

INFORMATION SHEET: WITHOUT PREJUDICE, REVISED FORMAL PROPOSAL FOR DENTAL OFFICERS' ENTERPRISE AGREEMENT

This information sheet outlines the terms of a “without prejudice” proposal for a new enterprise agreement to replace the existing Northern Territory Public Sector (NTPS) Dental Officers' 2014--2018 Enterprise Agreement (‘the current Agreement’) which reached its nominal expiry date on 21 August 2018.

This proposal takes into account the Community and Public Sector Union and bargaining representative's claims that were provided on 25 June 2018 and 2 July 2018; and discussed in detail in bargaining meetings since 21 May 2018; issues arising during negotiation meetings including the application of current provisions; the Northern Territory Government's (NTG) fiscal position, the prevailing economic conditions; and the Department of Health's (‘the Department’) operational and strategic initiatives.

The content of the proposal reflects the discussions and collaborative approach that has occurred since the commencement of the negotiations. This means there has been:

- genuine consideration and time to discuss the union's claims and the Department's proposals (including sector-wide common conditions);
- sharing of information such as costing of union claims and proposals;
- jurisdictional comparison of salary and conditions; and
- operational information including the application of current provisions provided by the Department.

The improvements being proposed for a new agreement are considered in conjunction with the continuation of conditions introduced in previous rounds. This places the NT public sector well in the market to attract and retain Dental Officers in the NT.

The parties have been able to focus on claims with financial/budget implications and the key areas for employees, the union and the Department. As a consequence of the CPSU's formal response to the Commissioner's formal proposal, the scope of the proposed review during the life of the agreement has been amended. The proposed review will now cover:

- the Dental Officer classification structure (including level descriptions);
- the development of a Dental Officer competency framework; and
- the development of a proposal for the recognition of advanced clinical practice.

There will be more detail about this commitment to review below.

Details of the Proposal

The terms of this proposal comprise a total and interlinked package of improvements and changes to terms and conditions of employment.

1. Term of Agreement – 4 years

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 with certainty and secured terms and conditions over this period.

2. 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 per cent to be paid effective from 21 August 2018;
- a second salary increase of 2.5 per cent to be paid effective from the first full pay period from 21 August 2019;
- a third salary increase of 2.5 per cent to be paid effective from the first full pay period from 21 August 2020; and
- a fourth salary increase of 2.5 per cent to be paid effective from the first full pay period from 21 August 2021.

A 2.5% increase each year for four years will ensure employees' salaries and conditions remain competitive.

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.

Work-related and expense-related allowances will be adjusted consistent with the current Agreement provisions that provide for an adjustment mechanism.

3. Dental Officer Specific Issues

Retention and Remote Service Allowance

The retention and remote service allowance would also have a one-off increase of 2.5% in line with the general salary increases, which means that the amounts would be \$10,250 for Dental Officers residing and working in Darwin, the greater Darwin region, or Alice Springs after each year of continuous service; and \$14,350 for dental officers residing and working outside the greater Darwin or Alice Springs regions after each year of continuous service.

Allowance in Lieu of Private Practice

In line with the salary increases the allowance in lieu of private practice would be increased on an annual basis in line with the 2.5% per annum salary increases.

Professional Development Reimbursement Payment

During the negotiations, the CPSU and bargaining representatives set out the difficulties that dental officers experience when they are required to pay significant fees for professional development activities. In the light of these discussions, the proposal includes the proposition that would enable Dental Officers to submit their reimbursement claims on a quarterly basis; however, the existing qualifying periods and conditions would remain. These include the requirement to:

- complete 12 months continuous service;

- continuing to be employed after each 12 month qualifying period; and
- proof of payment and undertaking of the professional development activities.

The professional development reimbursement payment would be increased on an annual basis in accordance with the 2.5% per annum salary increases in the agreement.

