

PROPOSED
NORTHERN TERRITORY PUBLIC SECTOR
NURSES AND MIDWIVES’
2014 – 2017
ENTERPRISE AGREEMENT

EXPLANATORY NOTES

**THIS DOCUMENT REFLECTS THE CHANGES IN THE PROPOSED
AGREEMENT COMPARED WITH THE CURRENT AGREEMENT**

Please note:

- i. Reference to the ‘current Agreement’ means the Northern Territory Public Sector Nurses and Midwives’ 2011–2014 Enterprise Agreement and reference to the ‘new Agreement’ means the proposed Northern Territory Public Sector Nurses and Midwives’ 2014-2017 Enterprise Agreement.
- ii. References to the ‘NTPS Agreement’ mean the Northern Territory Public Sector 2013-2017 Enterprise Agreement.
- iii. Technical changes were required throughout the new Agreement in line with amendments introduced: on 1 January 2012 to the *Public Sector Employment and Management Act* (PSEM Act) (egg ‘permanent employee’ changed to ‘ongoing employee’; ‘temporary employee’ to ‘fixed period employee’); and to the *Fair Work Act 2009* (FW Act).
- iv. Unless otherwise stated, references to clause and sub-clause numbers in the explanatory notes are referring to the current Agreement clauses.

PART 1 – APPLICATION AND OPERATION OF THE AGREEMENT

1. Title

Amended title to: Northern Territory Public Sector Nurses and Midwives 2014-2017 Enterprise Agreement.

2. Arrangement

Updated the index list to reflect changes in the new Agreement.

3. Application and Parties

Amended to reflect changes to the Australian Nursing and Midwifery Federation name.

4. Definitions

Updated terminology such as Fair Work Australia with Fair Work Commission (FWC). Added the phrase 'as amended from time to time' after PSEM Act and FW Act to clarify that the agreement applies taking into account any amendments to the legislation during the life of the new Agreement.

5. Period of Operation

Updated to reflect the term of the proposed Agreement: Three year agreement, nominated to expire on 9 August 2017, with provision for a further 12 months operation by agreement. The extension will be subject to a ballot.

6. Operation of Schedules

No change

7A. Variation of Public Sector Employment and Management Act

Aligned wording with the NTPS Agreement by inserting references acknowledging the long established and continuing role of the PSEM Act, and made it clear that the PSEM Act is not incorporated into the agreement.

7B. Modern Enterprise Award

Omitted: References to the modern enterprise award have been deleted

8. Anti-Discrimination

Omitted: The Anti-Discrimination legislation exists externally to agreement provisions and applies regardless of referencing it in an enterprise agreement. It is not necessary to include in the new agreement.

9. Variation

Omitted: The reference to variation of the Agreement has been deleted because there is a statutory mechanism for the variation of enterprise agreements in the Fair Work Act, which would apply in the case of any proposal to vary the agreement.

10. No extra claims

No change.

11. ~~40.3~~ Negotiations for Replacement Agreement

Amended to allow the parties to agree to commence negotiations later than four months prior to the expiry.

12. ~~41.~~ Objectives of the Agreement

No change.

13. ~~42.~~ Productivity and Efficiency

No change.

14. ~~43.~~ Dispute Settling Procedures

Updated to reflect new terminology, to be consistent with the NTPS Agreement, and to clarify which provisions of the new Agreement are excluded from the Dispute Settling Procedures (i.e. requests for flexible work arrangements or to extend parental leave refused by the CEO on reasonable business grounds are excluded from Dispute Settling Procedures). New provision added to clarify that an employee who has a grievance about an otherwise excluded matter can utilise section 59 of the PSEM Act to seek a review of a decision.

PART 2 – PROCEDURAL MATTERS

15. ~~44.~~ Management of Change

Title updated and clause replaced with the FW Act 'Model Consultation Term' for enterprise agreements which includes new provisions (i.e. requirement to consult on changes to regular roster or ordinary hours of work) required by the FW Act in all enterprise agreements from 1 January 2014.

16. ~~45.~~ Filling of Vacancies Resulting from Substantial Change

Omitted: Clause provisions were procedural in nature and are reflected in [Employment Instruction Number 1](#).

