

# Power and Water Enterprise Agreement Negotiations

## INFORMATION SHEET 2

### Formal Proposals for a New Enterprise Agreement

The following proposals are made on a without prejudice basis and are a reflection of the discussions in bargaining between the parties and presented to the Power and Water Single Bargaining Unit (SBU) made up of the Electrical Trades Union (ETU), Australian Manufacturing Workers' Union (AMWU), Community and Public Sector Union (CPSU) and Professionals Australia (PA).

Following consideration of the feedback from PWC employees, and the SBU on 7 September 2018, I have made some improvements to the initial proposals contained in [Information Sheet 1](#).

### Term of Agreement – 3 years

Throughout negotiations the SBU have consistently maintained their position for a three year agreement term. Whilst a longer term agreement provides greater certainty, following feedback on my initial proposals, it is proposed the new agreement will have a three year term with an expiration date 12 months after the final salary increase paid under the agreement.

I consider this a key improvement in these proposals. This will still provide employees and PWC with certainty and secured terms and conditions over this period.

### Salary Increases – 2.5% per annum

Subject to the achievement of proposed changes contained in this proposal and approval of the agreement by the Fair Work Commission:

- an initial salary increase of 2.5% to be effective from 26 July 2018
- a second salary increase of 2.5% to be effective from 25 July 2019; and
- a third salary increase of 2.5% to be effective from 23 July 2020.

A 2.5% increase each year for three years will ensure employees' salaries and conditions remain competitive. Work-related and expense-related allowances will be adjusted consistent with the current Agreement provisions that provide for an adjustment mechanism.

### Improved 'NTPS Common' provisions to be included

The following improved 'NTPS Common Conditions' which also cover SBU claims, have been discussed during bargaining and include:

- **Parental leave provisions (surrogacy)** – Extend current parental leave entitlements to include surrogacy based circumstances.
- **Parental leave provisions (partner leave)** – Extend current parental leave entitlements to include paid partner leave (up to 14 or 18 weeks depending on years of service) where employee is primary caregiver from birth/placement of child or becomes primary caregiver in certain circumstances following birth/placement.
- **Parental leave provisions (superannuation)** – Increase the period that employer funded superannuation can be paid while on unpaid parental leave, from six months to 12 months.
- **Domestic and Family Violence (DFV) Leave** – Enhancement of current provisions will enhance awareness of the existing uncapped miscellaneous (paid) leave provided through the By-law provisions for all NTPS.
- **Cultural and Ceremonial leave** – New leave provisions allowing employees access to up to 5 days unpaid leave per annum to meet cultural or ceremonial obligations.
- **Union Rights** – The rights and obligations of union representatives will be set out in the Agreement and will be underpinned by a set of key principles.

- **Dispute Settlement Procedures** – Expanded to allow disputes about By-laws to be conciliated by the Fair work Commission, and provision to allow work to continue in accordance with usual practice while a dispute is being settled.

## Single Bargaining Unit claims supported

The following matters, which form part of the SBU log of claims, and have been discussed during bargaining, are proposed to be retained or included.

- **Apprentices**
  - It is proposed to extend the fixed period employment from six to 12 months for employees to be engaged following completion of their apprenticeship;
  - inclusion of a target of 50% females; and
  - inclusion of reference to Trainees.
- **Consultation**
  - agreed that consultation on substantial change will be genuine and should ensure a timeframe that allows for the timely exchange of relevant information and ideas in such a manner that the parties have the actual and genuine opportunity to influence the outcome; and
  - where substantial change to production, program, organisation, structure, or technology is proposed, is likely to have a significant effect on employees, a cooperative approach to change management will occur.
- **Dispute Resolution**
  - there shall be a dispute resolution procedure in the agreement that allows parties to refer disputes to the Fair Work Commission for conciliation or arbitration, subject to an internal resolution process first being followed; and
  - provisions will cover the application of By-laws, which will be able to be resolved through the dispute settling procedures and may be conciliated by the Fair Work Commission and an employee will continue to have access to the grievance review mechanisms under the Public Sector Employment and Management Act if a By-law has not been correctly applied.
- **Union Related Matters**
  - maintenance of the current Union Representation; Union Training Leave (for accredited union delegates) and Communication facility provisions provided in the current agreement; and
  - delegates rights and obligations will be set out in the Agreement and will be underpinned by a set of key principles.
- **Hours of Work**
  - there shall be no increase to the current core provision of ordinary hours of work (37.5 hours per week); or
  - the span of hours of 6am – 6pm Monday to Friday.
- **Work Life Balance**
  - employees shall continue to have access to the work life balance options provided under the current agreement subject to the relevant provisions;
  - employees returning from parental leave, or with caring responsibilities, will maintain a right to request part-time work and other flexible working arrangements;
  - no employee employed on a full-time basis will be required to convert to part-time hours;
  - the inclusion of a definition of what constitutes time off in lieu (TOIL) to clarify the intent; and
  - PWC will review and update any relevant policy, procedure or fact sheets in relation to flexible working arrangements to ensure employees and managers are aware of their rights and entitlements.
- **Use of Contractors**
  - the current use of contractors provisions will be maintained in entirety;
  - as a key improvement from the initial proposals, the use of contractor provisions will be improved requiring contractors to engage their employees on rates of pay and allowances which in aggregate, shall be no less favourable than those applicable to PWC employees; and