During further discussions about dealing with very large financial commitments to ongoing professional development, the Commissioner for Public Employment decided to vary the quarterly schedule of reimbursements to enable relevant managers and Dental Officers to agree to pay the reimbursement payment outside the quarterly schedule on a case-by-case basis, but still subject to the conditions listed above.

Commitment to Review

The CPSU and bargaining representative raised some important matters that require ongoing work. It is proposed that these would be best managed through a review during the life of the agreement. These are set out below.

Dental Officer Classification Structure (including level descriptors)

It is apparent that there are elements of the current dental officer classification structure that are no longer fit for purpose and that work needs to be done to ensure that the structure better serves the Department, Top End Health Services (TEHS), Central Australian Health Services (CAHS) and Dental Officers in the delivery of effective, clinical services to Territorians.

Development of a new or revised classification structure would require considerable work and input from TEHS and CAHS, dental officers and the CPSU. Consequently, this issue would be included in the proposed review.

Dental Officer Competency Framework

Further there is a requirement to develop a competency framework for dental officers that complements the classification structure.

Consequently, the proposal would also include a review of and development of a competency framework for dental officers.

Advanced Clinical Practice

Another matter that arose through the claims and ensuing discussions was the question of recognition of dental officers who demonstrate advanced clinical practice. It is agreed that this is a matter of merit, but that the development of a proposal for advanced clinical practice including criteria for awarding the status of advanced clinical practitioner and the guidelines for application and maintenance of such status would also require considerable work. This matter would also be included in the review.

4. Improved Parental Leave Provisions

The CPSU and bargaining representative's claims to mirror the same provisions under the NTPS 2017 – 2021 Enterprise Agreement ('General NTPS agreement') is agreed.

The current Parental Leave provisions are to be re-written to be more succinct by combining existing entitlements under two main types of parental leave: Primary Caregiver Leave (currently 'Ordinary Maternity Leave' and 'Adoption Leave') and Partner Leave (currently 'Paternity/Partner Leave' and 'Adoption Leave'). Other types of parental leave, e.g. Special Maternity Leave, Pre-Adoption Leave are retained. Other improvements consistent with the General NTPS agreement include:

Surrogacy arrangements

It is proposed to broaden the application of parental leave provisions to include a child born of surrogacy arrangements.

Paid partner leave

It is proposed to expand the paid leave available to employees who take over as primary caregiver from their non-NTPS spouse/partner (who is usually the birth giver). This will provide employees who meet the relevant criteria with the current generous levels of paid parental leave (up to 14 or 18 weeks) and up to a total of three years off for parental leave purposes.

This new provision will provide an employee (referred to as 'the partner' as they are not the initial primary caregiver) with paid leave where they take on the primary carer responsibilities within a certain time period following their child's birth/adoption. This paid leave would be available where the initial primary caregiver returns to work, for example, and the partner takes over caring responsibilities for the child such that the employee is the person who now meets the child's physical needs more than anyone else. For employees with more than five years of service the period available to access paid leave will be up to 18 weeks from the birth/adoption of the child, and 14 weeks for employees with one to five years of service. The paid leave is not payable for any period of parental leave taken that extends beyond 14 weeks (or 18 weeks, whichever is applicable), from birth/adoption. Partners may still access partner leave (up to two weeks paid) at the time of birth/adoption prior to accessing this new paid partner leave as primary caregiver. However, only one parent of the family unit can nominate as primary caregiver at a time.

The current combined parental leave provisions permitting NTPS employee couples to share their paid NTPS parental leave entitlements will be retained.

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

Employer funded superannuation on unpaid parental leave

It is proposed the employer funded superannuation payments currently paid during periods of unpaid parental leave, to employees eligible for at least 14 weeks paid parental leave, be extended from six months to 12 months from commencement of parental leave. This proposal means eligible employees who proceed onto a period of unpaid parental following paid leave in the first 12 months will have no loss of superannuation earnings for 12 months.

5. New Cultural and Ceremonial Leave (up to 5 days unpaid)

A new provision of up to five days unpaid cultural and ceremonial leave each year to employees to meet cultural or ceremonial obligations. The leave is not cumulative. This unpaid leave is in addition to paid leave entitlements and access to flexible work arrangements.

