

APS Bargaining Outcomes

A Progress Report for the NATSIC Group

23 September 2011

Summary

As part of the CPSU APS bargaining campaign we have been seeking arrangements in enterprise agreements to support Aboriginal and Torres Strait Islander employment in the APS. These claims sit within the diversity provisions of the APS Bargaining Framework.

We have also been campaigning to improve the relative inequity of pay in those agencies with high levels of Aboriginal and Torres Strait Islander staff which dominated the lowest levels of the APS pay structures.



This progress report summarises outcomes so far in bargaining. It details:

- (a) The background to our bargaining claims.
- (b) The current state of bargaining.
- (c) Progress to date on NATSIC related claims:
 - ❖ 37 of the 43 enterprise agreements finalised contain a general commitment or statement in support of workplace diversity;
 - ❖ 25 agreements contain a definition of family or immediate family that includes kinship or traditional kinship; and
 - ❖ in relation to cultural and ceremonial leave:
 - 5 agencies provide for 5 paid days leave for these
 - 2 agencies provides for 3 days paid leave
 - 9 agencies provide for 2 days paid leave
 - 3 agencies provide for 1 day paid leave
 - 2 agencies allow for an unlimited access to personal/carer's leave.
- (d) Progress on addressing pay equity issues in APS Agencies with a high proportion of Aboriginal and Torres Strait Islander staff.

**For more information about CPSU NATSIC or APS Bargaining contact
cpsu_natisc@cpsu.org.au or phone 1300 137 636**

Background

Bargaining – Service Wide Claim

The CPSU's service wide claim (Part A) contains a number of claims regarding Aboriginal and Torres Strait Islander employment and specific leave provisions relevant, but not limited, to Aboriginal and Torres Strait Islander employees.

Specifically these claims are:

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.

Leave

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

- paid cultural, ceremonial and NAIDOC leave entitlements of 5 days per year and further paid and unpaid leave entitlements."

Definition of family

"A consistent and broad definition of family, which includes kinship, shall be recognised for all purposes."

The CPSU's claims on these issues were developed in consultation with NATSIC members.

APS Bargaining Framework

The CPSU's position on these issues is supported by the current APS Bargaining Framework and Supporting Guidance. After lobbying of the APSC and the Government by the CPSU, the final version of the Bargaining Framework and Supporting Guidance were updated to include statements on these issues.

APS Bargaining Framework:

"All APS workplace arrangements (including enterprise agreements, common law arrangements, determinations made under the Public Service Act, and workplace policies and practices) are to:

- 4.5 incorporate flexible attraction and retention initiatives, including incorporating terms and conditions which assist employees in maintaining a healthy work-life balance and improve diversity."

APS Bargaining Framework Supporting Guidance:

- "4.5.6 Consistent with the Government commitment to increase Aboriginal and Torres Strait Islander employment to 2.7% by 2015, agencies are encouraged to include specific provisions in enterprise agreements to improve the attraction and retention of Aboriginal and Torres Strait Islander employees."

Governing Council decision

At the CPSU Governing Council meeting held on 31 March – 1 April 2011 it was noted that despite the provisions of the APS Bargaining Framework and Supporting Guidance, at that stage no APS agency had advanced claims for initiatives to support or improve Aboriginal and Torres Strait Islander employment.

Accordingly the Governing Council identified this issue as a key one on which to campaign in the current bargaining round.

The Governing Council decision stated:

“Governing Council notes that, consistent with the CPSU Part A claim, the APS Bargaining Framework encourages the inclusion of clauses to promote the attraction and retention of Aboriginal and Torres Strait Islander employees to meet the Government’s commitment to lift Aboriginal and Torres Strait Islander employment to 2.7% of the APS by 2015. Governing Council determines to campaign for the inclusion of such clauses in enterprise agreements, drawing on the advice of NATSIC.”

State of APS bargaining

There are approximately 70 APS agreements that have nominal expiry dates on or around 30 June 2011. In addition to that, there are a number of APS agencies that have nominal expiry dates in the later months of 2011, including DEEWR, FaHCSIA and DVA.

