



WITHOUT PREJUDICE

Wages Parity Enterprise Bargaining: Salaried Employees – Enterprise Bargaining General Meeting

Meeting Summary Notes

Date/Time: 2:00pm on Wednesday, 15 January 2020

Location: PSA, 122 Pirie Street Adelaide

Attendees:

DTF Simon Johnson, Tom Kidman, Carolyn Hall, Katherine Portelli

DHS Jack Tatnell
DH&W Caroline Henshall
LSC Andrea Sax
AGD Lynda Woods
SAFECOM Jeanette Smith
PIRSA Ross Johnson

PSA Nev Kitchin, Austin White, Andre Wise, Natasha Brown
Prof's Aust. Kimberley Rowney, Dennis Penglis
AEU Lara Golding
HSU Zerebar Karimi, William Elrick
CEPU Bill Mitropoulos
PASAB Chris Michalakas
AEA Phil Palmer, Rob Leaney, Lynley Irwin

Agent/Employee: Jenny Dunstan

Apologies: Sarah Watson (DE), Tony Whitehead (Agent/Employee), Tristian Cook (Agent/Employee), Sarah Andrews (Prof's Aust.).

Welcome and Registration of Attendance

S Johnson (DTF) welcomed attendees and acknowledged the Aboriginal people as the state's first peoples, nations and Traditional Owners of South Australian land and waters.

Copies of the Agenda and a Record of Attendance sheet distributed.

Action: Summary Notes from the 17 December 2019 meeting to be endorsed on the list of attendees being updated to include the HSU representative's name. Following this addition, the draft Summary Notes of the meeting of 17 December 2019 were settled. These notes will be placed on the DTF website.

Purpose

S Johnson (DTF) explained that as indicated at the previous meeting, the Employer will today present the key themes of its Management Agenda.

A White (PSA) informed the group that the PSA is seeking to address the issues raised in its 14 January 2020 correspondence prior to discussing more substantive matters. Correspondence relates to the credentials of attendees. General discussion followed on the matter.

S Johnson (DTF) advised that the enterprise bargaining framework is intended to be as inclusive as possible and confirmed that a written response to the PSA's correspondence will be provided as soon as practicable.

1. The PSA had advised in its correspondence that it required those attending SBC meetings to have established their credentials for attending and participating in SBC meetings.
2. The PSA advised that it believed it was important that the standing of people attending these meetings was legitimate, transparent, clearly understood and consistent with relevant legislation.
3. The PSA sought confirmation as to the credentials and authorisation for those attending. This included those who had identified themselves as agency representatives and who held positions with HR and/or IR responsibility; and those who had identified themselves as agents.
4. The declared employer's representatives confirmed that agency representatives attend meetings to assist the declared employer's authorised negotiators; that there is an expectation they will participate in meetings where required, for example, by advising on agency matters; and that agency representatives had contributed to the declared employer's negotiating position. However, the declared employer's representatives confirmed the authority to negotiate lies with the Executive Director Industrial Relations (Elbert Brooks), Director Enterprise Bargaining (Simon Johnson) and Director Industrial Relations (Tom Kidman).
5. The PSA confirmed its position that any authorisations provided to agents should be provided to the meeting, and not just to the declared employer's representatives. The PSA's position is that the government does not have the sole right to determine attendances at SBC meetings.
6. The PSA advised that it accepted that other unions attending the meeting had members covered by the proposed agreement, and therefore their credentials had been established.
7. The PSA confirmed it represented every single PSA member covered by the proposed agreement.
8. The PSA referred to Section 75 of the Fair Work Act 1994 in support of its position.
9. The declared employer's representatives confirmed they had not received any authorisations from any agents.
10. The declared employer's representatives confirmed that agents could not attend SBC meetings without providing authorisations.
11. A person attending the meeting who identified herself as an agent confirmed she did not have any authorisation from any employee to represent them.
12. The PSA required that the meeting should proceed only when it was properly constituted.
13. A person from the declared employer's negotiating team then provided an authorisation to represent them in negotiations to the person who had identified themselves as an agent.

