

It's time for a better way to bargain

This bargaining framework claim sets out the union's position on a range of key APS workplace matters such as pay, conditions and leave. It's based on extensive feedback from thousands of CPSU members and delegates over the last 18 months.

New APS bargaining system

The Australian community is best served by a unified public service providing the highest quality essential services and policy advice. An APS with a highly skilled workforce, unified by common wages, conditions and job security and supported by appropriate funding arrangements will result in better services, better public policy and better jobs.

The Fair Work Act guarantees every Australian worker the right to negotiate with their employer for wages, conditions, and employment matters. CPSU seeks that right to be respected for all APS employees at both an agency level and in decisions made by Government affecting the whole of the Australian Public Service.

CPSU notes the intention of Government to streamline APS bargaining in 2011 and seeks that under the new APS bargaining system, all decisions affecting wages, conditions and employment matters will be negotiated.

Australian Government Employment Bargaining Framework negotiations: The Australian Government Employment Bargaining Framework shall be negotiated with the CPSU and other unions. The Framework shall provide a consistent standard of wages, conditions and employment matters to which all APS employees are entitled. Consistent with our objective of establishing fair and consistent standards across the APS, the CPSU will seek to have as many matters included in the Framework as possible.

Agency or portfolio negotiations: Under the new bargaining system, matters not determined in the Framework and matters specific to an agency will be determined by bargaining at an agency or portfolio level. Agency or portfolio level bargaining will be able to supplement matters agreed in the Framework to provide a superior standard to ensure no employees are disadvantaged. Agency or portfolio level bargaining will not be able to reduce any wages, conditions or employment matter agreed in the Framework. The framework will establish the basis

for decisions regarding portfolio bargaining and limit bargaining for sub-Agency units to agreed exceptional circumstances.

Machinery of Government changes – DHS: The Government has indicated an intention to have one quarter of the Australian Public Service brought together under the Department of Human Services (Centrelink, Medicare Australia and the Child Support program, and possibly CRS Australia), by 1 July 2011, with an alignment of wages, conditions and employment matters. Any alignment in DHS should reflect a consistent standard for the APS.

Service-wide productivities: Productivities generated across the APS should be shared between Government, all APS employees and taxpayers.

The APS reform agenda will deliver significant service-wide productivities, through streamlined bargaining, recruitment and training, reduced staff turnover, improved mobility and redeployment, reduced use of contractors and consultants, consistent performance management, implementation of ICT reform, centralised purchasing of services, service delivery reform and other initiatives.

Productivities will be recognised in the bargaining process and defined broadly. Productivities will not be achieved through cuts to conditions.

Funding: To rectify the growing disparity in pay and conditions across the APS, the Government must centrally and fully fund measures in the Framework including employees' pay rise, progress on pay equity and establishing a core set of standards on conditions and employment matters. Service-wide productivities provide a capacity to fund such measures.

The Government must implement alternative measures of agency efficiency to replace the efficiency dividend.

Duration: The nominal expiry date shall be 30 June 2014.

Your Pay

Pay rise for all APS employees: All APS employees shall receive a pay rise of 4% payable from 1 July 2011, 4% payable from 1 July 2012 and 5% payable from 1 July 2013. If necessary back pay will be provided to ensure the pay increase is payable from 1 July 2011. The bargaining process must ensure that employees are not disadvantaged.

Pay equity: Current pay inequities must be addressed through an agreed mechanism to achieve equal pay for work of equal value across the APS. This mechanism shall include a salary spine with broad pay ranges through which all APS employees are entitled to advance using incremental progression and agreed minimums below which no employee can be paid. All APS employees shall be entitled to advance through the pay range for their classification level in accordance with consistent and agreed incremental advancement processes.

Your Conditions

Leave: All APS employees shall be entitled to the following minimum leave provisions, with no reduction to their current leave entitlements:

- paid personal/carer's leave of 18 days per year available for agreed purposes;
- paid compassionate leave of 3 days per occasion and paid bereavement leave of 3 days per occasion;
- paid annual leave of 4 weeks per year, with the ability to take it at half pay;
- paid maternity leave of 26 weeks in addition to the Government scheme of paid parental leave;
- paid supporting partner leave of 6 weeks;
- paid adoption leave of 26 weeks in addition to the Government scheme of paid parental leave;
- unpaid parental leave of up to 5 years available immediately following paid parental leave;
- Christmas closedown or where operational requirements do not permit a closedown equivalent time off and appropriate compensation;
- paid cultural, ceremonial and NAIDOC leave entitlements of 5 days per year and further paid and unpaid leave entitlements;
- paid community service leave, including for emergency service, of 5 days per year with the ability to access additional paid and unpaid leave; &
- a consistent and broad definition of family, which includes kinship, shall be recognised for all purposes.

Hours of work: There shall be no increase in ordinary hours. All employees, regardless of their work environments shall have control over working hours to the maximum extent possible, including over rosters and scheduling.

Agencies shall ensure employees can access flextime and other time off arrangements. Unsociable and additional hours shall be compensated through overtime and other provisions consistent with industry standards. Employees shall not have to work unreasonable additional hours.