As of 23 September:

- ❖ 43 agencies have agreements that have been voted up by employees in an all staff ballot – covering approximately **23,613 employees**.
- ❖ 19 agencies have had proposed agreements rejected by employees in an all staff ballot – covering approximately **118,229 employees**. These agencies have had to recommence negotiations.
- ❖ Other agencies are:
 - having their agreements assessed by the APSC, the Special Minister of State or the Department of Finance and Deregulation;
 - entering or about to enter voting periods; or
 - still in negotiations about the terms of the enterprise agreement.



Progress to date on NATSIC-related claims

Set out below is our analysis of the enterprise agreements that have been finalised.

Commitments regarding Aboriginal and Torres Strait Islander employment

Of the agreements that have been finalised 37 contain a general commitment or statement in support of workplace diversity. The level of detail in these statements varies; some enterprise agreements merely include a sentence in support of a diverse workforce and a workplace free of discrimination, others are longer providing more detailed commitments about diversity in the workforce. A few examples are set out below:

Department of Infrastructure and Transport

“The Department and its employees commit to respecting and valuing the diversity of the Department’s workforce by helping to prevent and eliminate discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

The parties covered by this Agreement recognise their shared desire to assist and involve Indigenous people in the workplace by:

- (a) providing a sensitive and supportive environment for Indigenous people; and
- (b) supporting Australian Government programs in relation to employment of Indigenous people.”

Department of Innovation, Industry, Science and Research

“The Parties covered by the Agreement recognise the benefits that flow from diversity in the workplace. The Parties covered by the Agreement will continue to uphold and promote a work environment that is free from discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, or on the basis that an individual either is, or is not, a member of a union of employees or of a particular union of employees.”

Australian Public Service Commission

“The Commission will continue to implement the workplace diversity program and other strategies, and develop new strategies as necessary, to increase the recruitment, retention and career development of Aboriginal or Torres Strait Islander Employees, Employees with disabilities and Employees from non-English speaking backgrounds.”

National Blood Authority

“Outcome: The NBA respects and promotes workplace diversity; values ethical behaviour; endeavours to provide a fair, safe and healthy workplace and promotes the general wellbeing of its employees. These responsibilities are shared by both Management and employees.

....The NBA and employees are committed to ensuring that employees work in an environment that nurtures their potential and are treated, and treat each other, fairly and equitably and with respect, in line with legislation and guidelines on workplace diversity, including appropriate standards of conduct, workplace health and safety management arrangements, policy obligations for indigenous representation in the APS and the disability action plan. Further information is available in the HR Management Guidelines.”

Specific commitments

A number of agreements contain clauses that make specific commitments on the recruitment of Aboriginal and Torres Strait Islander employees and/or the implementation of strategies that would address these issues.

Department of Foreign Affairs and Trade

“The department is committed to promoting diversity in the workplace. Efforts to promote the recruitment, career development and retention of Indigenous employees and to promote awareness of Indigenous Australia within DFAT form part of the department's workplace diversity program.

The department will seek to improve the recruitment and retention rates of Indigenous employees, in accordance with the Indigenous Recruitment and Career Development Strategy. Subject to operational requirements, the department will consider the implementation of whole-of-government policies and programs relevant to the recruitment, career development and retention of Indigenous employees. The department will seek to ensure that Indigenous employees maximise their potential for a successful career in DFAT. This may include postings, placements and secondments, which are important career options in DFAT.

The department will consult Indigenous employees on changes to the Indigenous Recruitment and Career Development Strategy, through the Indigenous Task Force and in consultation with the Indigenous Employees Network.”

National Native Title Tribunal

“The Tribunal recognises and values the unique knowledge and skills that Indigenous Australian employees contribute to an organisation whose primary role is to deal with Indigenous issues on a daily basis.

To ensure that the knowledge and skills of Indigenous Australian employees are recognised and valued, the Tribunal is committed to:

- the continued recruitment, development and retention of Indigenous Australian employees
- the development of strategies aimed at utilising the unique knowledge and skills of Indigenous Australian employees
- the identification and redress of specific workplace issues or needs that affect Indigenous Australian employees.”

The Tribunal is committed to the maintenance, utilisation and development of an Indigenous Advisory Group (IAG). The IAG has terms of reference which govern the IAG's role in the Tribunal and it's membership.”

