

TEACHER AND ASSISTANT TEACHER ENTERPRISE AGREEMENT NEGOTIATIONS

NTPS TEACHER AND ASSISTANT TEACHER ENTERPRISE AGREEMENT INFORMATION SHEET 1/2018

****This information sheet only applies to employees covered by the Northern Territory Public Sector Teacher and Educator 2014–2017 Enterprise Agreement****

PROPOSAL FOR A NEW ENTERPRISE AGREEMENT

This information sheet outlines the terms for a proposed new enterprise agreement to replace the existing Northern Territory Public Sector Teacher and Educator 2014-2017 Enterprise Agreement ('the current Agreement') which expired on 11 October 2017.

This proposal takes into account the Australian Education Union's (AEU) bargaining principles and claims that were tabled at the bargaining meetings of 23 August and 30 August 2017; the issues arising during the negotiation meetings; the Northern Territory Government's fiscal position and wages policy; and the prevailing economic conditions.

The bargaining that led to this proposal followed a new, collaborative approach.

This new approach is a major shift from the positional approach to bargaining and problem-solving, where agreement was often reached after a series of offers and counter offers. In these situations, parties were unlikely to be truly satisfied with the outcome.

Teacher Permanency

The question of teacher permanency is an important issue for the union; its members; and the Department of Education. Although it has been discussed in the context of the collaborative process, it is proposed that the details of the project sit outside the agreement for the reason that it allows more flexibility in adapting it, as required. The department and the AEU have collaborated on (a) short and intermediate term measures to reduce the numbers of fixed period teachers; and (b) the development of a longer term permanency framework for the management of ongoing recruitment of teachers.

Consequently, it is proposed that there be a revised security of employment clause that will support the permanency framework, during the life of the Agreement.

Teacher Transfers

Further, in the context of our collaborative approach to bargaining, there is a proposed clause to address the issue of teacher transfers. The proposed clause will provide for teachers to apply for transfers through the following pathways:

- (a) school to school;
- (b) compassionate; and
- (c) guaranteed teacher transfers (for remote teachers).

These provisions take into account the fact that the department will be responsible for the management and implementation of policy and procedures related to the application of the permanency and teacher transfer frameworks.

Proposed Key Improvements

In the context of the collaborative bargaining process, the parties have reached in principle agreement on:

Expanded Parental Leave for Partners

Expanding the parental leave provisions in order to provide partners with access to primary carers leave, when applicable. Depending on the employees' length of service, this leave would be up to 18 weeks from the birth (or placement) of the child. It will provide partners with additional leave when they take on the primary carer responsibilities.

Where a family unit has a new child it is proposed that parental leave would be available for partners who are NTPS employees and who subsequently become primary caregivers. This leave would be available where the initial primary caregiver returns to work and the partner who then becomes the primary caregiver would then be able to access paid leave as primary caregiver leave. For employees with more than five years of service this will be up to 18 weeks from the birth of the child, and 14 weeks for employees with one to five years of service.

Partners may still access partner leave (up to 2 weeks paid) prior to accessing this new partner as primary caregiver leave. However, only one parent of the family unit can nominate as the primary caregiver at a time. The maximum period of paid leave for a partner will be 18 weeks which could be made up of partner leave and primary caregiver leave subject to your length of employment.

Improvements to Personal Leave for Fixed Period Employees

Including a provision of an initial grant of five days personal leave on appointment of fixed period employees, to address the lack of flexible leave options available to teachers during term time.

Change Management Clause

The change management clause to be amended to provide clarity with regard to consultation on major change will occur prior to a CEO making a final decision. This will further clarify that employees' views are taken into account prior to decision on major change in the workplace.

Staff Performance, Training and Development

The inclusion of provisions which set out the key principles for employee planning and development. This will ensure the employee performance management and development systems that the department has in place under Employment Instruction 4 are also referenced in the enterprise agreement.

Cultural Leave (unpaid)

Providing up to five days unpaid cultural leave each year to employees in addition to the six weeks paid recreation leave. This proposal takes into consideration the Indigenous Employment and Career Development Strategy, where we continue to grow our Aboriginal workforce in the NTPS so it is more reflective of the community we serve.

