

PROPOSED

2018 – 2021

Power and Water

Enterprise Agreement

EXPLANATORY NOTES

THIS DOCUMENT REFLECTS THE CHANGES IN THE PROPOSED AGREEMENT COMPARED WITH THE CURRENT AGREEMENT

Please note:

- i. Reference to the ‘current Agreement’ means the 2015 – 2018 Power and Water Enterprise Agreement (ID AE416230) and reference to the ‘new Agreement’ means the proposed 2018 – 2021 Power and Water Enterprise Agreement.
- ii. Technical changes have been made throughout the new Agreement that are not included in the explanatory notes, including;
 - a. adopting gender neutral language and plain English language where appropriate without affecting entitlements or conditions;
 - b. References to “Attachments” updated to “Schedules”;
 - c. Cross referencing sub-clause number references in line with new Agreement;
 - d. Changes to number formats (e.g. spelling out of numbers, no comma or space for four digit numbers);
 - e. General grammar and punctuation updates.
- iii. This document is in order of clause numbers under the proposed Agreement. Clause numbers vary from the current Agreement due to the removal of some clauses, and introduction of new clauses.
- iv. Where clauses have been referenced the clause and sub-clause numbers in the explanatory notes are referring to the new Agreement clauses (unless specified otherwise). Where there has been a change to the numbering of a clause, an explanation of how the provision or entitlement has translated from the current Agreement to the proposed Agreement is included.

Information on the proposed Agreement

If you would like further information on the new Agreement, please contact the Employee Relations unit in the Office of the Commissioner for Public Employment on telephone **08 8999 4282** or Naomi Porrovecchio within Power and Water on **0429 528 702**.

PART 1 – APPLICATION AND OPERATION OF AGREEMENT

1. Title

The title has changed to reflect the 2018 – 2021 Power and Water Enterprise Agreement.

2. National Employment Standards (NES)

This is a new clause stating the National Employment Standards (NES) prevails across the new Agreement. The NES sets the minimum entitlements under the Fair Work Act.

This clause was previously the Table of Contents (titled “Arrangements”). The Table of Contents has been moved to the front of the new Agreement.

3. Definitions

The definition of:

- “Agreement” has been updated to reflect the title of the new Agreement;
- “CPE” has been updated to “The Commissioner”;
- “Employer” has been updated to mean the Commissioner;
- “PWC Band 2.3 has been update to remove reference to PWC and moved to 3(c) and amended for correct terminology;
- “determination” has been deleted as it is not necessary and conflicts with the reference to ‘determination’ in the Dispute Settling Procedures clause;
- “ELT” has been deleted as it is unnecessary given there was only one reference throughout the document;
- “PWC” has been amended to clarify that this definition includes the CEO or delegate when acting on behalf of PWC.
- “RDO” has been updated to reflect that this could be single or multiple days off;
- “shiftworker” has been deleted as there was three definitions of ‘shiftworker’;
- “continuous shiftworker” has been updated to ‘shiftworker (continuous); and
- “non-continuous shiftworker” has been updated to ‘shiftworker (non-continuous).

New definitions of “time off in lieu (TOIL)” and “PSEM By-law” have been included as they are currently referenced within the agreement

These amended/new definitions have been updated throughout the agreement.

4. Parties Covered by this Agreement

Title updated from ‘Coverage’ and a name update from ‘Association of Professionals, Engineers, Scientists and Managers Australia’ to ‘Professionals Australia.’

5. Relationship to PSEM Act and Award

No substantive change. Minor grammar update of title. Updated title of PSEM By-law 16, to remove the word ‘special’ from its title. Updated reference to By-Law 26 to note it was subject to new clause 67.

Updated Award reference to the 'Northern Territory Public Sector Enterprise Award 2016' and clarified that the agreement prevails over the Award.

6. Omitted

There is no change to this clause.

7. Objectives of Agreement

There is no change to this clause.

8. Code of Conduct

Amended to clarify there are the NT Public Sector and the Power and Water Code of Conduct which apply to PWC employees.

9. Safety, Health, Welfare, Discrimination and Workloads

Inserted new addition to clause 9.2(a) highlighting support for employees experiencing mental health issues.