17. ~~16.~~ Consultative Committees and Representative Rights

Updated in line with the NTPS Agreement and removed subclauses related to the function and processes of the PSCC as these are procedural in nature and covered by section 64 of the PSEM Act.

The specific list of issues that may be considered by the Consultative Committee have been removed so as to allow a broader range of matters to be raised by the parties.

~~16.3~~ Union Rights

Removed as amendments to Representative Rights includes union rights.

~~16.3.1~~ Representative rights

Minor change to terminology. No substantive change.

18. ~~17.~~ Occupational Work Health and Safety

The references to occupational health and safety have been deleted because these are covered by relevant NT legislation, but occupational specific measures have been retained and updated as required.

19. ~~18.~~ Commitment to Employee Assistance Program

No change.

20. ~~19.~~ Prevention of Inappropriate Workplace Behaviour and Bullying in the Workplace

Change title and update clause to align with NTPS Agreement and [Employment Instruction Number 13](#).

PART 3 – GENERAL CONDITIONS OF EMPLOYMENT

Division 1 – Classifications, Pay and Allowances

21. ~~20.~~ Classification descriptions

No change

22. ~~21.~~ Classifications and the Work Evaluation System for Nursing Professionals

No change.

23. ~~22.~~ Classification and Salaries

This clause has been updated to reflect new salary increases and payment dates of salary increases.

24. ~~23.~~ Increments

Minor amendment to provide clarity to the review mechanism.

25. ~~24.~~ Professional Development Allowance

Amended to introduce the reimbursement model in addition to the upfront fixed payment model. Current employees have the ability to elect the reimbursement model or upfront fixed payment model. Employees who start after the commencement of the agreement will only be eligible for the reimbursement model.

26. ~~25.~~ Post Graduate Qualification Allowance

No change.

27. ~~26.~~ Exemplary Practice Allowance

No change.

28. ~~27.~~ Shift Responsibility Allowance

No change.

29. ~~28.~~ Uniform Allowance

Updated to reflect the new rates and effective date of increases over the life of the Agreement

30. ~~29.~~ Omitted

No change.

31. ~~30.~~ Omitted

No change.

32. ~~31.~~ On-call Allowance

Updated reference to current applicable legislation.

Division 2 – Hours of work, Overtime, Shift Penalties and Restrictive Duty

33. ~~32.~~ Hours of Work

No change.

34. ~~33.~~ Overtime

Minor amendment to reflect the requirement to work reasonable additional hours, including overtime.

35. ~~34.~~ Shift Penalties

No change.

36. ~~35.~~ Restrictive Duty

No change.

Division 3 – General Employment Arrangements

37. ~~36.~~ Nursing Hours per Patient Day

No change.

38. ~~37.~~ Nursing and Midwifery Education and Training Reform

No change.

39. ~~38.~~ ‘Cashing up’ of airfares on a Common Date

No change.

40. ~~39.~~ Recovery of Overpayments on Cessation of Employment

No Change.

41. ~~40.~~ Superannuation

Updated to reflect current legislation and align with NTPS Agreement. No substantive change.

42. ~~41.~~ Salary Sacrifice

Updated to reflect current legislation and align with NTPS Agreement. No substantive change.

43. ~~42.~~

No Change [deleted in previous agreement]

44. ~~43.~~

No change [deleted in previous agreement]

45. ~~44.~~ Part-Time Employment

Minor change to amend the reference to Employment Instruction 14 to Determination 9 of 2012 in line with the part-time employment conditions now being contain in the Determination.

46. ~~45.~~ Casual Employment

No change.

47. ~~46.~~ Security of Employment

Clarified there will be no involuntary redundancies arising directly from the implementation of the agreement, and removed sub clauses 46.3 to 46.5 which were procedural in nature and covered by the PSEM Act.

48. ~~47.1~~ Individual Flexible Working Arrangements

Minor amendment to the wording of 48.2 ~~47.1.3~~ to clarify the content of the arrangements

49. ~~47.2~~ Variation to Working Arrangements for Groups of Employees

No change.

Division 4 3— Remote Locality Provisions

50. ~~48.~~ Electricity Subsidy for employees in Remote Localities

This clause has been updated to reflect new subsidy rates.

51. ~~49.~~ Remote Rental Concession

Amended to incorporate the remote localities as defined by the Commissioners Determination 2 of 2003.