The NTPS values cultural diversity. Sometimes employees are required to attend to cultural and ceremonial events that are important to the community or group to which they belong. These obligations may occur during work times, and may not coincide with public holidays or rostered days off work. Some obligations may be 'traditional' or 'urban' in nature and may include initiation, birthing and naming, funerals in cases where the deceased person is not a member of the employee's immediate family or household. An employee may be required to meet traditional law or cultural obligations,

participate in religious days of observance or activities, e.g. Greek Orthodox, Ramadan, Sorry business etc. This proposal takes into consideration the Aboriginal 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.

Periods of unpaid cultural and ceremonial leave do not break an employee's continuity of employment but will not count for service (e.g. for paid leave accruals or increments). However, any period of paid leave taken for cultural and ceremonial purposes will count for service in accordance with the relevant paid leave provisions (e.g. if an employee takes recreation leave to attend Sorry business this will count for service). An employee will not be required to use all their other paid leave entitlements before accessing unpaid cultural and ceremonial leave. An employee may be asked to provide their manager with documentary evidence of the need for the employee to attend the cultural or ceremonial events.

6. Domestic and Family Violence (DFV)

The NTPS provides access to uncapped paid leave for employees experiencing domestic and family violence through the Public Sector Employment and Management By-law 26 Miscellaneous Leave provisions. A clause in the new agreement will highlight the leave and other support available to employees who are experiencing domestic and family violence. There are many leave options and workplace arrangements that employees can access who are victims of DFV, in addition to the generous leave options available, employees may also access DFV leave to request time off to find safe accommodation, attend court hearings, accessing legal advice, organising alternative care or education arrangements to children.

7. Continue Relocation Allowance (up to 10 fortnights) for Katherine / Alice Springs

It is proposed to continue a NTPS-wide common core condition that supports recruitment and retention initiatives by providing for the CEO to approve up to ten fortnights of relocation allowance under Public Sector Employment and Management By-law 28.5 (Relocation Allowance) for employees in Katherine and Alice Springs. This initiative has been in operation since 2010 through a Determination issued by the Commissioner for Public Employment and it is proposed to renew the current Determination Number 1062 of 2014 upon commencement of the new agreement.

8. Continue Rental Concessions for Remote Localities Categories 1 and 2

It is proposed to continue this provision in the new agreement.

9. Satellite TV or Internet Service Reimbursement

It is proposed to continue this remote locality provision during the new agreement.

10. Higher Education Loan

It is proposed to continue this provision during the new agreement.

11. Union rights, consultation for change and dispute settling procedures

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.

Dispute Settling procedures

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.

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 Rights

The rights of delegates and union officials will be included in the new enterprise agreement. This will ensure that employees continue to have union representation in the workplace should they need support and assistance.

12. Staff Performance, Training and Development

To align with the General Agreement provisions a clause will set out the key principles for employee planning and development. This will ensure the employee performance management and development systems that Agencies have in place under Employment Instruction 4 are also in the enterprise agreement.

13. Northern Territory Allowance

The Northern Territory Allowance ('NTA') will be retained for existing employees who are receipt of the allowance immediately before commencement of the new agreement. It is proposed that NTA be grand-parented to existing employees so that NTA continues to be paid, according to Public Sector Employment and Management By-law 26, until such time as the employee ceases to have those dependant/s.

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

14. Drafting New Agreement

The parties have progressed the drafting a new agreement and it is also proposed to adopt the Personal Leave and Compassionate Leave provisions contained in the General NTPS agreement for consistency of core conditions across the NTPS, wherever possible. This proposal does not change existing entitlements but will provide updated definitions (e.g. immediate family, de facto partner) in line with the *Fair Work Act* and clearer provisions for documentary evidence. Other changes to the new agreement to be addressed in drafting will involve updating legislative references, gender neutral language, and plain English language.