



NTPS NURSES AND MIDWIVES' ENTERPRISE BARGAINING INFORMATION SHEET 1/2014

DETAILS OF THE COMMISSIONER FOR PUBLIC EMPLOYMENT'S 'WITHOUT PREJUDICE OFFER OF 29 MAY 2014

On 29 May 2014, the Commissioner for Public Employment made a 'without prejudice' offer to settle enterprise bargaining negotiations with the Northern Territory Branch for a new enterprise agreement to replace the Northern Territory Public Sector Nurses and Midwives' 2011–2014 Enterprise Agreement that nominally expires on 9 August 2014.

To address the rising budget deficit the Northern Territory Government has had to implement a tighter fiscal strategy to bring expenditure under control. This strategy is reflected in the budget that was handed down in May this year.

In response to current financial pressures, the Northern Territory Government has approved the [Northern Territory Public Sector Wages Policy 2013–2016](#). The objectives of the Wages Policy include:

- ensuring costs arising from bargaining outcomes are kept with the government's fiscal parameters; and
- delivering increased efficiency, effectiveness, savings service outcomes and workplace reform across agencies (efficiency measures).

Of particular note is that the total overall cost of an agreement outcome (including the cost of salary and allowances, salary restructuring, changes to conditions etc.) is capped at three per cent per annum and is subject to efficiency measures being achieved.

It should be noted that new agreements will not be able to contain provisions that restrict the government's capacity to allocate financial, capital or human resources according to its policy priorities, or to restrict the powers and functions of the Commissioner for Public Employment and Chief Executive Officers (CEOs) under applicable legislation.

This offer has been developed in accordance with the Wages Policy and following consideration of the NT Branch of the Australian Nursing and Midwifery Federation's log of claims provided to the commissioner on 8 April 2014. The offer is fair and reasonable as it takes into account the current budgetary environment locally and nationally, forecasted CPI over the relevant period, and improvements made to conditions in previous enterprise agreements

The terms of this 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 reserves the right to vary the salary component accordingly.

1. Enterprise Agreement

The new agreement will be in the form of an enterprise agreement made under the *Fair Work Act 2009* ('the FW Act').

2. 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.

3. Salary Quantum

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

- an initial salary increase of 3% 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 on the first pay period commencing on or after 9 August 2014, whichever is the later;
- Salary increases of 3% per annum for the following three years after the initial salary increase, to be paid at 12 monthly intervals.

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

Salary increases under the new enterprise agreement will not apply to employees who cease employment with the Northern Territory Public Sector (NTPS) prior to the approval of the agreement by the Fair Work Commission.

4. Superannuation Guarantee

Commonwealth legislation provides progressive increases to the Superannuation Guarantee (SG) charge from 1 July 2013 for 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 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 off-set the salary offers against increases in the SG during the term of the agreement. This means that SG increases will be paid in addition to the annual three per cent wage increases, rather than being included as part of the annual wage increases on offer.

Currently, the Commonwealth Government has announced changes to the rate of increase of the superannuation guarantee charge. The following table shows increases to SG over the proposed period of the agreement. It reflects the proposed changes. However, whatever the actual charge, these will not be used to off-set the salary increases proposed in this offer and will be paid in addition to the annual wage increases.

Period	SG rate (charge percentage)
1 July 2014–30 June 2018	9.50%
1 July 2018–30 June 2019	10.00%

5. General NTPS Initiatives

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

Relocation allowance

The provision allowing the CEO to grant a relocation allowance for up to a maximum of 10 fortnights for employees transferring to or new employees recruited to Katherine and Alice Springs will continue.

6. Efficiencies

It is proposed that the enterprise agreement will provide for the following modest efficiencies.

a) Overtime for Part-time Employees—clause 44.7(d)

It is proposed that clause 44.7(d) be varied by changing 64 hours per fortnight to 76 hours per fortnight. This would align the overtime provisions for part-time nurses with those that apply to other NTPS employees.

b) Professional Development Allowance—clause 24

It is proposed that the professional development allowance be changed from an automatic payment model to a reimbursement model from August 2015. Transition arrangements will be developed to ensure employees have access to their accrued 2014 professional development allowance. The new arrangement will ensure consistency with other Northern Territory Public Sector agreements that ensures that the Department of Health funds are allocated for appropriate training and development purposes.