52. ~~50.~~ Remote Access to Satellite Television/Satellite Internet Services

No change.

53. ~~51.~~ Relocation expenses: Gove District Hospital

No change.

54. ~~52.~~ Commuted Overtime Allowance for Remote Areas

No change.

55. Parental Leave

This clause now refers to the parental leave provisions contained in clause 49 of the [NTPS Agreement](#); employees will need to refer to that clause which sets out the full parental leave entitlement. The reference to the NTPS Agreement provision means that Dental Officers will be able to access parental leave entitlements applicable to general NTPS employees in the current NTPS Agreement, or any successor, for the term of the Nurse and Midwives/ new Agreement. A summary table of changes to Nurses and Midwives' current parental leave clause compared to NTPS Agreement is at Appendix A.

In brief, clause 49 of the NTPS Agreement incorporates amendments to FW Act and National Employment Standards (NES) which enhance existing NTPS parental leave entitlements. Changes which reflect the FW Act amendments relate to enhancing entitlements for casuals with regards to transfer to a safe job, partner/concurrent leave, adoption leave, 'Keeping in Touch Days', and reasonable business grounds parameters if the employer refuses requests for extension of parental leave or returning to work on a part-time basis.

In line with the NTPS Agreement and one of the few efficiencies being sought, is the removal of the provision that provides an employee on the first 52 weeks of unpaid parental leave access to personal leave (as per sub-clause 53.10(b) of current Agreement. Refer sub-clause 49.10 of the NTPS Agreement for proposed entitlement). This ensures consistency with the principle that there is no access to personal leave during any periods of unpaid leave that do not count as service. Employees will have access to their accrued recreation leave and long service leave entitlements anytime during unpaid parental leave, an improvement on the current provision (see sub-clause 55.10(a)) which restricts access to such leave to the first 24 months from time of birth or date of placement of the child (adoption).

Compared to the current Agreement provisions, the NTPS Agreement parental leave provisions have been written to improve readability and simplify many of the provisions for better understanding of the entitlements and conditions.

56. ~~54.~~ Compassionate Leave

Consistent with other leave clauses, this clause has been amended to: move the explanation of the relationship with By-laws and other instruments and the application to casuals to the beginning of the clause; and updated the definition of 'immediate family' and 'spouse' to reflect FW Act definitions.

Addition of new sub-clause (56.5) regarding notice requirements consistent with other leave provisions and FW Act.

57. ~~55.~~ Personal Leave

Consistent with other leave clauses, this clause has been amended to: move the explanation of the relationship with By-laws and other instruments to the beginning of the clause, and updated the definition of 'immediate family' and 'spouse' to reflect FW Act definitions.

An addition of a new sub-clause (57.8(c)) has been made regarding documentary evidence requirements in relation to carer's leave to reflect the specific nature of carer's leave. Intended to clarify the evidence that is provided to the CEO to allow the CEO to determine if the leave is for the purposes of sick leave or carer's leave. Clarified that if long service leave is taken at half pay, the re-credit of any approved sick leave is also at half pay. Removal of sub-clauses 55.9 (d) and (e) in relation to seeking the opinion of the NT Medical Advisor as both these provisions are mirrored in [Employment Instruction No. 5 Medical Examinations](#) and not required in the Agreement.

58. ~~56.~~ Recreation Leave

Changes made to this clause are consistent with the wording under the NTPS Agreement. For example, under definitions, 'continuous service' has been deleted as it isn't referenced in the clause. Sub-clause 58.6 has been updated to reflect that where a public holiday occurs during recreation leave the period of the public holiday is not deducted from the employee's leave entitlement.

The entitlement to recreation leave at half pay has been added to the agreement at clause 58.11 to 58.13.

59. ~~57.~~ Recreation Leave Loading

No change.

60. ~~58.~~ Long Service Leave

The amended clause confirms that LSL entitlements are contained in By-law 8. Sub-clauses 58.2 to 58.6 were removed as they are provided for in the By-law.

61. ~~59.~~ Extended Leave Scheme

Omitted: The extended leave scheme has been replaced with advanced notice of leave without pay which is available under By-law 16 – Special Leave Without Pay.

