

Mark Morey
Unions NSW

Via email:
Sophia.Nasser@unionsnsw.org.au

Re: Transport Award Renewals

27 June 2022

Dear Mark

I refer to negotiations between Transport for NSW and Sydney Metro (collectively '**Transport**') with the Combined Transport Unions (**CTU**) for the renewal of the Transport for NSW and Sydney Metro Salaries and Conditions Award 2021 ('**TfNSW Award**') and the Road and Maritimes Consolidated Salaried Award 2019 ('**RMS Award**') (collectively '**the Awards**').

This letter sets out the offer of Transport for New South Wales for a new Award to replace the Transport for NSW and Sydney Metro Salaries and Conditions Award 2021 ('**TfNSW Award**') and a varied Road and Maritimes Consolidated Salaried Award 2019 ('**RMS Award**').

The following variations, amendments and inclusions arranged by category constitute the offer. It is noted that any drafting to include the components of this offer in the new Awards will require review and approval by Public Sector Employee Relations.

1. Duration

A two-year period for the Awards with a nominal expiry date of 30 June 2024.

2. Wages and allowances

In accordance with approved sector bargaining parameters Transport offers the following increases to remuneration for employees covered by the Awards:

- a 3.0 per cent increase to remuneration (being a 2.53 per cent increase to salaries and salary related allowances and a 0.5 per cent increase for superannuation purposes) from the first full pay period on or after 1 July 2022, and
- a 3.0 per cent increase to remuneration (being a 2.53 per cent increase to salaries and salary related allowances and a 0.5 per cent increase for superannuation purposes) from the first full pay period on or after 1 July 2023; and
- an additional 0.5 per cent for FY2023-24 where a substantial employee contribution has been made to productivity enhancing reforms and the parties reach agreement on these reforms.

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3. Enhancements to Inclusion and Diversity and Employee Support

Transport proposes to vary the following Award provisions:

- Parental support - include the entitlements set out in *M2021-12 Paid Parental Leave* and *M2021-11 Paid Leave in the Event of a Miscarriage or Pre-Term Birth*.
- Domestic and Family Violence Support - to include the entitlements set out *M2018-03-Support for Employees Experiencing Domestic and Family Violence* and aligning to leading practice as much as possible including a new definition and principles for prevention and response.
- Administrative amendments to modernise language and promote inclusion and diversity
- Inclusion of a 'right to disconnect' provision to acknowledge the right of employees to set boundaries between work and home, without performance management or disciplinary action for failure to respond outside their regular working hours.

4. Enhancements to Flexibility

- Elevate the option currently available in the *Flexible Working Hours Agreement* for employees and managers to vary their bandwidth by including it in the Award.
- Introduction of a provision for employees who accrue more than five weeks of annual leave per annum to convert part of their accrual to pay, thereby offering equal access to cashing out leave across the Awards.

5. Harmonisation

Within the parameters of the Wages Policy, the following clauses have been harmonised:

- *Consultation and Change* provisions, specifically clause 7 of RMS Award and clause 8 of the TfNSW Award
- *Flexible Work Practices*, specifically Flexible Work Arrangements clause 21 of the TfNSW Award and the Flexible Work Practices clause 26 of the RMS Award.
- Inclusion of a statement committing to the professional development of employees in the TfNSW Award, aligning with the existing provision in the RMS Salaried Award.

6. Rostering

- Inclusion of a subclause providing for relevant employees in the Transport Management Centre to be consulted with a view to developing and implementing fatigue principles and systems and
- Revised wording to clarify shift lengths for employees on probation, training and alternative duties.

7. Partnering with CTU to address issues of concern

Transport will engage with the CTU to develop solutions to specific issues, as presented at the Joint Consultative Committee (JCC) meeting held on 20 June 2022.

The specific areas to be addressed include (see **draft JCC Plan**):

- Workload and Forfeiture of credit Flex Hours
- Consultation and Change
- Labour utilisation (including Labour Hire and Higher duties)

Transport is also committed to ongoing engagement with Unions and employee representatives on changes to policies, programs and initiatives including but not limited to:

- flexible work policies and procedures
- HVAC program,
- Wellbeing strategy; and
- Fitness for duty procedures.