10. Employment Security

There is no substantive change to this clause (gender neutral update).

11. Redeployment and Redundancy

There is no change to this clause.

12. Period of Operation

Updated to reflect nominal expiry of new Agreement to be 15 July 2021.

13. No Extra Claims

There is no change to this clause.

PART 2 – CONSULTATION AND DISPUTE RESOLUTION

14. Dispute Settlement Procedures

The new Agreement has been amended to make it clearer for employees that utilising s59 of the PSEM Act for a grievance, is in order to have a decision reviewed. The new Agreement also introduces a mechanism for employees to resolve disputes in relation to By-laws that apply to Power and Water.

15. Joint Consultative Committee

Minor update to this clause through writing "ELT" to reflect full name of Executive Leadership Team.

16. Omitted

No change.

17. Introduction and Management of Change

There is no change to this clause.

18. Individual Flexible Arrangements

Name change with removal of reference to “Working.” Gender neutral updates and deleted reference to ‘within the span of hours’ to provide for flexibility outside the span. Reference to “CPE” updated to “Commissioner”.

19. Variation to Working Arrangements for Groups of Employees

There is no substantive change to this clause (gender neutral updates). Reference to “CPE” updated to “Commissioner”.

20. Work Life Balance Package

There is no substantive change to this clause. Gender neutral updates and grammar amendments.

PART 3 – EMPLOYMENT RELATIONSHIP AND RELATED MATTERS

21. Recognition of Prior Employment

There is no change to this clause.

22. Part-time Employment

There is no change to this clause.

23. Casual Employment

There is no change to this clause.

24. Apprentices and Trainees

Updated to include: reference to trainees; provision for a target of females; and extension of employment from 6 to 12 months on successful completion of an apprenticeship.

25. Use of Contractors for Core Work

Clause updated to clarify that provisions apply to ‘core’ work. Core work definitions updated to include reference to ‘construction’ and a new inclusion of ‘generation activities.’ Core work definition clarifies that the clause does not apply to ancillary work to the contract or work of a specialist nature.

Clause updated to clarify that the term contractor includes labour hire organisations, not for profit organisations and apprentice provider organisations. However it does not apply to PWC’s subsidiary Indigenous Essential Services (IES) Pty Ltd or the use of contractors in remote Aboriginal communities and outstations where PWC or IES provide services.

Clause updated to provide new provisions for contractors to be engaged on rates of pay in aggregate which will be no less favourable than the floor aggregate rates as determined by PWC in consultation with the

JCC. These new provisions to commence no later than six months from the date the agreement is approved by the Fair Work Commission.

Additional update of compliance section to clarify that PWC will examine all relevant information contained within the relevant contracts to ensure compliance with new provisions.

26. Probation

This clause has been updated to reflect probation processes shall be in accordance with the PSEM Act.

27. Termination, Resignation or Abandonment of Employment

Update of title to reference the elements contained in the clause.

28. Omitted

No change.

29. Medicals

There is no change to this clause.

30. Training and Development

There is no change to this clause.

31. Timesheet Recording

There is no change to this clause.

32. Corporate Safety Initiative

Minor updates to reflect a new performance system and changes to reflect corporate safety targets to be removed from the agreement in favour of annual targets set and agreed through the Joint Consultative Committee (JCC). Clarification that if agreement cannot be reached, the targets of the 2015 – 2018 Power and Water Enterprise Agreement will apply.

33. Fitness for Work

There is no change to this clause.

34. Work Organisation

Clause updated to provide for a review the Classification Stream Descriptors and Stream Specific Progression Principles contained in the updated Schedule 3.

35. Remote Localities

Update of determination references to reflect current provisions.

36. Laundry Facilities

There is no change to this clause.

37. Union Related Matters

The rights and obligations of delegates are set out in the new Agreement and will be underpinned by a set of key principles. Clause amended to reflect that subject to operational requirements, delegates need to provide 'prior notice' to consult with members or employees during working hours.

Update of reference to salary deductions for union fees being subject to NTPS payroll systems.

PART 4 – RATES OF PAY AND RELATED MATTERS

38. Rates of Pay

There is no change to this clause.

