

## Transport for NSW & Sydney Metro Statutory Authority – 2019 Award Negotiations

the PSA and combined unions met with Transport for NSW and Sydney Metro Statutory Authority representatives on Wednesday 13 February to progress negotiations regarding the Transport for NSW Salaries & Conditions of Employment Award 2017.

TfNSW has previously provided their negotiating platform to the combined unions and staff which is:

- » a 1 year award with a
- » a 2.5% pay increase
- » minor administrative changes (references to legislation or updated policies)
- » an incorporation of the Sydney Metro Statutory Authority into the Transport for NSW Award.

There currently exists a nexus of conditions between the TfNSW Award and SMSA as part of the agreement made between combined unions following its creation. SMSA is looking to formalize those arrangements.

Staff would be aware that the PSA surveyed the membership last year and there were some considerable themes that have made up the PSA and combined unions Log of Claims.

### What Have the Combined Unions Asked For?

#### Salary Increases Over 2.5%

The combined unions have asked for TfNSW to consider salary increases over that of 2.5%. This is in the context that other parts of the Transport Service have realised pay increases above that 2.5% figure. Furthermore, over the last two years,

there has been a 42% increase in the number of staff earning over \$150,000 in TfNSW. If TfNSW has this kind of money to splash on Senior Service ranks, then there should be money for Award based staff with the current top of Award scale at \$144,870.

### Information on the Make-Up of TfNSW and SMSA Workforce

According to the TfNSW Annual Report figures, there has been a considerable growth in the employment of Senior Service (42%) and Award based roles (22%). However, there are significant amounts of labour hire, and contingent labour that continue within the agency. The concern is that contingent labour is not being used in a manner that is consistent with the intent of the TfNSW Award.

### JOB Security

Even with the increases in employment there are staff that are being affected by restructuring of business units within TfNSW. PSA and combined unions consistently highlight the need for better change management processes that identify roles for staff to be redeployed into.

Previously the PSA and combined unions negotiated a clause for the adoption of a change management framework. Progress on that document has stalled as it was perceived that it wasn't delivering on the detail sought from the combined unions. Further work to provide a substantive clause is necessary.



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### Travel Passes – Extension to All Staff

Staff who transition from agencies with Travel Pass allocations continue to keep this entitlement when employed by TfNSW. The combined unions have now sought for all staff to be given the opportunity to have a travel pass. This would be a significant cost saving to staff using public transport.

### Extension of Flexible Working Practices

The PSA surveyed staff regarding the usage of Time In Lieu provisions and lost hours in December. Overwhelmingly, members reported losing hours and many were nervous to use the Time in Lieu provisions set down in the Award. The increased nature of project type employment equates to work practices that have considerable peaks and troughs. Staff found it difficult to work in a manner that did not accommodate those practices.

The current flexible working hours provisions allow for one day off per 4 week settlement period. A change considered involves a reduction of the settlement period from 4 weeks to 2 weeks. However, a better way to look at flexibility is to identify some of the other current methods that have been adopted by the NSW public service in the form of flexible working hours agreements. The examples included those Government agencies like Justice or Industry and Investment, where there is an ability to accrue up to 6 'flex' days over a 12-week settlement period. This would allow for staff to work in a manner that can deal with the increased frequencies of work, meet

business demands that are often urgent in nature and require more work at those times.

What is most important to these negotiations, is that a change in process is without employment related cost. If you only wish to work your contract of employment hours you can.

### Local Arrangements

This clause was inserted into the TfNSW Award in 2017 and allowed for the ability for TfNSW or the combined unions to enter into an agreement to augment elements of the TfNSW Award to cater for small groups of staff who want to work in a way different to that outlined in the TfNSW Award. The combined unions were seeking for some guidelines or parameters on what to expect in Local Arrangements clauses.

### Registration of Engineers

Professionals Australia has embarked on a campaign of registration of engineers and subsequently, there have been a number of states who have either adopted this system (Queensland) or in the process of adopting it (Victoria). Registration would provide the purchaser of engineering services, the confidence of quality services. It would work in the same way that resembles the registration and on-going development required by legal practitioners.

Professionals Australia is looking for an allowance to recognise the costs associated to the upkeep of the registration program.

### Disciplinary Clauses

There is currently not a lot of detail in the award (all in the policy). Combined unions want a far



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more detailed and comprehensive clause in the Award that deals with the disciplinary process (such as was negotiated in Sydney Trains).

### Maternity Leave & Altruistic Surrogacy

As per the Premier's Memorandum M2018-02-Support for employees engaged in altruistic surrogacy and permanent out of home care parenting arrangements.

Changing the language used in clause 21.6 from maternity leave to provide full gender equality in the ability to take parental leave – i.e. changing the language to primary caregiver and secondary caregiver. The current clause provides for 14 weeks paid maternity leave and 1 week Paternal Leave.

Unions request that 15 weeks paid leave in total should be available to either the Primary caregiver or the Secondary caregiver of the child concerned. If the initial primary caregiver returns to work early (before the 14 weeks of paid leave is used), the remaining weeks of paid leave should be available to the employee who was initially the secondary caregiver, but who has now become the primary caregiver.

### Domestic Violence Clause

After continuous union agitation, the NSW Government has agreed to an addition of 10 days paid domestic violence leave. This will require amendments to clause 21.19 to reflect the new entitlement as per the Premier's Memorandum M2018-03-Support for Employees Experiencing Domestic and Family Violence.

### Morning & Afternoon Tea Breaks

Paid breaks so that staff can take a short break from their workplace/workspace in order to obtain a coffee or a smoke (the PSA doesn't advise smoking) or to take medication or to make phone calls to family members. More importantly, to provide a space to clear your head and to take stock of what is required for the next portion of the day.

### Changes to when Salary Increases are Paid

Salary increases are paid every first full pay period after the enablement of the Award (usually but not limited to 1 July). The primary consideration for this was the previous massive administration costs associated with the payment of staff on two separate rates over one pay period. With new technology, this now becomes almost a click of a button. As a consequence, the combined unions are seeking payment to be made from the enablement of the Award i.e. 1st July 2019.

### So What Now?

Whilst this is not an exhaustive list at this point in time, there is considerable food for thought from the PSA and combined union membership on how to make their work life better. The PSA and combined unions have a schedule of meetings established in order to progress the negotiations with the view to reach a consent or in-principle position for the membership to vote on. Important to note that it is only members who vote on the acceptance of the Award.



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### What's the Issues?

The current NSW Government enacted the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014*. Increases in remuneration or other conditions of employment that increase employee related costs by more than 2.5 per cent per annum can only be considered where sufficient employee related cost savings have been achieved to fully offset the increased employee related costs and where this has been approved by the Cabinet Committee on Expenditure Review.

This effectively means that increasing in productivity or work value will not be taken into consideration by the Government when determining pay increases and subsequently, pay increases over 2.5% are required to be offset by the loss of conditions. Members have already provided the PSA with a clear understanding that hard won conditions will not be sold off for higher pay.

This leaves the PSA and combined unions in a position where there can't be an effective bargaining process. The only way to progress the issue of the Wages Regulation caps is to have the regulation scrapped. This is where the upcoming state election on March 23 plays its part. The PSA isn't going to tell you how to vote, but it will say one thing – to get rid of the artificial wages cap and to give public servants a decent pay rise, this NSW Government needs to be voted out.

Find out how to become involved in our *Save The State, Change The Government* campaign [HERE](#).