62. Redeployment and Redundancy

Amended to reflect redeployment and redundancy entitlements under the NTPS Agreement, subject to new sub-clauses 62.2 and 62.3 referring to redeployment and redundancy provisions where a transfer of business or transfer of employment occurs.

63. ~~64.~~ Pupil Nurse

No change

Schedule 1 – Nurses (Northern Territory Public Sector) Provisions

No change.

Schedule 2 – Northern Territory Public Sector (General Conditions of Service) Provisions

No substantive change. Updated to reflect the standard Public Holiday clause to be used in all new NTPS Enterprise Agreements. Amended clause provides Public Holiday entitlements will be provided in accordance with the *Public Holidays Act* (NT). Removed specific days from the current clause as these are in the *Public Holidays Act* (NT).

Schedule 3 –Northern Territory Public Sector Redeployment and Redundancy Provisions

PART A entitlements are aligned with the rewritten provisions under the [NTPS Agreement's Schedule 10: Redeployment and Redundancy Entitlements](#)

PART B procedures are covered under [Employment Instruction No. 14: Redeployment and Redundancy Procedures](#)

Key changes

1. Voluntary retrenchment entitlements and notice of redundancy periods remain unchanged. Some minor amendments were made to ensure compliance with minimum NES requirements. Provision included clarifying that the notice periods under sub-clause 5.2 are offset by the redundancy payment provisions of the NES.

The NTPS redundancy entitlement remains generous compared to the NES.

2. The income maintenance provisions following termination due to redundancy have been removed. The existing provisions allow an employee to elect to be terminated (subject to Commissioner approval) during the notice period, rather than serving the whole period. However, the provisions contain an anomaly in that they require an employee to be paid the unexpired portion of the notice period in lieu on termination, and also provide for income maintenance post termination until the notice period has expired. From a practical perspective, the removal of the income maintenance following termination provision has no effect as it is not considered appropriate that rights and obligations arising from an employment relationship continue beyond the termination of that relationship and the Commissioner would not allow such a situation to occur in any case.

3. The income maintenance provisions that apply on the transfer of an employee to a lower level designation and salary, including provisions relating to the impact of personal leave in extending the income maintenance period, were retained and clarified.

4. Definitions have been updated to more closely align with the revised PSEM Act provisions. Consistent with the PSEM Act the Schedule also clarifies that employees cannot be transferred to a lower level designation and salary without their consent.

5. New, practical union consultation provisions have been included and replace the convoluted, historical provisions.

6. Former Part A provisions of a procedural nature have been moved from the Schedule and are covered under Employment Instruction 14 (subordinate legislation under the PSEM Act) setting out procedures for Redeployment and Redundancy situations.

7. In addition, the proposed procedures include the following new concepts:

- Where a redeployee is placed in a longer term fixed period vacancy (i.e. 18 months or over) the employee may elect, subject to CEO's approval, to have his or her redeployee status removed.
- As part of suitability assessment, an agency may offer to place an employee redeployee in a position for a trial period of up to six months, with the employee or the agency having the ability to terminate the arrangement by mutual agreement. If the employee is serving out a period notice of redundancy at the time that the trial takes place, the notice period will be extended by the period of the trial to ensure that the employee does not lose the opportunity to actively seek other suitable employment options if they are not ultimately suitable for the trial position. Trials are available in some other jurisdictions and are considered a useful training mechanism, likely to facilitate positive suitability outcomes.

It should be noted there have been:

- no changes to the requirement to offer an employee voluntary retrenchment before a notification of redundancy;
- no reductions in voluntary retrenchment entitlements;
- no change to the focus on finding suitable employment for redeployees; and
- minor amendments to bring clauses in line with the FW Act.

Schedule 4 – Allowances

Updated to reflect new rates and dates of increases.

Information on the proposed Agreement

If you would like further information on the agreement, please contact the Employee Relations unit in the Office of the Commissioner for Public Employment on telephone **08 8999 4112**.