39. Adjustments in Salaries and Allowances

This clause has been updated to reflect 2.5% salary increases per annum and applicable increases to allowances throughout the term of the Enterprise Agreement. Additional amendment providing for the adjustment of the ISSA by 2.5% per annum for the life of the agreement for technical employees.

40. Payment of Salaries and Allowances

Minor update providing for the electronic, instead of cash, payment of allowances prior to travel where possible.

41. Omitted

No change.

42. Annualised Salaries

There is no change to this clause.

43. Technical Coordinator Salary Arrangements

43.1 Minor update clarifying that the 265 hour component must be worked prior to accessing TOIL.

44. Omitted

No change.

45. Pay Progression

Minor updates of the clause to clarify that pay progression is subject to the new provisions contained in clause 46.

46. Performance Achievement

There have been significant amendments to this clause and for the most part was a brand new clause with the inclusion of some existing elements from the current clause.

The clause reflects changes to the PWC performance achievement system (the MyPlan).

The Myplan no longer has a Part A or Part B but rather has been replaced with the 'what' and the 'how.' The new MyPlan provides for a 1 to 5 rating system instead of a 'met/not met' system. Employees will be required to successfully complete their MyPlan to a minimum 3 rating to be eligible for pay progression and/or all other bonus payments as opposed to the current system of: Part A only for safety and ACS bonus payments; and Part A and B for pay progression and top of band bonus.

The former pay progression competency based framework for Trade Technical and Operator classifications no longer apply and employees in those classifications will be required to attain a minimum 3 rating on their MyPlan for pay progression.

With regard to Pay Progression, the Administrative and Corporate Services (ACS), Safety and Top of Band bonuses, the minimum 3 rating will not apply until the 2019-2020 and subsequent MyPlan cycles.

The new clause also provides for a review mechanism in circumstances where an employee's disagrees with the proposed requirements or outcome of their relevant Myplan.

47. Salary Sacrifice for Employer Superannuation

Minor updates to reflect changes in Australian Taxation Office (ATO) legislation and that employees will be responsible for any tax or interest that may be imposed by the ATO for exceeding the Commonwealth concessional contribution cap.

48. Salary Sacrifice Packaging

There has been a minor change to allow employees with less than 12 months service to access salary packaging provisions without needing CEO approval.

PART 5 – ALLOWANCES AND SPECIAL RATES

49. Industry Specific Skills Allowance

There is no change to this clause.

50. Dual Trade Market Allowance

There is no change to this clause.

51. Availability Allowance

There is no change to this clause.

52. Consolidated Disability Allowance

Updated to reflect the correct award reference and the removal of incorrect references to absorbed allowances which no longer apply under the Northern Territory Public Sector Enterprise Award 2016.

53. Extra Duty Allowance

A minor amendment to clarify that the Extra Duty Allowances is only applicable to employees eligible to receive overtime in accordance with clause 72.2 of the proposed agreement.

54. Higher Duties Allowance

Clause amended to clarify that higher duties is only payable after completion of five consecutive working days. Further amendments to the clause to provide for the partial payment of higher duties allowance in circumstances where partial performance is directed.

55. Professional Development Allowance

Minor update to reflect current rates and minor formatting amendments.

56. Pre-eminent Professional Allowance

There is no change to this clause.

57. HV Field Operator Allowance

There is no change to this clause.

58. Relocation Allowance

There is no change to this clause.

59. Relocation Expenses – Employment or Transfer

There is no change to this clause.

60. Team Leader Allowance

There is no change to this clause.

61. Travelling Allowance

There is no change to this clause.

62. Hardship Accommodation Allowance

There is no change to this clause.

63. Tool Allowance

There is no change to this clause.

64. Allowance for Damaged Clothes and Tools

There is no change to this clause.

65. Motor Vehicle Allowance

There is no change to this clause.

66. First Aid Allowance

There is no substantive change to this clause (update to current First Aid accreditation code).

67. Northern Territory Allowance

This is a new clause. The clause provides that Northern Territory Allowance will only be available to employees who were in receipt of the allowance on the day prior to the commencement of the Agreement.

