and
- ACTPS Administrative and Related Classifications EA.

The proposed clause set out below is in principle the same as the one contained in the most recent version of the draft core agreement, as distributed with the letter of 22 June 2018:

A1 - Alteration of service Hours

- A1.1 In those circumstances where the introduction of shift work, a new roster or an arrangement of shift cycles is sought as a result of a need to significantly alter service hours, the head of service must first attempt to get agreement of a majority of employees affected in accordance with subclause B. Where such agreement cannot be obtained the head of service may only introduce the proposed change if the head of service has:
- A1.1.1 met the consultation requirements under subclauses XXX;
 - A1.1.2 outlined the business need for the change;
 - A1.1.3 demonstrated that other options have been canvassed, but cannot as effectively meet business needs;
 - A1.1.4 as far as practicable managed the introduction through the voluntary participation of staff;
 - A1.1.5 considered any individual request by an employee to have their personal circumstances considered; and
 - A1.1.6 provided employees with a minimum of 6 months' notice prior to introduction.
- A1.2 Notwithstanding subclause A1.1 if there is a sufficient number of employees that agree to participate on a voluntary basis to allow for a full or partial introduction of the new arrangement, the new arrangement can be introduced with a minimum of three months' notice, provided that any employee who does not agree to participate on a voluntary basis will be given 6 months' notice before being required to participate in the new arrangements.

In the Support Services EA, Technical and Other Professional EA and Administrative and Related Classifications EA the clause would be located in the Health related schedules at the rear of the document.

In the Health Professionals EA the new clause would be located in an appropriate part of the Agreement, but separate from the normal rostering provisions to ensure it is clear its application is limited to circumstances of alterations to service delivery hours.

The operational environment in the Medical Practitioners EA and the Nursing and Midwifery EAs may mean the clause could look different, but the guaranteed ability to meet the Government's service delivery needs is still sought.