

MEDICAL OFFICERS' INFORMATION SHEET 2/2013

IMPROVED EMPLOYER OFFER 16 DECEMBER 2013

This information sheet outlines the terms of the Commissioner for Public Employment's improved "without prejudice" offer which was made to the Australian Salaried Medical Officers' Federation (ASMOF) on 16 December 2013 for a new enterprise agreement to replace the Medical Officers Northern Territory Public Sector 2011–2013 Enterprise Agreement, which is due to expire on 31 December 2013.

The improvements and concessions set out in the improved offer have been formulated in response to the issues raised by ASMOF during the bargaining process.

The parties have been bargaining since October 2013. In the negotiations the Commissioner has responded to the claims and alternative suggestions put by ASMOF, taking into account the Northern Territory Government's Wages Policy 2013–2016, the government's fiscal position and prevailing economic conditions.

The revised offer will have an overall cost capped at three per cent per annum and is subject to some efficiency measures being achieved. While the Commissioner has given careful consideration to ASMOF's claims, no submissions or concessions have been made by ASMOF during bargaining to off-set claims with cost implications.

The Commissioner has made the following improvements and concessions to his offer of 7 November 2013 in a genuine attempt to settle negotiations and finalise bargaining prior to the expiry date of 31 December 2013 to ensure employees receive their next salary increase in a timely manner:

- recognition of discharge summaries as a clinical duty with a consequential amendment of paragraph 46.32(d) in the proposed agreement; and
- inclusion of a provision for reasonable travelling time in clause 48 (fatigue leave).

While the Commissioner was unable to accede to the specific claims in relation to non-direct clinical contact, the Commissioner understands that the Department of Health is aware of the requirements to meet teaching, supervision and accreditation requirements and that it will work with medical officers to ensure that these are met.

In relation to the ASMOF claim about regular overtime in surgical terms, the Commissioner is advised that the Department of Health accepts that employees, who are directed to attend for surgical terms at particular times, should be paid for that time at the applicable rate. The department will work with ASMOF to ensure that this occurs or that more suitable rostering arrangements are made.

During the negotiations the Commissioner's bargaining representatives advised ASMOF that the issues of time off in lieu; meal breaks in after-hours shifts; and notices of roster provisions were existing provisions in the current enterprise agreement. The department will work with ASMOF to ensure that these existing provisions are met.

The Commissioner considered ASMOF's representations about doctors accessing their professional development leave. While not prepared to change the provisions so that they can be rolled across two financial years, the Commissioner understands that the department will work with ASMOF and employees to ensure reasonable access to professional development leave subject to notice and operational requirements.

To ensure flexibility for the department the Commissioner proposed to continue the operation of the Rural Medical Practitioner Sole Responsibility Allowance through a determination during the life of the proposed enterprise agreement.

The terms of the improved offer comprise a total and interlinked package of improvements and changes to terms and conditions of employment. The salary offer is dependent on the achievement of the proposed efficiencies and if these cannot be achieved the Commissioner for Public Employment reserves the right to vary the salary component accordingly.

Enterprise Agreement

The new agreement will be in the form of an enterprise agreement made under the Fair Work Act 2009.

Duration

The new agreement will have a four year term expiring 12 months after the final salary increase paid under the agreement which will provide employees with stability in terms and conditions for the next four years.

Salary Quantum

Subject to the achievement of the efficiency measures in this offer and the approval of the agreement by the Fair Work Commission:

- An initial salary increase of 3 per cent to be paid effective from the beginning of the first pay period commencing on or after the parties reach final agreement on all matters, or the first pay period commencing on or after 1 January 2014, whichever is the later;
- A second salary increase of 3 per cent to be paid at the commencement of the first pay period commencing on or after 1 January 2015;
- A third salary increase of 3 per cent to be paid at the commencement of the first pay period commencing on or after 1 January 2016; and
- A fourth salary increase of 3 per cent to be paid at the commencement of the first pay period commencing on or after 1 January 2017.

Work-related and expense related allowances will be adjusted consistent with the current agreement provisions.

Salary increases under the new agreement will not apply to employees who cease employment with the NTPS prior to approval of the agreement by Fair Work Commission.

Superannuation Guarantee

Current Commonwealth legislation provides progressive increases to the Superannuation Guarantee (SG) charge from 1 July 2013, from the current level of 9.25 per cent to 12 per cent by 1 July 2019. SG is the compulsory system of superannuation support for eligible employees, paid for by employers. The increases apply to eligible NTPS employees not already receiving the minimum SG amount through membership of a defined benefit scheme.