Attachment “A”

The proposed Northern Territory Public Sector Nurses and Midwives’ 2014 – 2017 Enterprise Agreement – clause 55 Parental Leave

Summary of proposed changes to parental leave provisions for Nurses and Midwives

Overview

Amendments to *Fair Work Act* (FW Act) and National Employment Standards (NES) introduced in 2013 will be incorporated into the proposed Agreement which enhance existing NTPS parental leave entitlements. Changes will reflect the FW Act amendments specifically around entitlements relating to casuals and transfer to a safe job, partner/concurrent leave, adoption leave, ‘keeping in touch days’ and reasonable business grounds parameters if the employer refuses requests for extension of parental leave or returning to work on a part-time basis. Some terminology will be changed to reflect terms used in FW Act (eg “evidence” replaces “documents” under notice and documentation requirements).

One of the few efficiencies being sought is the removal of 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. Employees will continue to have access to their accrued recreation leave and long service leave entitlements during unpaid parental leave. This existing entitlement has been improved as the new Agreement will remove the current limitation which restricts access to accrued entitlements only during the period 24 months from time of birth or date of placement of the child.

Other changes include improving the readability and simplifying of the provisions for better understanding of the provisions.

Table of Changes

Current Provision: NTPS Nurses and Midwives’ EA 2011-2014	Proposed Term/Condition – Explanation (Refer Relevant NTPS EA clause to preview proposed wording)	Relevant Provision: NTPS 2013-2017 Enterprise Agreement
CI 53.1	<i>Relationship with By-laws, NES and other instruments -</i> Technical changes to reflect current terminology used in relation to parental leave. Reference to By-law 53 removed as By-law 53 ceased upon introduction of the revised PSEM Act By-laws on 1 January 2012.	CI 49.1
CI 53.2	<i>Definitions –</i> <ul style="list-style-type: none">• Amended to clarify that ‘continuous service’ for parental leave is service with NTG.• “primary carer” change to “primary care-giver” for consistency throughout parental leave	CI 49.2

Current Provision: NTPS Nurses and Midwives' EA 2011-2014	Proposed <i>Term/Condition</i> – Explanation (Refer Relevant NTPS EA clause to preview proposed wording)	Relevant Provision: NTPS 2013-2017 Enterprise Agreement
	clause. <ul style="list-style-type: none"> Terms amended/included for consistency with FW Act - “day of placement”(adoption leave); “de facto spouse” change to “de facto partner” 	
CI 53.3(a)	<i>Summary table of parental leave provisions</i> – update to reflect changes to the relevant clauses and more detail provided in the table for easier reference.	CI 49.3(a)
CI 53.3(b)	<i>General conditions relating to parental leave</i> – technical change that removes phrase in brackets (eg “except whilst on concurrent leave”). This phrase is unnecessary as paragraph (b) opens with “ <i>Except where otherwise stated in this clause...</i> ”. Also a provision dealing with such an exception will be added to the revised concurrent leave provisions under Paternity/Partner Leave and Adoption Leave.	CI 49.3(b)
CI 53.3(d) & (e)	<i>Eligible casual employees</i> – <ul style="list-style-type: none"> Insert the specific clause references that apply to casual employees for easier reference. Clarify ‘transfer to safe job’ and paid ‘no safe job leave’ entitlements applicable to eligible casual employees. 	CI 49.3(d) & (e)
CI 53.4	<i>Ordinary Maternity Leave</i> – <ul style="list-style-type: none"> Clarify ordinary maternity leave applies to a ‘pregnant employee’. Clarify that an employee who attains 5 year’s continuous service within 18 weeks of the date on which the employee commenced maternity leave, is eligible for 14 weeks paid leave <i>plus (up to) a further 4 weeks commencing after the end of the qualifying period.</i> (Note: the same provision will be clarified under Adoption Leave) 	CI 49.4 & 49.4(c) (Adoption Leave: CI 49.7(b)(v))
CI 53.4(i) & (j)	<i>Transfer to safe job and no safe job leave provisions</i> – <ul style="list-style-type: none"> Insert sub-headings to enhance readability as ‘paid/unpaid no safe job leave’ provisions are limited to particular circumstances and will not be included in the summary table at the beginning of the clause. Reword to reflect terminology used in FW Act and include a provision for the rate of payment 	CI 49.4(i) & (j)