c) 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 to access personal leave. This would ensure consistency with the principle that there be no access to personal leave during periods of unpaid leave that do not count as service. Employees would continue to have access to their accrued recreation leave and long service leave entitlements. In addition, it is also proposed to remove the restriction on access to accrued recreation leave and long service leave to the period 24 months from the time of birth or placement of the child.

d) Replacement of the extended leave scheme with a new provision of leave without pay for extended periods

The current extended leave scheme is complex and difficult to administer due to salary variations and leave accrual arrangements. The consequences of this are that the scheme is administratively resource intensive and there are high error risks. It is proposed to grandparent (keep in place) any existing employee arrangement until they are finalised, but replace the current scheme with a new provision of advanced notice of leave without pay. This would ensure that there is still an ability for employees and the agency to plan for extended leave requests of up to one year off well in advance of the proposed leave (up to four years in advance). The current clause 59 would be amended accordingly.

e) Redundancy Provisions—schedule 3

Through recent application of the redeployment provisions it has become apparent that the wording outdated and difficult to follow and should be reviewed to ensure the provisions are up-to-date, readable and easily understood.

It is also proposed to remove the procedural elements and irrelevant income maintenance provisions; retain core entitlements; and ensure that the provisions take account of the FW Act minimum redundancy entitlements and transfer of business provisions (the latter to be addressed under clause 60). This will result in a new schedule 3–Northern Territory Public Sector Redeployment and Redundancy Provisions and a new Employment Instruction No. 14–Redeployment and Redundancy Procedures (delegated legislation under the PSEM Act).

f) Security of Employment–clause 46

It is proposed to delete sub-clauses 46.3–46.5 that deal with the CEO’s ability to consider the status of fixed term employees, casuals and employees on higher duties. These are operational matters and not entitlement based provisions. The existing provision causes confusion during change management processes. Consideration of these issues will continue to occur at the CEO’s discretion on a case-by-case basis.

7. Consideration of the ANMF Log of Claims

This offer has been made in consideration of the union’s log of claims and constitutes the commissioner’s response to it.

Career Structure

The career structure review being conducted by the department has involved and will continue to involve input from the union. It is related to organisational structures and career paths, which are not appropriate for inclusion in the proposed enterprise agreement, but will be discussed at the agency level.

Nurse Practitioner

Through discussions during the bargaining meetings this element of the union’s claim relates to the particular circumstances of nurse practitioners working at Gove District Hospital. If necessary, these arrangements could be covered by a special determination, subject to an appropriate business case being made out.

Post-Graduate Qualification Allowance

Bachelor of Midwifery to be included as a Post-Graduate Qualification

The Bachelor of Midwifery is a conversion degree that replaces a relevant Graduate Diploma. As such, clause 25.1 of the current agreement already applies. However, the table will be varied in the proposed enterprise agreement to refer to nurses and midwives.

Ongoing Employment for Nurses in Remote Localities

Although ongoing employment is the preferred form of employment in the NTPS there are circumstances in which fixed term employment is appropriate. Whether it is appropriate to use ongoing or fixed period employment in remote localities is an operational matter for the department. The parties will continue their discussions about this matter.

Nurses and Midwives to have access to Recreation Leave on Half Pay

The commissioner is prepared to accede to this claim and ensure that nurses and midwives have access to recreation leave on half pay, subject to operational requirements, in the proposed enterprise agreement.

Nursing Hours per Patient Day

In negotiations it emerged that there are instances of employees being unaware of how the Nursing Hours per Patient Day system operates. The department will ensure that information about the methodology is available to employees on a regular basis.

i) Consultative Committee

It is proposed that the Department of Health and ANMF Consultative Committee would continue during the life of the proposed enterprise agreement.

8. New Agreement

The current agreement's provisions have generally operated well during its term; however, there are some remnants of policy and procedure that would be better placed in *Public Sector Employment and Management Act* instruments or general policy, which would provide the parties with the ability to address process matters through consultation during the term of the proposed agreement. There are also some conditions whose application could be improved through clarification or improved expression or both.

Therefore it is proposed to

- review the current agreement and remove matters better dealt with through policy and procedure and place them under the Public Sector Employment and Management Act or general policy;
- remove references to other legislation that 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;
- revise the remote rental concession clause to ensure consistency with whole-of-NTPS conditions;
- review 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 FW Act and the NTPS Wages Policy 2013–2016;
- consistency in common provisions across NTPS agreements for core conditions (for example, parental leave and personal leave); and
- retention of current relevant provisions.

A list of clauses proposed to be changed will be provided in bargaining.