Employer's 'key themes'

S Johnson (DTF) presented the following proposals as being the key themes of the Employer's Management Agenda, noting that further details on the employer's proposals would be forthcoming in due course:

Redeployment, Retraining and Redundancy (RRR) provisions:

- It is proposed to remove the current RRR prescriptions from the new Salaried EA and its replacement be by a policy-based arrangement that would be subject to the usual consultation requirements in an industrial instrument concerning consultation.
- Alternatively, recasting the RRR arrangements in a new Salaried EA that will include the length of the redeployment period and addressing the current prescriptive and onerous nature of the current provisions.

Parties bound:

- It is proposed to amend the current clause to reflect name changes and new administrative units or agencies.

Grievance and Dispute Avoidance Procedures:

- It is proposed to provide for better communication between the parties and to enable work to progress unless there are reasonable concerns pertaining to imminent health and safety risks to employees.

Consultative Processes:

- It is proposed to insert a clearer explanation of what constitutes workplace change and revised wording to make it clearer when consultation is to occur about such change.

Commitment to Ongoing Employment:

- It is proposed to amend the current clause to remove the reference to a trainee, who is employed in accordance with the *Training and Skills Development Act 2008*.
- It is further proposed to provide a further temporary contract to a graduate who has successfully completed 12 months employment, instead of the current requirement to convert to ongoing employment.

Allowances for Hours of Duty Outside the Span of 8.00am to 6.00pm, Monday to Friday inclusive:

- It is proposed to insert a new clause to overcome an anomaly in the *S.A. Public sector Salaried Employees Interim Award* and to provide clarity around the respective allowances, particularly for employees who may work a rostered period that 'straddles' into both the afternoon and night shift provisions.

Saved Clauses:

- It is proposed to amend or remove saved clauses in Appendix 3 of the current Agreement to ensure they are relevant to current working arrangements and update Agency names and terminology.

Remove clauses

- It is proposed to not include a number of clauses in a new Salaried EA as they have been satisfied or are no longer required:
 - a) Clause 6 – Modernisation of Agreement
 - b) Clause 7 – Hours
 - c) Clause 19.6 – Mental Health First Aid Training
 - d) Clause 40 – ASO1 Classification Audit
 - e) Clause 41 and Appendix 11 – Injury and Income Protection for Work Injuries
 - f) Clause 42 – Transition Arrangements

Reviews:

- It is proposed to not include a number of matters within clause 39 of the current Agreement as they have been satisfied or are no longer required.

Work Level Definitions – Allied Health Professional Level 1 – Peer Assessment Process:

- It is proposed to amend the date of operation for a successful application for progression from Allied Health Profession (AHP) level 1 to AHP level 2, to the date of lodgement of the application.

Endorsed Supervision Training – Psychologists and Appendix 6: Work Level Definitions:

- It is proposed to amend Schedule 1.2A to address the Full Bench of the South Australian Employment Court's decision in relation to the interpretation of the respective provision.

Allied Health Professionals – Immediate Recall Provision:

- It is proposed to insert provisions within an exchange of letters regarding an Allied Health Professionals (AHP) 'immediate recall' allowance for the roles of Perfusionist, Cardiac Physiologist, Radiographer or Sonographer.

Paid Maternity and Adoption Leave:

- It is proposed to seek to amend the current paid maternity leave and adoption leave (PMAL) provisions to provide that all employees that have had a variation to their contracted hours during the immediately preceding 12 months prior to commencing leave will be paid leave based on a pro rata calculation according to the average number of contracted hours in that 12 month period.

1. The PSA stated that it would not accept the reductions to current conditions as proposed by the government. It stated further that job security was the number one priority for PSA members, and that dispute resolution and consultation provisions were core rights for PSA members.
2. All unions present expressed their commitment on behalf of their members to maintaining current enterprise agreement conditions and rejecting the government's agenda as it was presented.

Unions' Log of Claims

No Log of Claims presented.

Other Bargaining Proposals

No bargaining proposals presented by Agents/Employees at the meeting.

Next meeting

2pm Wednesday, 5 February 2020. Next meeting to again take place from the PSA's premises (122 Pirie Street, Adelaide).

The declared employer's representatives undertook to provide further information on the "Key Themes" of the Management Agenda.