Recognition of kinship relationships and cultural obligations

Further support to Aboriginal employees, by continuing the collaborative approach on identifying productive ways we can recognise the obligations of kinship relationships that employees have. Where mutual agreement is reached with the respective parties about appropriately identifying kinship relationships, then kinship relationships would be recognised as immediate family for compassionate and personal leave.

Union rights and dispute settling procedures

The rights and obligations of union sub-branch representatives will be set out in the Agreement and will be underpinned by a set of key principles. There will also be additional protections in relation to the dispute settling procedures to maintain current provisions while a dispute is being resolved. Also any disputes about the application of By-laws can be resolved through the dispute settling procedures and may be conciliated (but not arbitrated) by the Fair Work Commission. This provision will also apply to matters pertaining to the Teacher Responsibility Guide (TRG).

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.

Workplace Consultative Committees

Matters pertaining to consultation, parties have reached agreement that in workplaces with more than 10 employees, a principal or manager may establish a workplace consultative committee to provide a consultation mechanism for matters that are covered by the enterprise agreement that have not been able to be resolved through other mechanisms such as a general staff meeting.

Executive Principal Level (EPL) Higher Duties Clause

Incorporating a clause into the proposed Agreement that sets out the provisions for employees who have a higher duties opportunity to act in an Executive Principal Contract Level position. The EPL salary scales will also be incorporated into Schedule 7 of the Agreement.

Special Study Leave Program

The inclusion of a reference to remote study leave in the Agreement. It commits the department to consult with the union about significant changes to the policies and procedures related to the program.

Highly Accomplished and Lead Teacher Scheme

The continuation of the existing highly accomplished and lead teacher scheme with participants being accredited nationally to undertake leadership duties in their schools, which would include removal of the list of nominated schools from the schedule in the agreement and its replacement through a determination.

Preschool Teacher in Charge Allowance

The department reviewing the work levels and duties of pre-school teachers in charge during the life of the proposed Agreement. To support this review, a 50 per cent increase in the pre-school teacher in charge allowance for the life of the agreement. However, this increase in the allowance is contingent on achieving savings elsewhere in the Agreement.

Definitions

The inclusion of definitions that address matters pertaining to 'school-based conditions', 'office conditions', 'non-term time' or stand down; and 'teaching capacity' in the Agreement;

Other Commitments

Commitments to

- Clarify the roles and responsibilities of Assistant Teachers during the life of the agreement;
- Undertake a review of principals' roles and duties during the life of the agreement; and
- Review the TRG during the life of the agreement.

Details of the Proposal

The terms of this proposed offer comprise a total and interlinked package of improvements and changes to terms and conditions of employment. The salary offer is dependent on the achievement of the proposed efficiencies and if these cannot be achieved we will continue the collaborative approach until mutual agreement can be reached.

Whilst not all claims have been agreed, the identification of the underlying needs and concerns of the parties, was listened too and discussed at length. The proposal takes into account the current budgetary environment locally and nationally, forecasted CPI over the relevant period, and the improvements and concessions being offered.

Term of Agreement

It is proposed the new Agreement will have a four year term with an expiration date 12 months after the final salary increase paid under the agreement. This will provide employees and the Department of Education CEO with certainty and secured terms and conditions over this period.

Salary Increases

Subject to the achievement of proposed changes contained in this offer and certification of the Agreement by the Fair Work Commission:

- an initial salary increase of 2.5 per cent to be paid effective from 12 October 2017;
- a second salary increase of 2.5 per cent to be paid effective from the first full pay period from 12 October 2018;
- a third salary increase of 2.5 per cent to be paid effective from the first full pay period from 12 October 2019; and
- a fourth salary increase of 2.5 per cent to be paid effective from the first full pay period from 12 October 2020.

Salary increases under the new agreement will not apply to employees who cease employment with the NTPS prior to the commencement date of the Agreement, which will be seven days after it is approved by the Fair Work Commission.

Parental Leave

As indicated above, it is also proposed to broaden the application of paid parental leave provisions to include surrogacy situations and to expand the leave available to partners. This will provide employees who meet the relevant criteria with the current generous levels of paid parental leave of up to 18 weeks, and up to a total of three years off for parental leave purposes.