Old Parliament House:

“OPH is committed to promoting workplace diversity and being sensitive to the needs of Indigenous peoples. OPH will encourage recruitment of Indigenous employees and the development of culturally appropriate operational practice, including Cultural Awareness Training.”

Office of Commonwealth Ombudsman

“The Office recognises equity in employment as a key strategy in developing and maintaining a diverse workforce. The Office and its employees will encourage Aboriginal and Torres Strait Islander people, people from non-English speaking backgrounds, people with disabilities and women not only to apply for ongoing vacancies and secondments from other departments and agencies but to progress through all levels.

The Office will develop strategies to target the employment and career pathways of people from such diverse backgrounds.”

Australian National Maritime Museum

“The ANMM is committed to ensuring its policies and procedures are non-discriminatory and contribute to good Equal Employment Opportunity (EEO) outcomes, particularly for the designated groups listed in the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987*.

During the life of this Agreement, the ANMM will consult with employees through the JCC about measures that may be implemented to improve the employment and professional development opportunities for EEO groups.”

Department of Finance and Deregulation

“Finance aims to maintain strategies to provide a supportive working environment for Indigenous people, which includes providing cultural awareness information, support and career development opportunities.”

A number of clauses reference other Aboriginal and Torres Strait Islander employment plans, strategies or Reconciliation Action Plans that are already in place. For example this is a feature of the DBCDE, DOFD and Treasury enterprise agreements.

In addition to broad commitments, some enterprise agreements include specific entitlements or arrangements designed to improve the recruitment and retention of Aboriginal and Torres Strait Islander employees, as well as improving their career pathways.

This includes for example:

- ❖ Indigenous cadetships in the Department of Finance and Deregulation and Department of Foreign Affairs and Trade; and
- ❖ Additional six hours of study leave per week for Aboriginal and Torres Strait Islander employees and financial support.

Leave arrangements

The NATSIC Group was also involved in the development of the CPSU position on cultural, ceremonial and NAIDOC leave. Provision of these entitlements has been identified as one way in which APS agencies can make employment in the APS more attractive to Aboriginal and Torres Strait Islander employees.

Of the agreements that have been finalised:

- ❖ 5 agencies provide for 5 paid days leave for these purposes – DoRARDLG, DIISR, IP Australia, Comcare (plus an extra 2 days cultural) and ARC (plus 15 days unpaid over 2 years);
- ❖ 2 agencies provides for 3 days paid leave - DFAT and APSC;

- ❖ 9 agencies provide for 2 days paid leave – DBCDE (2 days for NAIDOC, ceremonial leave unpaid), OPH, MDBA, NNTT and NAA (1 day for NAIDOC and 1 day for cultural/ religious activities). PMC, NHMRC and AOTA all provide up to 3 months unpaid leave in addition. AAT provides for 1 month unpaid leave in addition;
- ❖ 3 agencies provide for 1 day paid leave – ACC, Screen Australia and OAIC (1 day paid leave for NATSIC, further miscellaneous leave available);
- ❖ 2 agencies allow for an unlimited amount of personal/carer's leave to be accessed – ATSB and DIT;
- ❖ 21 agencies allow for miscellaneous/discretionary leave to be accessed for these purposes, but do not specify a minimum paid leave entitlement - ASIC, Family Court and FMC, NBA, ONA, CrimTrac, Treasury, Federal Court, DoFD, OCO, ACCC, ANMM, OPC, OIGIS, AGD, Productivity Commission, AOFM, Geoscience Australia, ACIAR, ALRC (plus 10 days unpaid ceremonial leave) and AOTA (plus an additional 3 months unpaid leave); and
- ❖ 1 agency (ITSA), does not deal with it at all, although the agreement does include miscellaneous leave, and it would be possible to make an application under that category.

Definition of family

The CPSU has also been seeking a broad definition of family, that recognises kinship, in enterprise agreements. The definition of family is important as it determines employees' ability to access personal/carer's leave and other entitlements.