Some employers, including public sector employers, have opted to off-set the cost of future superannuation contribution increases against wage increases. The Northern Territory Government has decided not to offset the salary offers against increases in the SG during the term of the agreement. This means that the SG increases will be paid in addition to the annual 3 per cent wage increases, rather than being included as part of the annual wage increases on offer.

The current schedule of increases to Superannuation Guarantee over the proposed period of the Agreement is as follows:

Period	Super guarantee rate (charge percentage)
1 July 2013 – 30 June 2014	9.25%
1 July 2014 – 30 June 2015	9.50%
1 July 2015 – 30 June 2016	10.00%
1 July 2016 – 30 June 2017	10.50%
1 July 2017 – 30 June 2018	11.00%

General NTPS Initiatives

To assist in recruitment and retention of new employees and those in remote and regional areas it is proposed to continue the following general initiatives:

Satellite internet and/or TV subsidy for remote employees

The provision allowing employees in a remote location to receive a reimbursement of up to \$500 for the installation and initial subscription to a satellite internet and/or television service will continue.

Relocation allowance

The provision allowing the CEO to grant a relocation allowance for up to a maximum of ten fortnights for employees transferring to or new employees recruited to Katherine and Alice Springs will continue.

Higher Education Loan Program reimbursement for new recruits

The agreement will provide for a reimbursement of up to \$3000 towards the Higher Education Loan Program for eligible new recruits.

Practitioner Allowance

To address an anomaly in the current agreement it is proposed to include the following classifications into the Practitioner Allowance as provided in clause 27 of the current agreement:

- Rural Generalists; and
- Rural Medical Administrators

Efficiencies

Authorisation of Overtime

Due to some claims for un-rostered overtime being submitted many months after the overtime was performed, and without records of the work being undertaken, it is proposed to include a clause that provides for the approval of un-rostered overtime based on sufficient documentary evidence.

Private Practice Allowance Category B

Private Practice arrangement within the current agreement have not maximised private practice revenue. It is proposed to strengthen the operation of clause 24.6 to ensure that employees participating in the Category B Private Practice arrangement maximise the billing of eligible patients.

Rural Medical Practitioner Revenue Activity Incentive Payment

Amend clause 31 of the agreement to state that the entitlement for the scheme is based on eligibility under relevant legislation and that exclusions under Commonwealth eligibility conditions may apply from time to time.

Professional Development Allowance for Casuals

Clarify the intention of clause 32.8 of the current agreement to exclude casual medical officers from the professional development allowance.

Accessing personal leave while on unpaid parental leave

It is proposed to remove the provision that provides an employee on the first 52 weeks of unpaid parental leave access to personal leave. This would ensure consistency with the principle that there is no access to personal leave during any periods of unpaid leave that do not count as service.

Replace Extended Leave Scheme

The current scheme is complex and difficult to administer due to salary variations and difficult leave accrual arrangements. The consequences of this are the scheme is administratively resource intensive and there are high error risks. It is proposed to grandparent (keep in place) any existing employee arrangements until they are finalised but replace the current scheme with Advanced Notice of Leave Without Pay so there is still the ability for employees and agencies to plan for extended leave requests (up to one year off) well in advance of the proposed period (up to four years in advance).

ASMOF Log of Claims

The matters raised in the ASMOF log of claims were considered, but found to be either:

- outside of the parameters of the Wages Policy (i.e. above the overall cost of 3% per annum, many including restrictive work practices, are not supported by efficiencies, or do not retain common core NTPS conditions of employment);
- provisions currently provided in the agreement or Determinations which are management issues and can be dealt with at the agency level; or
- not supported by rationale or evidence.

New Agreement

The agreement's provisions have generally operated well during the term of the agreement. However, there are some remnants of policy and procedure that could be better placed in PSEMA instruments or general policy which would provide the parties the ability to address process matters through consultation during the term of the agreement. There are also some conditions whose application could be improved through clarification and/or streamlined provisions.

Therefore it is proposed to:

- review the current agreement and remove matters better dealt with through policy and procedure and place under PSEMA or general policy;
- remove references to other legislation which are better dealt with specifically under that legislation and inclusion in the agreement is unnecessary when the other legislation provides for the entitlement or provision; and
- review and/or amend provisions where possible to improve performance and streamline administration.

Furthermore, it is also necessary to consider the following factors when drafting a new agreement:

- compliance with the *Fair Work Act 2009* and the NTPS Wages Policy 2013-2016;
- consistency in common provisions across NTPS Agreements for core conditions (for example, parental leave, personal leave); and
- retention of current relevant provisions.

The improved offer will remain open until close of business, Monday 6 January 2014.