

Voting now open for Japara agreement

Dear Member,

Voting is now open for your proposed Japara Aged Care NSW Enterprise Agreement.

This is your agreement about your conditions at work, so we encourage everyone to have a say in the process.

Pay increase

HSU Members claimed a 5% wage increase per annum in this agreement. We have pushed hard for an this, but Japara management have not agreed. Instead, management are offering the following pay increase:

- 2019 – 3.6%, including back pay to the first full pay period on or after 1 July 2019
- 2020 – 2.6%
- 2021 – 3.6%

Improvements to conditions

Further to our last member report, we've been able to gain some additional wins. Management have now agreed to the following improvements:

- Increased paid parental leave for the primary carer – up from 2 weeks to 4 weeks over the life of the agreement.
- New paid leave for union delegates to attend union training or the annual union conference;
- An increase to the minimum engagement for part-time and casual employees – increased from 2 hours to 3 hours per shift;
- Improved review of hours clause, ensuring that part-time employees can request a review after 6 months, rather than 12 months.

A full report with management's response to all our claims is attached. The report adopts a 'traffic light' colour code with green items being those which have been agreed in full, yellow items being somewhat agreed, and red items being not agreed.

Next steps

The draft agreement is currently out for vote. We encourage all HSU members to read to the proposal and our attached report, then have your say in this important ballot.

If a majority of staff vote 'yes' to accept the offer, the agreement will be sent to the Fair Work Commission for approval. If a majority vote 'no', then we will go back to the bargaining table and continue to represent HSU members.

If your colleagues are not yet HSU members, please share this update with them and ask them to join the union. Only when we are strong and united do we get the best deal. Members can join online now at www.hsu.asn.au/join or by calling 1300 478 679.

If you have any questions, please contact your workplace rep or the HSU office for assistance.

In unity,

A handwritten signature in black ink, appearing to read 'Gerard Hayes', with a long, sweeping underline.

Gerard Hayes
Secretary, HSU NSW/ACT/QLD

Japara NSW Enterprise Agreement – HSU Member Claims Report

HSU Claim	Status
3 year agreement with obligation to renegotiate within 3 months of expiry.	Agreed
5% wage increases per annum to wages and allowances, to bring them more into line with other industry providers	Japara are offering: 2019 – 3.6% 2020 – 2.6% 2021 – 3.6%
Increased Uniform allowance to \$7.52 per week, in line with industry standards. Allowance to be further increased annually with wage increases.	Uniform allowance to move from \$6.71 to \$7.23 per week, during life of the agreement.
Increased Uniform Laundry Allowance: Increased laundry allowance to \$5.72 per week, in line with industry standards. Allowance to be further increased annually with wage increases.	Uniform allowance increased to \$5.45 and increased to \$5.87 during life of the agreement.
Review of staff levels: Commitment to work with the HSU to formally review staffing levels across all classifications, during the life of the Agreement.	Japara believes this is an operational matter. Japara says: Japara is very mindful of staffing levels and the need to ensure appropriate levels of care for their residents, noting the issues concerning the current funding arrangements.
Enhance Workload Management clause: Include positive obligations on management to monitor workloads and report staffing levels to employee at regular paid staff meetings.	Updated clause: <i>Management will respond at staff meetings to all workload matters that have been raised by employees recorded in the minutes and will outline actions that can have been taken in respect to those specific issues. Workload management must be an agenda item at staff meetings on at least a quarterly basis.</i>
Guarantee to backfill: Commitment to backfill planned and unplanned absences, to ensuring staffing levels remain reasonable.	Japara says that this is an operational matter.
Part-time employees will be paid a minimum of 3 hours per engagement , as per Riviera EA.	Part-time and casual staff will all now be paid a minimum 3 hour engagement.
Minimum engagements to apply to all work , including compulsory training and meetings outside of an employees ordinary rostered work.	Not agreed
Preference of Engagement: Permanent employees (full-time and part-time) to be offered vacant shifts before casuals or agency staff	Japara has included the following provision in the Proposed Agreement: <i>Japara is committed to maximising its permanent workforce (full time and/or part time staff) whilst ensuring that staffing is in line with occupancy levels. Japara will ensure that current part time staff who have advised their supervisor/manager that they are available to work will be offered additional shifts in the first instance where practicable. Where a part time employee is not available additional shifts would then be offered to casual staff where applicable.</i>
Outsourcing Arrangements: Where the employer choses to outsource any work, it will ensure that the workers performing that work are paid and subject to the same terms and conditions of employment that apply under the Agreement	No agree
Partial redundancy provisions: Include a process to compensate staff with a partial redundancy, in the event that hours are forcibly reduced.	Not agree
Evidence for Personal Leave: Evidence will only be required after an employee has taken more than 2 days of consecutive personal leave	The Proposed Agreement has been updated to include the following provision at clause 36.7

	<i>Employees shall be allowed three single days of personal leave for personal injury or sickness per fiscal year without certification or statutory declaration. An Employee may elect to take the three single days/shifts as two consecutive days /shifts and one single day/shift of personal leave per fiscal year without certification or statutory declaration.</i>
Paid Parental Leave: Paid parental leave of 14 weeks for the primary caregiver and 6 weeks for the non-primary caregiver.	Agreed to increase paid parental leave from 2 weeks to 4 weeks during life of the agreement.
Natural Disaster Leave: 3 days dedicated leave where an employee is unable to attend work due to adverse weather which either prevents or threatens life or property	Not agreed. Japara would deal with these matters on a case by case basis.
Support for Victims of Domestic Violence: 10 days paid leave per annum dedicated for this purpose, access to counselling services, and requests for flexibility and changing of hours be granted to assist victims of domestic violence.	Japara has included in the Proposed Agreement 5 days paid leave for permanent staff and 5 days unpaid leave for casual staff. It should be noted that the provision states the following at 44.3(c): <i>The Employer and Employee may agree that the Employee may take more than 5 days' leave to deal with family and domestic violence.</i>
Bereavement leave: Additional bereavement leave in cases of the death of an immediate family member.	Japara agreed to include additional bereavement leave, for example where the employee is involved in funeral arrangements or travel.
Payslips: All leave balances to be displayed on employee payslips.	Not agreed.
Uniforms: Right to request new uniforms if they become damaged or experience excessive wear and tear.	Japara sees this as an operational issue. While they will not include a provision in the EA, Japara says that if there are cases of excessive wear and tear to a person's uniform, then this could be dealt with at a facility level. Members are encouraged to talk to their manager and contact the union if not satisfied with the response.
Uniforms: Provision of additional uniforms for cleaners and people exposed to heavy chemicals or more directly in contact with mess and offensive materials	Not agreed. As above, Japara see this is an operational and policy issue.
Union noticeboard: Access to a notice board for union representatives to place relevant material.	Agreed
Union training and conference: Process for union delegate to access paid leave to attend union training or the annual union conference.	Agreed, Japara will provide up to 3 days paid leave per annum for delegates to attend training and union conferences.
Inductions: Structured process for union officials to welcome new employees to the organisation and discuss with them the benefits of being a union member.	Not agreed