Of the agreements that have been finalised:

- ❖ 25 agreements contain a definition of family or immediate family that includes kinship or traditional kinship (DFAT, NAA, ANMM, NCA, OCO, DORARDLG, DOFD, ASIC, OPH, DIT, PMC, CrimTrac, DIISR, DBCDE, NNTT, AAT, Geoscience Australia, FWO, ACC, ARC, MDBA, Screen Australia, IP Australia, AGD and ATSB);
- ❖ 9 of the agreements contain a definition of family or immediate that includes persons with whom the employee has an affinity or strong affinity (NHMRC, ACCC, Federal Court, OPC, APSC and OAIC, AOTA and ONA);
- ❖ 1 agreement (Productivity Commission) allows personal leave to be granted to care for a person who the employee and their manager agree by reason of special circumstances of a particular case is of sufficiently close relationship; and
- ❖ 8 of the agreements do not include any reference to kinship or affinity (ITSA, Federal Magistrates Court and Family Court, OIGIS, Comcare, ALRC, AOFM and ACIAR).



Pay Equity

Staff in agencies with higher levels of Aboriginal and Torres Strait Islander staff have for many years been receiving lower pay rates than colleagues in other public sector agencies for doing the jobs classified at the same level. CPSU has been raising this issue with government and Agency heads for some time.

CPSU analysis of pay rates across the Australian Public Service (APS) shows that staff in Aboriginal Hostels Limited (AHL) – a government agency with 80% Aboriginal and Torres Strait Islander staff – earn thousands of dollars less a year than staff at the same level in other agencies.

For example, AHL staff at the APS 1 entry level earn at least \$10,000 a year less than staff at the APS 1 in higher paid public service agencies.

Similarly, pay rates at the Torres Strait Regional Authority, which has 56% Aboriginal and Torres Strait Islander staff, are ranked in the bottom 10% of all agencies at most classifications.

How have we gone in this round of bargaining in improving this situation?

We look to have achieved some solid gains in Aboriginal Hostels Limited and the Torres Strait Regional Authority. While this is pleasing, in National Native Title Tribunal no progress has been made and funding problems in the Australian Institute of Aboriginal and Torres Strait Islander Studies have delayed negotiations. The underlying cause of these pay inequities – under funding of these Agencies, continues to make the achievement of pay equity difficult.

National Native Title Tribunal

The agreement has been approved with a 3%pa pay rises and a \$750 retention bonus to compensate for the delay in negotiations. The government's pay equity mechanism has not been applied, despite NNTT staff at the APS6 and EL2 level being below APSC threshold for this mechanism.

Aboriginal Hostels Limited

After extensive CPSU lobbying, AHL are now offering an adjustment of wages to the APSC threshold (which is an additional increase of between 4.75% and more than 10% depending on classification), \$500 sign on bonus, reduced working hours and some additional allowances. This is still subject to a final affordability check and APSC approval.

Torres Strait Regional Authority

The current offer is for an initial pay increase of up to 6% to address pay equity, followed by 3% increases in 2012 and 2013 and a \$2000 sign on bonus. Staff are waiting on APSC approval for this proposal. If approved, this will be a great outcome for members.

Australian Institute of Aboriginal and Torres Strait Islander Studies

Bargaining is on hold while the agency seeks more funds to deal with both program funding and staff pay issues.

This is a snapshot of outcomes to date and the status of bargaining is changing regularly. Please contact the CPSU if you want to check on the latest progress in your Agency.

Next Steps

Further analysis

We will be undertaking more thorough analysis of the bargaining outcomes in the coming months. It is clear however from our initial research that we are making good progress with this claim, with the majority of APS agreements finalised including:

- ❖ statements/commitments on diversity;
- ❖ leave for cultural, ceremonial, NAIDOC leave purposes, many of which include guaranteed access to paid leave;
- ❖ a definition of family that recognises kinship or affinity; and
- ❖ pay equity outcomes.



Ongoing negotiations

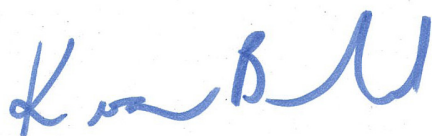
With large Agencies such as the Department of Human Services and the Australian Taxation Office still in negotiations, it is important that we continue to raise these issues in bargaining. It may be some time before we have a final picture on the outcome in these areas.