PART 6 – HOURS OF WORK, SHIFTWORK, MEALS BREAKS AND OVERTIME

68. Hours of Work (Non-shiftworkers)

Minor update of clause to refer to TOIL. Previous clause 67.

69. Rostered Days Off

There is no change to this clause. Previous clause 68.

70. Flexible Working Hours (Flextime)

There is no change to this clause. Previous clause 69.

71. Work at Public Forums

There is no change to this clause. Previous clause 70.

72. Overtime

There is no change to this clause. Previous clause 71.

73. Call Out Arrangements

There is no change to this clause. Previous clause 72.

74. Relief for Regional Centres

There is no change to this clause. Previous clause 73.

75. Meal Breaks and Overtime Meal Allowances

There is no change to this clause. Previous clause 74.

76. Shiftwork

There is no change to this clause. Previous clause 75.

PART 7 – TYPE OF LEAVE AND PUBLIC HOLIDAYS

77. Public Holidays

There is no change to this clause. Previous clause 76.

78. Compassionate Leave

There has been some minor technical changes to update the definitions in line with the FW Act. Previous clause 77.

79. Long Service Leave

There is no change to this clause. Previous clause 78.

80. Parental Leave

Clause updated and has been broadened with the application of parental leave provisions to include surrogacy situations and to expand paid leave available to partners.

In relation to partner leave, an employee with at least 12 months continuous service will be able to access a portion of paid partner leave where the employee's spouse (a non-NTPS employee) ceases to be the child's primary care giver (e.g. returns to work), at some stage between the child's date of birth and the 14th or 18th week after the child is born (or day of placement in the case of adoption).

This new provision will provide the ability for an employee (partner) to be able to have up to 18 weeks of the longer partner leave paid provided that are meeting the needs of the child more than anyone else.

In the new Agreement employees on unpaid parental leave will have their superannuation paid for the first 12 months of parental leave (previously 6 months). If parental leave ends, employees will continue to be able to request leave without pay or flexible working arrangements up until the child reaches school age.

Previous clause 79.

81. Recreation Leave

There is no change to this clause. Previous clause 80.

82. Christmas Closedown

There is no change to this clause. Previous clause 81.

83. Recreation Leave Loading

There is no change to this clause. Previous clause 82.

84. Recreation Leave Airfares

There is no change to this clause. Previous clause 83.

85. Personal Leave

Minor updates for readability and there have been some technical changes to update the definitions in line with the FW Act, and provide clearer provisions for casual employees.

Previous clause 84.

86. Leave to Attend Industrial Relations Business

There are no changes to this clause. Previous clause 85.

87. Release to Attend as a Witness

There are no changes to this clause. Previous clause 86.

88. Release for Jury Service

Clause updated to reflect current legislation. Clarified that payment for jury service is in accordance with the *Juries Act*. Previous clause 87.

89. Study Assistance and Leave

There are no changes to this clause. Previous clause 88.

90. Domestic and Family Violence

The current clause has been replaced with new clause to provide an entitlement to leave for employees experiencing Domestic and Family Violence. This is an enhancement of the current provisions. Previous clause 89.

91. Cultural and Ceremonial Leave

This is a new clause to provide an employee up to five days unpaid cultural leave for cultural or ceremonial obligations.

Schedule 1 – Salary Structures

This Schedule contains the new salary structure. Updated to reflect 2.5% increases per annum from 26 July 2018 and for the remaining term of the new Agreement.

Schedule 2 – Allowances

This Schedule contains the new allowance rates.

Schedule 3 – Classification Stream Descriptors and Stream Specific Progression Principles

There are no substantive changes to this Schedule. Minor corrections terminology amendments.

Schedule 4 – Northern Territory Public Sector Redeployment and Redundancy Entitlements

There are no substantive changes to this Schedule (gender neutral updates, update to clarify the PSEM By-Laws that apply for airfare entitlement).

Schedule 5 – Safety Bonus Table

Table updated to reflect agreed amendments to individual safety KPIs. Corporate Safety KPIs have been removed in favour of annual targets to be set and agreed through the JCC on an annual basis.

Schedule 6 – Work life Balance Initiatives

There are no substantive changes to this Schedule (gender neutral updates, remove obsolete notes related to old recreation leave provision).