



2014 Log of Claims Local Government (State) Award

Part 1 Claims affecting current Award clauses

Clause 2. Statement of Intent

Claim 1: Insert the words “and facilitate” in the penultimate dot point as follows:

- ensure and facilitate flexibility for work and family responsibilities; and

Clause 6. Rates of Pay

Claim 2: Continue history of 3.25% increases each year.

Clause 7. Salary System

Claim 3: Insert a new subclause (xii) as follows:

- (xii) Where a council has failed to attract suitably qualified staff for a new or vacant position, the council shall incorporate a market component into the salary system to ensure market competitiveness and allow the council to attract suitably qualified staff.

Clause 9. Performance Evaluation and Reward

Claim 4: Delete the word “may” and replace with the word “shall” in 9C(i) as follows:

- (i) Councils shall make available access to bonus payments or other opportunities for additional reward for those employees who have progressed through the salary system to the maximum point/step for their position.

Clause 11. Payment of Employees

Claim 5: Delete the words “be entitled to” in 11(iv) as follows:

- (iv) The council shall deduct from the employee’s pay such amounts as the employee authorises in writing.

Clause 14. Allowances

Claim 6: Insert a new subclause in 14(xv) as follows:

- (c) The provisions of subclauses (a) and (b) shall continue to be observed while any employee is on extended leave for any purpose including parental leave.

Clause 15. Motor Vehicle Leaseback

Claim 7: Insert the words “before any definite decision is made to introduce any changes” at the end of 15C(iv) as follows:

- (iv) Proposals to vary leaseback vehicle arrangements, including the formula for calculating the leaseback vehicle fee shall be referred to council’s consultative committee in accordance with clause 28 of this Award, before any definite decision is made to introduce any changes.

Clause 19.B. Union Picnic Day

Claim 8: Introduce a new subclause (v) as follows:

- (v) A council shall not provide over Award entitlements under this clause by providing the picnic day to employees not entitled pursuant to this clause, unless the additional day’s public holiday or leave is provided to all employees, regardless of whether they are financial members of one of the unions party to this Award or not.

Clause 21. Flexibility for Work and Family Responsibilities

Claim 9: Insert a new subclause (i) as follows:

- (i) In recognition of the commitment to provide flexibility for work and family responsibilities and the need to retain skills and experience within the industry, councils are encouraged to develop and promote flexible work and leave arrangements to enable their employees to better manage their work and family responsibilities.

Claim 10: Renumber remaining three sub clauses.

Claim 11: Delete “may” in new 21(ii) and replace with “shall” as follows:

- (ii) A council and an employee, other than a casual, shall agree on flexible work and leave arrangements ...

Clause 24. Casual Employment

Claim 12: Introduce a minimum number of hours for casual employees.

Clause 28. Consultative Committees

Claim 13: Insert “that allow a free and frank exchange of views and allow representatives of the workforce to participate in the decision-making process of the functions identified in 28C” at the end of the first sentence in the introduction as follows:

“The parties to the Award are committed to consultative and participative processes that encourage a free and frank exchange of views and allow representatives of the workforce to participate in the decision-making process of the functions identified in 28C. ”

Claim 14: Add the words “and the council shall refer any matter which falls within the scope of the consultative committee to the committee before any definite decision is taken.” at the conclusion of the functions identified as (a) to (j) in 28C(i).

Clause 29. Appointment and Promotion

Claim 15: Add “and provide to the employee training and/or specific work to allow the employee to be regarded as a more meritorious candidate in any future application.” As follows

- (b) upon such request council shall provide the reasons in writing and provide to the employee training and/or specific work to allow the employee to be regarded as a more meritorious candidate in any future application.

Clause 35. Workplace Change and Redundancy

Claim 16: Introduce a new 35(i) Council’s Duty to Consult as follows:

(i) Council’s Duty to Consult

A council shall respect the responsibilities of the consultative committee by consulting in relation to potential decisions and/or recommended actions, particularly in relation to organisation structure, before making any definite decision.

Claim 17: Renumber existing subclauses.

Claim 18: Insert a new subparagraph (a) in 35 (vi) as follows:

- (a) This subclause shall apply where an employee is terminated by decision of the council or where the employee elects to be made redundant if the council is unable to provide a position of comparable skill and accountability levels and remuneration no less than the position previously held by the employee, or the employee rejects any lesser position.

Claim 19: Delete the words “This subclause shall apply where an employee is terminated due to redundancy” in current 35 (vi)(a) and identify that amended subclause as (b) and current (b) as (c).

Clause 40. Leave Reserved

Claim 20: Retain clause 40(vi) allowing the parties to apply to vary the Award in relation to the accreditation of council employees by the Building Professionals Board.

Part 2 Other claims

Do something to assist adopting parents

Clause 20. Leave Provisions provides at i. Adoption Leave, (ii) Pre-adoption Leave “up to 2 days paid leave.” Australia government policy has historically been hostile to adoption and as a significant number of adoptions take place overseas and require a pre-adoption visit, two days is wildly insufficient.

Claim 21: Increase the number of days available to a more realistic figure or provide no limit, subject to the presentation of evidence.

Clause 20.1. (iii) Adoption Leave provides at(a) “up to 4 weeks paid adoption leave an ordinary pay from the date the child is placed with the employee for adoption” and at (b) prohibits extension “beyond four weeks of the date of placement of the child.”

The limit of four weeks, when parents having a natural birth are entitled to 18 weeks (or potentially more under Federal Government proposals) is discriminatory and antagonistic to a practice which should be encouraged.

Claim 22: Provide a longer period of parental leave for the adoption of children under the age of five, ideally the same provisions of parental leave that apply for natural birth children.

Do something to assist those who were subjected to “Forced Adoption”

On 20 September 2012 the NSW Government issued an official policy “for past forced adoption practices in New South Wales” in both the Legislative Assembly and the Legislative Council.

In announcing the government’s intention on 4 September, the Minister for Family and Community Services said “we want as many people as possible who continue to feel pain and distress as a result of past adoption practices to witness the apology” and “while it won’t undo the wrongs of the past, an apology will offer an acknowledgement of the role of NSW governments in practices that we now recognize as wrong”.

Ms Goward said “we hope that by hearing the word sorry from the NSW Government, mothers, adopted people and their families can begin a journey of healing”.

There is no leave available in the State Award for employees who were forcibly adopted to allow them to find and reunite with their natural parents. There should be.

Claim 23: Vary the Award to provide specific leave for these purposes or access to sick leave entitlements as part of the principles of Carers' Leave.

Do something to assist healthy lifestyles and fight obesity

Australians are getting too fat and our obesity rates are higher even than those in the US. A study in November 2013 by Queensland Health found that two thirds of Queensland doctors claim to be spending almost half their time treating obesity-related conditions such as diabetes and heart disease.

Obesity and healthy lifestyles have a direct impact on work, access to sick leave and productivity.

Claim 24: Introduce measures to encourage healthy lifestyles and combat obesity by:

- providing subsidies for agreed programs of health and fitness and/or
- providing access to sick leave for seeking professional advice and developing programs to assist with healthy lifestyles and combating obesity.



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