Plans on enforcing obligations

It will be important that we ensure that the commitments we achieve on Aboriginal and Torres Strait Islander employment in this round of bargaining are implemented. Even overarching statements about the diversity of the workforce give rise to enforceable obligations on employers. It will be possible to use those commitments in enterprise agreements, through various forums including consultative committees and advisory groups, to further advance these issues.

Pay Equity

There are mixed results emerging in relation to pay equity in agencies with high levels of Aboriginal and Torres Strait Islander staff and this is an issue we need to continue campaigning on. Your ongoing support and involvement is critical to this.



Kristin van Barneveld
CPSU DEPUTY NATIONAL SECRETARY

23 September 2011

CPSU membership form 2011/12

I want to join the CPSU

I hereby apply for membership of the Community and Public Sector Union (CPSU) and declare if admitted, I will abide by the Rules of the Union. To be financial, a member must have paid all subscriptions and all other amounts owed within 30 days of them becoming due. In order to resign from the union, a member must give two weeks notice, in writing, to the Union.

I am currently a member and would like to update my details

Join online:
<https://web.cpsu.org.au/join>

Return this form...

Post **CPSU**
Level 6
191 Thomas Street
Haymarket NSW 2000
 Fax **1300 137 646**

Please complete your personal details...

FAMILY NAME

DEPARTMENT, AGENCY OR COMPANY

GIVEN NAME/S

EMPLOYEE NUMBER

DATE OF BIRTH MALE FEMALE

OCCUPATION

ARE YOU ABORIGINAL OR TORRES STRAIT ISLANDER? YES

LEVEL/CLASSIFICATION/BAND

PHYSICAL HOME ADDRESS

PHYSICAL WORK ADDRESS

POSTCODE

POSTCODE

HOME PHONE

WORK PHONE

MOBILE

WORK FAX

WORK EMAIL

OTHER EMAIL

TO ENSURE YOUR UNION FEES ARE DEDUCTED AT THE CORRECT RATE, PLEASE SPECIFY YOUR ANNUAL SALARY

ARE YOU EMPLOYED AS...? ONGOING/PERMANENT NON-ONGOING/TEMPORARY CASUAL INDEPENDENT CONTRACTOR LABOUR HIRE

ARE YOU ON A...? CERTIFIED AGREEMENT AWARD CONTRACT AUST. WORKPLACE AGREEMENT (AWA)

DO YOU WORK...? FULL TIME PART TIME (IF PART TIME, HOW MANY HOURS PER WEEK?) IRREGULAR

SIGNATURE

DATE

Privacy information

The CPSU uses members' personal information for:

- membership management and services
- provision of other services, including industrial, health insurance, financial advice, education and similar.

Signing the membership form indicates your consent to the above.

DISCLOSURE
 Your personal information is only disclosed:

- to membership services staff and organisers/officials with whom you might deal
- if we are required to do so by law
- for the purpose of sending you out information about our services.

ACCESS
 You may ask for a copy of the information the CPSU holds about you. Requests must not interfere with anyone else's privacy and must be lawful. Our Privacy Policy can be sent to you on request, or can be obtained from the CPSU's website at www.cpsu.org.au/site/pages/54.html.
 If you have any concern about privacy please ring 1300 137 636.

About direct debit

CUSTOMER DIRECT DEBIT REQUEST SERVICE AGREEMENT
 This document outlines our service commitment to you, in respect of the Direct Debit Request (DDR) arrangements made between CPSU - PSU Group (User ID 002619) and you. It sets out your rights, our commitment to you and your responsibilities to us together with where you should go for assistance.

INITIAL TERMS OF THE ARRANGEMENT
 In terms of the Direct Debit Request arrangements made between us and signed by you, we undertake to periodically debit your nominated account for the agreed amount for membership subscriptions/contributions.

DRAWING ARRANGEMENTS

- The first drawing under this Direct Debit arrangement will occur within 14 days.
- If any drawing falls due on a non-business day, it will be debited to your account on the previous business day preceding the scheduled drawing date.
- We will give you at least 14 days notice by way of email correspondence and as published in the CPSU The Works magazine when changes to the initial terms of the arrangement are made. This notice will state the new amount and any other changes to the initial terms.
- If you wish to discuss any changes to the initial terms, please contact the Members Service Centre team by phone on 1300 137 636 or by email via members@cpsu.org.au

YOUR COMMITMENT TO US
 It is your responsibility to ensure:

- that your nominated account can accept direct debits (your financial institution can confirm this); and
- that on the drawing date there is sufficient cleared funds in the nominated account; and
- that you advise us if the nominated account is transferred or closed.