This new provision will provide partners with additional leave where they take on the primary carer responsibilities. This leave would be available where the initial primary caregiver returns to work and the partner would be able to access paid partner as primary caregiver leave. For employees with more than five years of service this will be up to 18 weeks from the birth of the child, and 14 weeks for employees with one to five years of service. Partners may still access partner leave (up to 2 weeks paid) prior to accessing this new partner as primary caregiver leave. However only one parent of the family unit can nominate as primary caregiver at a time. The maximum period of paid leave for a partner will be 18 weeks.

Employees will continue to be able to request leave without pay or flexible working arrangements up until the child reaches school age.

Employer Funded Superannuation whilst on unpaid parental leave

In addition to the broadened parental leave provisions, it is proposed the employer funded superannuation payments during periods of unpaid parental leave be extended from six months to 12 months. This would ensure the payment of employer funded superannuation payments for 12 months from the date of commencing parental leave ensuring employees proceeding on maternity leave have no loss of superannuation earnings for 12 months.

Domestic and Family Violence

The NTPS provides access to uncapped paid leave for employees experiencing domestic and family violence through miscellaneous leave provisions. To improve awareness of these existing provisions it is proposed to include a clause in the new agreement highlighting the commitment to providing leave and other support to employees who are experiencing domestic and family violence.

Northern Territory Allowance

The Northern Territory Allowance (NTA) will be retained for existing employees currently receiving the allowance. It is proposed that NTA be grand parented to existing employees receiving the allowance.

For employees currently receiving the \$960 this rate will remain unchanged.

For employees who commenced on or prior to 31 July 1987 who receive a variable rate (depending on their designation and increment), it is proposed that the rate is standardised at the top increment rate for each classification.

Cultural Leave and Kinship Relationships

The Indigenous Employment and Career Development Strategy has led to increases in Aboriginal employment across the NTPS. In order to further support Aboriginal employees it is proposed to provide up to five days unpaid cultural leave each year. The Commissioner for Public Employment will also continue to work with unions and employees to identify productive ways we can recognise the obligations of kinship relationships that employees have. Where agreement is reached with the unions about appropriately identifying kinship relationships, which would be recognised as immediate family for compassionate and personal leave.

Improvement to Personal Leave for Fixed Period employees

The proposed grant of five days personal leave on appointment of fixed period employees, is advancing a pre-existing entitlement that an employee would normally accrue after the completion of 2 months continuous service. The employee personal leave entitlement remains at 3 weeks for any employment contract greater than 6 months but less than 12 months.

Staff Performance, Training and Development

It is proposed that the key principles for employee planning and development will be set out in the Agreement. This will ensure the employee performance management and development systems that Agencies have in place under Employment Instruction 4 are secured in the enterprise agreement.

Centralian College Flexibility Allowance

The Centralian College flexibility allowance is no longer applicable because the conditions that gave rise to its creation no longer exist; however the transition would be offset by an initial offer for a once off payment equal to six months of the allowance.

Additional Improvements

As covered above, through the collaborative approach parties were able to reach in principle agreement on the extension of parental leave to partners who undertake primary carer responsibilities, domestic and family violence leave; personal leave; new unpaid cultural leave; new provisions around staff performance, training and development; improvements to conditions in relation to management of change, union rights, and dispute settling procedures including disputes in relation to By-laws; new definitions and the Teacher Responsibility Guide.

Parties were able to reach positive outcomes on matters that formed part of the bargaining discussions and are to be incorporated into this proposed offer as set out below.

Reasonable Workloads

The proposed Enterprise Agreement will continue to provide commitments to monitor the workloads of employees.

Relief Teacher provisions

Minor amendments and rationalisation of the relief teacher provisions in the agreement to provide greater clarity.

Remote Incentive Package

Modification of the remote incentive package for teachers to provide for:

- redrafting of the remote locality provisions to correct errors and remove ambiguity; and
- modification of the provision guaranteeing transfer of classroom teachers to a system of priority transfers, which would be part of a wider review of transfer policies generally, with a view to ensuring greater transparency

Specialist Teacher

Removing the Specialist Teacher classification as this is a redundant provision.

Schedule 1

Amending the “classification of employee” section, including Assistant Teachers and a general modification of the schedule to provide greater clarity.

The parties have met extensively since June 2017 to discuss and negotiate union claims, NTPS policy matters and operational issues.

The above proposals represent a good package. It is supportive of families, improves flexible work options and most importantly delivers and maintains solid wages and conditions for the next four years. It also provides improvements in policy matters the union raised as important issues for their members.