

Australian Unity enterprise bargaining: New proposed agreement

As outlined in our bulletin dated 30 November 2018, Australian Unity has announced it is not going to remove conditions of employment but incorporate most of your current pay and conditions. We have been waiting to see proof of this proposal and ensure there is nothing else untoward being included in the claim.

Australian Unity has provided the CPSU NSW bargaining team a copy of the new proposed enterprise agreement.

In reviewing the currently proposed enterprise agreement there are clear significant and minor changes from your Copied State Award, the *Crown Employees (Home Care Service of NSW – Administrative Staff) Award 2012*. Despite the proposition from Australian Unity for there to be little substantial changes, the below are the changes that have been noted in the proposal from Australian Unity:

- » Full-time administrative staff could be asked to work their ordinary hours across six days a week.
- » Whilst there has been a clause now proposed that will allow transferred staff access to flex time, they have made what could be a significant change, inserting a clause in order to accrue credit, there needs to be agreement that there is productive work beyond your standard daily hours.
- » Ordinary hours of work for Administrative staff has been changed to Monday-Sunday. However, they have maintained your span of hours, 7am-7pm.

- » A clause which allows for the change of your hours of work has been amended to allow for unilateral change of your starting and finishing times. In your current conditions, your starting and finishing times can be changed, but this requires agreement.
- » This proposal continues with Australian Unity's position that Administrative staff are only entitled to the forced redundancy provisions of the MEE policy. The result, rather than a maximum of 39 weeks' severance pay, the maximum is 20 weeks if you are over 45 years old, and 16 weeks if you are under 45 years old. Yet, they are providing Care Workers the maximum of 39 weeks' severance.
- » There has been the removal of the ability for Administrative staff when they work overtime to elect to have time in lieu instead of payment. The provision as reads requires agreement for you to elect to be compensated for overtime with time in lieu.
- » There is some vague wording regarding the rate of payment for parental leave. It is possible, depending on interpretation that it could result in the rate of parental leave for those who have returned to work part-time, or are taking periods of consecutive parental leave to not be paid at their substantive rate.

Despite Australian Unity's assurances there would not be substantial changes to the conditions in your copied state award its is proceeding to make what the CPSU NSW would consider to be some substantial changes. On top of these changes, Australian Unity is proposing that the beneficial



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conditions of the copied state award are going to apply only to the transferred employees, notwithstanding the alleged intent of this agreement for Australian Unity was to bring consistency. The CPSU NSW opposes this two-tiered system of conditions and believes staff undertaking the same role should have access to the same conditions, it can only lead to toxic work environments. Something we hope Australian Unity will come to recognise, honouring its actual intent... uniformity!

Further, in the face of previous feedback regarding; consultation, suspension without pay and questions about how on call will work, Australian Unity have proceeded with the exact same wording for these clauses.

Your CPSU NSW bargaining team has provided initial feedback to Australian Unity to inform the upcoming bargaining meeting, tentatively scheduled for 30 January 2018. To inform further feedback to Australian Unity please complete this [survey](#).

Scope order

As you may already be aware from previous bulletins the CPSU NSW has lodged a scope order with the Fair Work Commission (FWC), seeking to have care workers and administrative separate. This is an issue the CPSU NSW has expressed strong feelings about, the matter is still on foot with some time table adjustments being made.

The hearing is now scheduled for 26 February 2019.

Scope orders are very difficult to win; they have been granted by the FWC in limited circumstances. To be granted a scope order the legislation requires more than the proposed groups of employees just being different positions within the business and one group is a much larger proportion of the chosen group of employee.

There are several factors the FWC will take into account when determining whether it will grant a scope order, including; if the current scope is creating unfair and inefficient bargaining and a granting of the scope order would promote fair and efficient bargaining and that in granting the scope order the group of employees would be fairly chosen – taking into account whether the group is geographically, operationally or organisationally distinct.

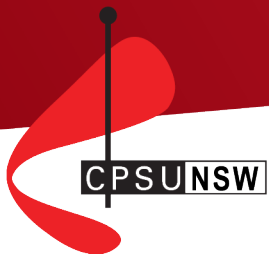
The decision made by the FWC will be final; if you want to know more about the scope order and what you can do to help please see this bulletin from 16 October 2018.

For those who are not members, this is the time to join and support the fight to retain your employment conditions and pay, and bring all administrative workers onto the one Agreement and are paid fairly and equally when doing the same work.

If you would like further information or would like to assist, please contact the CPSU NSW on **1300 772 679** or email

AUmembersCPSUNSW@psa.asn.au





17 January 2019

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