Current Provision: NTPS Nurses and Midwives' EA 2011-2014	Proposed <i>Term/Condition</i> – Explanation (Refer Relevant NTPS EA clause to preview proposed wording)	Relevant Provision: NTPS 2013-2017 Enterprise Agreement
	applicable to 'paid no safe job leave' as per s 81A(2) of FW Act.	
No reference	<i>No safe job leave – casual employees</i> – new provision to incorporate FW Act amendment under s 81, applicable from 1 July 2013, which provides casual employees, in certain circumstances, the right to be transferred to a safe job or 'unpaid no safe job leave'.	Cl 49.4(m)
Cl 53.5(d)(iii)	<i>Special maternity leave</i> – there will be no deduction from an employee's maximum period of ordinary maternity leave – Previously any special maternity leave taken was deducted from ordinary maternity leave entitlements. Change complies with FW Act amendments.	Cl 49.5(d)(iii)
Cl 53.5(a)(ii) & 53.5(h)(ii)A.	<i>Special maternity leave</i> - reword provisions – no substantive change. Wording changed to be consistent with FW Act terminology and consistent with clause 62.5(e). <i>"the Employee's pregnancy has ended after the first 12 weeks of the pregnancy, other than by the birth of a living change"</i> changed to <i>"the Employee's pregnancy has ended within 28 weeks of the expected date of birth otherwise than by the birth of a living child"</i> .	Cl 49.5(a)(ii) & 49.5(h)(ii)A.
Cl 53.6	<i>Paternity/Partner Leave</i> – <ul style="list-style-type: none"> • Reorganise provisions for a more logical flow and insert sub-headings. • Leave taken at the same time as the Employee's partner (also called 'concurrent leave') increased in line with FW Act amendments – 3 weeks increased to 8 weeks and greater flexibility when leave can be taken (eg may be taken in 2 week blocks). No change to paid leave entitlements under this provision. • Incorporate FW Act requirements for notice and evidence and when leave can start/finish in relation to the taking of concurrent leave. 	Cl 49.6
Cl 53.7	<i>Adoption Leave</i> – <ul style="list-style-type: none"> • Technical and format changes (e.g. more logical flow, use of sub-headings, pre-adoption leave 	Cl 49.7

Current Provision: NTPS Nurses and Midwives' EA 2011-2014	Proposed Term/Condition – Explanation (Refer Relevant NTPS EA clause to preview proposed wording)	Relevant Provision: NTPS 2013-2017 Enterprise Agreement
	<p>provisions for casual employees moved to beginning of the section and incorporated into provisions for all employees as the entitlement is the same.)</p> <ul style="list-style-type: none"> • Leave taken at the same time as Employee's partner (concurrent leave) - provisions amended in line with FW Act amendments (eg 3 weeks increased to 8 weeks and greater flexibility) (Note: similar provisions as those for concurrent leave under Paternity/Partner Leave) 	
CI 53.7(g)	<i>Subsequent adoption when already on adoption leave – entitlements</i> – no substantive change - provisions amended to clarify employee can apply for another adoption leave period in accordance with the applicable parental leave provisions. Change consistent with similar provision under Maternity Leave.	CI 49.7(h)
CI 53.8	<i>Combined Parental Leave –</i> <ul style="list-style-type: none"> • Clarification - reference to concurrent leave being used by the employee couple expressly provides concurrent leave to be used “...in accordance with concurrent leave provisions...” under Paternity/Partner Leave. • New provision included to clarify that whoever takes the paid leave is paid at his/her salary for the period of leave. 	CI 49.8(b)(iv) & (vii)
CI 53.9	<i>Parental Leave at Half Pay</i> – New provision to clarify the taking of half pay parental leave cannot operate to extend the maximum period of parental leave available to the employee. This is a consistent principle across the parental leave provisions.	CI 49.9(b)(iii)
CI 53.10	<i>Access to Other Leave Entitlements While on Parental Leave –</i> <ul style="list-style-type: none"> • Enhanced provision by removing the current 24 month limitation on the employee's ability to access accrued recreation leave and long service leave entitlements. This is more beneficial than NES. Employees on 3 years parental leave may access recreation leave and 	CI 49.10