Work life balance: All APS employees shall have the right to request flexible working arrangements, including part-time work, home-based work, job sharing and purchased leave. Agencies shall make all reasonable attempts to accommodate such requests. On return from parental leave, employees shall be able to access part-time work until the child is of school age.

Redundancy, redeployment and retraining:

All APS employees shall have redundancy entitlements consistent with long standing industry practice. There shall also be access to job swaps and an APS-wide redeployment mechanism. Any involuntary retrenchment will be agreed between the parties. The APS Redeployment Principles shall be retained and enhanced.

Superannuation: All APS employees shall receive a guaranteed employer superannuation contribution of 15.4%, regardless of choice of fund. Employer contributions shall continue to be paid for all periods of unpaid parental leave and when salary packaging arrangements are in place. The minimum salary level to qualify for employer superannuation contributions shall be removed.

Workers' compensation and occupational

health and safety: The Government shall introduce legislation to restore workers' compensation coverage for any injury sustained by APS employees while travelling to and from work and for recess breaks. There shall be strong health and safety commitments with OH&S management arrangements agreed with the CPSU, dispute settlement and measures to prevent bullying and harassment.

Working in remote localities: All APS employees working in remote localities shall receive appropriate compensation, including leave entitlements, allowances, reimbursements and assistance with airfares.

Environment: The parties shall agree on practical measures which reflect the commitment of the employer, employees and their union to generating productivity through a sustainable environment and meeting the challenges of climate change.

Other conditions: Other conditions, such as allowances, relocation and transfers, travel arrangements and overseas conditions shall be included in the Framework as appropriate. Additional matters that benefit members may be raised as necessary.

Your Career

Job security: In accordance with the *Public Service Act*, ongoing employment shall be the standard form of employment. All employees engaged directly, including non-ongoing employees, or indirectly shall have the same pay and conditions and, consistent with merit, be able to convert to ongoing employment. In accordance with the Government Procurement Statement and the Fair Work Principles contracting out and labour-hire shall not be used to undermine the employment or entitlements of APS employees and shall meet the public interest test. The Government shall, in good faith, consult with unions prior to contracting out or introducing labour hire arrangements.

Merit based employment and review rights: All employment processes shall be open, transparent and based on merit. Merit-based processes in science agencies shall recognise the importance of peer-based review. Management shall be accountable for their decisions and employees shall have the right to seek review of all employment-related decisions.

Respect and recognition of diversity: The parties shall commit to practical measures to improve the diversity of the APS workforce, including Aboriginal and Torres Strait Islander employees, employees with a disability and employees from culturally and linguistically diverse backgrounds. This shall include agreed strategies to improve the recruitment and retention of Aboriginal and Torres Strait Islander employees, such as the use of identified positions. There shall also be measures to improve representation of people with disability in the workforce, including through the use of reasonable adjustment.

Gender equity: The parties shall commit to practical measures to improve the representation of women in senior levels across the APS.

Learning and development: All APS employees shall be provided with learning and development opportunities on work time for their current jobs and future careers, including a guaranteed annual learning and development entitlement, study leave and financial assistance.

Professional costs: Costs of membership of professional bodies, requirements for continuing education and other professional costs or fees shall be met by the employer.

Performance management: There shall be an agreed system of performance management that supports employees and which is simple, fair and transparent, and requires management to provide objective feedback and links to learning and development opportunities.

Classification structure: The APS classification structure must properly recognise the wide variety of roles performed in the APS and be consistently applied. Occupational groupings will continue to be able to be recognised through local designations and specific arrangements, such as broad-banding. Attempts to standardise these arrangements across the APS will be made. The parties shall also ensure that work level standards are applied across the APS to establish consistent work values. Any review of or reforms to classifications shall be by negotiation.

Your Rights at Work

Representation: All APS employees have the right to be represented by their union in all employment matters. This shall include CPSU representation in all relevant agency, portfolio and service-wide forums. The CPSU shall have the right to communicate with and seek feedback from all employees.

The role of union workplace delegates and national union representatives, including Governing Councillors, Section Secretaries, Section Presidents and Section Councillors, shall be recognised through APS-wide delegates' rights, which provide paid trade union training and other matters consistent with the CPSU Delegates' Charter. There shall be an agreed and consistent level of recognition and facilities for union representatives across the APS.

Consultation: All APS employees and their unions shall be consulted on all matters affecting employees, including at an agency level, portfolio level and APS-wide. Consultation shall occur prior to the making of any decision and give employees and the union a genuine opportunity to influence the decision-maker. The Government will genuinely consider the views of APS employees and their union.

Dispute settlement: In the event of a dispute, parties shall have the right to refer the matter to Fair Work Australia for conciliation and arbitration. While the dispute is being resolved, work will continue in accordance with established custom and practice.

Legally enforceable entitlements: All entitlements shall be included in an enterprise agreement and be legally enforceable. Policy shall only be used to support agreements, be enforceable and shall be subject to the dispute settlement procedure.

Flexibility term: The flexibility term shall be negotiated between the parties and must provide appropriate protections for employees and their entitlements.