If your drawing is returned or dishonoured by your financial institution, we will attempt to re-draw the funds in the following fortnightly Direct Debit run (in addition to the normal subscriptions due in that fortnight). Should there be a second rejection we will contact you. Any transaction fees payable by us in respect of the above will be added to your total outstanding dues.

YOUR RIGHTS
Changes to the arrangement
 If you want to make changes to the drawing arrangements, contact the Members Service Centre team by phone on 1300 137 636 or by email via members@cpsu.org.au

These changes may include:

- deferring the drawing; or
- stopping an individual debit; or
- suspending the DDR; or
- cancelling the DDR completely.

Enquiries
 Direct all enquiries to us, rather than to your financial institution, and these should be made at least 5 working days prior to the next scheduled drawing date. All communication addressed to us should include your full name, membership number and contact phone number.

Disputes
 All personal information held by us will be kept confidential except that information provided to our financial institution to initiate the drawing to your nominated account.

If you believe that a drawing has been initiated incorrectly, we encourage you to take the matter up directly with us by contacting the Members Service Centre team by phone on 1300 137 636 (8am to 8pm Monday to Friday) or by email via members@cpsu.org.au

If you do not receive a satisfactory response from us to your dispute, contact your financial institution who will respond to you with an answer to your claim:

- within 5 business days (for claims lodged within 12 months of the disputed drawing); or
- within 30 business days (for claims lodged more than 12 months after the disputed drawing).

You will receive a refund of the drawing amount if we can not substantiate the reason for the drawing.

Note: Your financial institution will ask you to contact us to resolve your disputed drawing prior to involving them.

...and select only one of the following payment options

Option 1: Direct Credit Card

Simply send us your details or call 1300 137 636 to arrange easy regular credit card deductions.

CARD HOLDER NAME

CARD NUMBER

CARD TYPE MASTERCARD VISA AMEX

EXPIRY DATE

AMOUNT

MONTHLY HALF-YEARLY QUARTERLY ANNUALLY

SIGNATURE

DATE

Option 2: Direct Debit

Fill in and return the following details to arrange regular deductions from your bank or credit union.

I/we request the Community and Public Sector Union (user ID 2619) to arrange for funds to be debited from my/our account at the financial institution shown below according to the schedule shown below.

ACCOUNT NAME/S

NAME AND BRANCH OF YOUR FINANCIAL INSTITUTION

BSB NUMBER

ACCOUNT NUMBER

AMOUNT

DATE

SIGNATURE/S

OFFICE USE ONLY

WID:

Credit card rates

TIER	SALARY RANGE	DISCOUNT ANNUAL (10%)	DISCOUNT HALF-YEAR (5%)	DISCOUNT QUARTER (2.5%)	MONTHLY CREDIT CARD
1	\$10,000 – \$24,999	\$201.25	\$106.20	\$54.50	\$18.65
2	\$25,000 – \$39,999	\$372.05	\$196.35	\$100.75	\$34.45
3	\$40,000 – \$59,999	\$517.15	\$272.95	\$140.05	\$47.90
4	\$60,000 – \$79,999	\$589.70	\$311.20	\$159.70	\$54.60
5	\$80,000 – \$99,999	\$638.80	\$337.15	\$173.00	\$59.15
6	\$100,000 +	\$687.95	\$363.10	\$186.30	\$63.70

Direct debit rates

TIER	SALARY RANGE	DIRECT DEBIT PER FORTNIGHT
1	\$10,000 – \$24,999	\$8.60
2	\$25,000 – \$39,999	\$15.90
3	\$40,000 – \$59,999	\$22.10
4	\$60,000 – \$79,999	\$25.20
5	\$80,000 – \$99,999	\$27.30
6	\$100,000 +	\$29.40

If you have any more questions about union membership, please contact the CPSU

Phone **1300 137 636**
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