Current Provision: NTPS Nurses and Midwives' EA 2011-2014	Proposed Term/Condition – Explanation (Refer Relevant NTPS EA clause to preview proposed wording)	Relevant Provision: NTPS 2013-2017 Enterprise Agreement
	<p>long service leave at any time.</p> <ul style="list-style-type: none"> • Access to personal leave while on parental leave no longer permitted. • Clarified that the taking of other paid leave while on parental leave does not break continuity of parental leave. 	
CI 53.11	<p><i>Employment While on Parental Leave</i> – new – included specific provisions dealing with ‘Keeping In Touch’ (KIT) days consistent with s 79A of the FW Act. Employee may return to work for up to 10 days (or part days) per year to keep in touch (eg training day). Provisions clarify how employee on paid parental leave returning for KIT days is remunerated.</p>	CI 49.11
CI 53.12	<p><i>Communication During Parental Leave</i> – minor technical correction to update clause reference in line with proposed changes to existing clauses 53.13, 53.14 and 53.15.</p>	CI 49.12
CI 53.13, 53.14 & 53.15	<p><i>Variation, Extension, Part-Time Work and Right to Request</i> –</p> <ul style="list-style-type: none"> • Existing clauses to be re-organised and re-worded to simplify, improve readability and achieve a more logical approach to requests to vary/extend parental leave. • A revised cl 53.13 (cl 49.13 in NTPS 2013-2017 EA) will have some minor changes to clarify that the employee is entitled to extend their initial leave period where the employee, whether entitled to 52 weeks or 3 years, has taken less than 12 months in the first instance. Under NES an employee is entitled to one extension in the first 12 months. The extension is up to 12 months from first commencing leave. All subsequent extensions/variatioins are subject to employer’s approval. • Incorporate FW Act amendments which enhance an employee’s right to request part-time work upon returning from parental leave. The employee can request to return on a part-time basis to care for the child who is of school age or younger (existing provision says “...return to work on part-time basis until the child reaches school age...”.) 	CI 49.13, 49.14 & 49.15

Current Provision: NTPS Nurses and Midwives' EA 2011-2014	Proposed Term/Condition – Explanation (Refer Relevant NTPS EA clause to preview proposed wording)	Relevant Provision: NTPS 2013-2017 Enterprise Agreement
	<ul style="list-style-type: none"> • Amend notice requirements for employee making a request to return to work to more closely reflect that in practice an employee wishing to reduce their parental leave and return to work may want to do so at any time during the leave so the key date for notice should be the date the employee wants to return to work (i.e. “preferred date of return”). • Update what constitutes ‘reasonable business grounds’ in accordance with s 76(4) FW Act/NES amendments for the purpose of considering employee’s requests to vary parental leave. This is a non-exhaustive list for instructive purposes. As per existing requirements, when considering an employee’s request to extend parental leave, return to part-time work or reduce parental leave, a CEO can only refuse such a request on ‘reasonable business grounds’. • Remove the clause (cl 53.15(e)) which referred to By-law 16 Special Leave Without Pay as an employee can make a request to his/her CEO at any time to take leave without pay under By-law 16. The Enterprise Agreement merely stated this entitlement. 	
CI 53.16	<i>Replacement Employees</i> – no substantive change – amend to better reflect new NES requirements (see s 84A of the FW Act). New wording to more clearly set out the information to be provided to a replacement employee.	CI 49.16
CI 53.17	<i>Effect of Parental Leave on Service</i> – No substantive change <ul style="list-style-type: none"> • Clarify clause 53.17(e) (see cl 49.17(e) in the NTPS 2013-2017 EA) in relation to unpaid parental leave counting for service in the situation where employee’s qualifying period ends within first 14 or 18 weeks of commencing parental leave. Clause now clearly recognises that a period of unpaid parental leave which may fall within the first 14 or 18 weeks needs to count for service in order to trigger any paid parental leave entitlement. 	CI 49.17

Current Provision: NTPS Nurses and Midwives' EA 2011-2014	Proposed Term/Condition – Explanation (Refer Relevant NTPS EA clause to preview proposed wording)	Relevant Provision: NTPS 2013-2017 Enterprise Agreement
CI 53.18	<p><i>Superannuation Contributions During Period of Parental Leave –</i></p> <ul style="list-style-type: none"> • Clarify that the superannuation contribution benefits provided under this clause are for female employees with 12 months continuous service at the time of commencing parental leave. • New provision to clarify that an employee on unpaid parental leave or half pay parental leave for the first six months, will be entitled to the amount of Employer superannuation contributions the employee would have received had the employee not been on approved parental leave. 	CI 49.18 & 49.18(c)