- the new clause will not apply to work, operations or contracts that have been agreed to prior to the commencement of the agreement.
- **Mental Health**
  - as a key improvement from the initial proposals, and in addition to the commitment to convene a JCC sub-committee, it is intended to include reference in the agreement highlighting PWC's commitment to supporting employees in the workplace.

## Improved Power and Water provisions

The following improvements which address SBU claims, and have been discussed during bargaining, include:

- **Personal leave provisions** – To include whole shift to be counted as a day for number of days allowed without medical evidence (i.e. a 'day' could be 7.5 hours or 8.33 hours). Update of definitions in the Personal Leave and Compassionate Leave provisions in line with the General NTPS agreement.
- **Apprentices** – Target for apprentices will include a target of 50% females and an increase in the period of employment following apprenticeship completion from 6 months to 12 months.
- **Higher Duties Allowance** – To amend the Higher Duties Allowance (HDA) provisions to allow for partial payments of HDA where an employee take on some duties of a higher level position.

## Power and Water initiatives

The following matters, which form part of the employer claims, and have been discussed during bargaining, are proposed to be included.

- Performance Achievement

To reflect the significant work already undertaken by the Performance Achievement sub-committee of the Joint Consultative Committee (JCC), it is proposed that the current clause be replaced with terms that reflect the proposed new format of the MyPlan process.

The improved MyPlan process will ensure that individual and organisational capability can be measured, monitored and improved through individual growth and aligned learning outcomes across the business.

- Corporate Safety Initiative

To support and enhance the new performance achievement framework it is proposed to update the Individual Safety Bonus key performance indicators (KPIs) in Attachment/Schedule 5 of the Agreement; and remove the inefficient Corporate Safety Bonus KPIs in favour of annual targets set and agreed through the JCC annually.

## NT Allowance

It is proposed that Northern Territory Allowance (NTA) be grand parented to existing employees receiving the allowance to bring these provisions in line the general NTPS.

## New Enterprise Agreement – Implementation and reviews

In addition to the above PWC commits to:

- developing an interpretation document to assist employees and managers clearly understand the provisions of the new agreement;
- working with unions and employees, and convene a JCC sub-committee, to explore and develop an appropriate mental health framework to support employees in the workplace;
- review the Classification Stream Descriptors and Stream Specific Progression principles contained in Attachment 3 of the current agreement;
- review the fatigue component of the Fitness for Work Procedure within 12 months of commencement of the new agreement;
- review the 10 hour break fact sheet to ensure it meets current requirements;
- review the working from home policies, procedures and/or fact sheets;
- review the flexible working arrangements policies, procedures and/or fact sheets; and
- review and update the Use of Contractors work instruction.

## **Consideration of Proposals**

Other matters raised in the SBU log of claims formally tabled at the bargaining meeting 4 June 2018 have been considered and as discussed in bargaining, there are some claims that could not be agreed to as they would restrict the CEO's ability to allocate resources, which would not be in line with the Wages Policy.

The above proposals and the continuation of existing employment conditions represent a good salary package that improves wages for employees, and introduces very modest efficiencies to support the effective operation of PWC.

## **Feedback – Have You Say**

Should you wish to express a view on the formal proposals or make a suggestion you can provide your feedback to me directly at [www.enterpriseagreements.nt.gov.au/general\\_feedback](http://www.enterpriseagreements.nt.gov.au/general_feedback). All feedback will be treated confidentially. Feedback is sought by Monday 8 October 2018.

## **Next Step – Your Vote**

Once feedback on the formal proposals has been received from both the SBU and individual PWC employees, the parties will meet to consider the timing of a ballot for a new enterprise agreement.