



## Frequently Asked Questions

3 February 2011



### APS Bargaining Framework

#### What is it?

It is the Australian Government's policy on bargaining and industrial relations for the APS. It replaces the Australian Government Employment Bargaining Framework released in September 2009.

#### Who does it apply to?

The Framework applies to all APS agencies and their APS employees. Non-APS Government agencies will be governed by a separate policy.

#### What is the Government's policy on bargaining?

- There shall be one enterprise agreement for non-SES employees in each APS agency.
- In exceptional circumstances, with the agreement of the Government, multiple enterprise agreements may be offered in an agency to cover distinct operational groups.

#### What is the Government's policy on pay?

- Enterprise agreements should include pay rises not more than 3% pa; enterprise agreements that seek a pay rise greater than 3% pa will be subject to Department of Finance and Deregulation scrutiny.
- The pay rise will be calculated from the nominal expiry date (NED) of the existing agreement to the nominal expiry date of the proposed enterprise agreement, with an Average Annualised Wage Increase (AAWI) of no more than 3%.
- Back pay is not available, other than in exceptional circumstances.
- Salary advancement for employees within classifications and broadbands is subject to satisfactory performance. Additional criteria may be set through enterprise agreements.

#### What is the Government's policy on pay equity?

- Where agencies have employees who would be paid below the 5<sup>th</sup> percentile of APS salaries for their classification, a pay rise greater than 3% pa may be offered without additional scrutiny from the Department of Finance and Deregulation.
- There is no specific mechanism to fund these pay rises.

#### What is the Government's policy on funding?

- Improvements in pay and conditions must be funded from within existing agency budgets. There is no central funding of pay and conditions matters, or dedicated funding to address pay inequities.

#### What is the Government's policy on other conditions?

- The APSC will release recommended terms and conditions and model clauses which all APS agencies are to seek to include in enterprise agreements. The APSC is currently undertaking a consultation process on the recommended terms and conditions and model clauses.
- Enterprise agreements should have a nominal expiry date of 30 June 2014.



## APS Bargaining Framework and Supporting Guidance

- Enterprise agreements should include a dispute resolution procedure that allows for mediation and arbitration by Fair Work Australia.
- Enterprise agreements must include redundancy obligations. These obligations should not be enhanced, unless there are exceptional circumstances.
- Enterprise agreements must include flexible attraction and retention initiatives to assist employees maintaining a healthy work life balance and improve the diversity of the APS workforce.

### What about delegates' rights?

The Framework establishes a number of rights for delegates, including that they be treated fairly, reasonable paid time to provide information to and seek feedback from employees in the workplace, the right to email employees in their workplace, reasonable access to agency facilities, the right to address new employees about union membership.

### What about employees' rights to be represented and access their union?

The Framework establishes that employees have the right to be represented by their union in all workplace matters. Agencies should facilitate employee access to their union in a fair and reasonable way, this include the provision of information to employees by the union.

### How does the Government policy compare to the CPSU claim?

ISSUE	CPSU CLAIM	GOVERNMENT POLICY
<b>Pay</b>	4% per annum	3% per annum
<b>Common expiry date</b>	30 June 2013	30 June 2014
<b>Back pay</b>	Yes, if bargaining delayed	No. Only in exceptional circumstances
<b>Pay equity mechanism</b>	Negotiate the first step towards pay equity across the APS	Allow agencies in the bottom 5% to negotiate catch-up pay rises, but only if funded from existing agency budget
<b>Common conditions</b>	Negotiated centrally, based on standards in CPSU claim	No negotiation with APSC, all agencies required to seek APSC standard
<b>Framework</b>	Should be negotiated	Has not and will not be negotiated
<b>Funding for pay rises</b>	Pay equity mechanism and conditions should be fully funded, centrally	All wages and conditions matters should be funded from within agency's budget



## Better Way to Bargain campaign

### What does this mean for the Better Way to Bargain campaign?

- CPSU members are strongly committed to campaigning for greater consistency in terms of pay and conditions in the APS. This continues to be our goal. We will be seeking to achieve greater consistency in this round of bargaining and campaigning for further opportunities for reform in the future.

### Is the CPSU ready to bargain?

- Yes, the CPSU served the service-wide claim on the Government on the 9<sup>th</sup> of December.
- Given the Government's delays in finalising the Framework and further delays now in finalising the recommend common terms and conditions, bargaining has not been able to commence. These delays and the Government's position of 'no back pay' put at risk employees getting a pay rise on time.

### Will we continue to campaign on issues across the APS?

- Yes, throughout this round of bargaining we will continue to campaign to achieve our service-wide claim for all APS employees through achieving consistent terms and conditions in agency agreements. As part of that ongoing campaign, we will be making key bargaining decisions on a service-wide basis.
- Beyond this round of bargaining we will also be campaigning for further opportunities for reform to APS bargaining arrangements.

### What is our long term goal?

- Our long term goal, through the Agenda for Change, continues to be to achieve pay equity and a consistent standard of employment conditions for all APS employees.
- In this round of APS bargaining, we will be seeking to move to that goal through our service-wide claim and consistency in our approach to agency bargaining. In the future, we will be seeking further opportunities to reform the way in which APS bargaining takes place to achieve this goal.

### What is happening now?

- In addition to the service-wide claim already endorsed by CPSU members, CPSU members at each agency are working on agency-specific claims for this round of bargaining.
- CPSU representatives are also having discussions in your agency about what facilities need to be provided to ensure employees have an opportunity to participate in bargaining.
- We will also be consulting with the APSC about the proposed terms and conditions and model clauses for APS enterprise agreements.

### Why don't we lodge an equal pay order case instead?

- Under the Fair Work Act unions can apply for Equal Remuneration Orders. Unions in the social and community services sector are currently running a test case for low paid workers in that sector.
- These cases take some years to run and are incredibly complex. The test case will establish principles about when these orders will be made and the CPSU will review its application to the APS, however it is likely that this will not be an effective way of addressing APS pay inequity.