7. Administrative Revisions, Corrections and Updates

The proposed Awards will contain minor revisions, corrections and updates which do not alter the substance of the clauses subject to them. These are shown in mark-up in the attached Awards.

The proposed salary increases and changes to Award provisions set out in this letter are offered on the basis that the CTU consents to the following:

- A two-year award being made for the TfNSW Award with a nominal expiry date 30 June 2024
- A variation to the RMS Salaried Award extending the nominal expiry date to 30 June 2024.

Please provide your response to this offer to Alison Phan, Senior Manager Employee Relations by close of business on 30 June 2022.

I again thank the Unions and employee representatives for the professional engagement and contributions to our Award negotiations and look forward to working closely with you over the coming months on the issues we have committed to resolve outside the Awards.

Yours faithfully

A handwritten signature in black ink, appearing to be "MD" or similar initials.

Margret Dornan
Executive Director, Business Partnering

TFNSW JOINT CONSULTATIVE COMMITTEE (JCC) PLAN

1. OBJECTIVES

The TfNSW Joint Consultative Committee (**JCC**) has been established to discuss matters of interest and concern to our people and their unions.

Its primary purpose is as a forum of accountability, particularly in relation to the implementation of the Transport and Sydney Metro Salaries and Conditions Award and, the Road and Maritime Service Consolidated Salaried Award, and the Transport for NSW and Road and Maritime Services Flexible Working Hours Agreement 2019.

2. PRINCIPLES

We will engage in a respectful manner to identify and address common areas of interest. We will be guided by data where relevant and available to inform our approach. We will work together to identify possible solutions.

3. PRIORITY AREAS

The JCC have jointly identified the following key area to work to resolve through a structured plan:

- (a) Flex Hours and Workload
- (b) Consultation and Change Management
- (c) Labour hire usage
- (d) Opportunities for higher duties assignments.

4. PLAN for Priority Areas

4.1 Flex and Workload

Priority Issue

Our people are reporting workload and flexible working hours accumulation concerns. The JCC will work together to identify prevalence and drivers of these issues and develop strategies to better support our people and leaders to manage workload and flex hours.

Outcomes

A Working Group will be formed to develop strategies to:

1. Eliminate and prevent avoidable forfeiture of flex hours.
2. Improve leaders' and our people's understanding of the following through education and communication and other relevant strategies:
 - the Flexible Working hours Agreement and relevant procedures

- how to monitor and manage flex hours to avoid forfeiture of flex hours
 - how to have quality discussions and raise concerns regarding workload and flex hours and steps available to address the issues.
3. Make available further tools to support leaders to manage workload and accrued flex hours.
 4. Establish ongoing monitoring of workload and flex hours as a standing item of JCC.

Approach

Step 1 – Current State Analysis

The following activities will be undertaken to develop an understanding of the prevalence and drivers of workload and excessive flex hours accumulation

1. Identification and analysis of available and relevant data:
 - a. forfeiture of flex hours reporting across TfNSW (noting there are some limitations on the accuracy of this data)
 - b. PMES feedback
 - c. Pulse survey results
 - d. Discussions with leaders and People and Culture Business Partners
 - e. Feedback and other data from unions

Analysis of data will be shared with unions, including transparency of relevant and available data as far as possible.

2. Development of insights:
 - a. Identification of drivers of workload and flex hours forfeiture based on analysis in Step 1.
 - b. Test insights with unions and gain feedback on any further insights
3. Development and Implementation of Solutions
 - a. JCC will identify and discuss practical and reasonable options to achieve the outcomes.
 - b. TfNSW decisions regarding the solutions to be implemented will be transparent and informed by the work in Step 3(a).
4. Ongoing Monitoring
 - a. Monitoring of flexible working hours will be a standing agenda item on JCC.
 - b. TfNSW will provide ongoing updates to inform unions of status of workload and flex hours issues and the implementation of the solutions identified at Step 3.
 - c. Discussions will be held regarding the most meaningful way to structure reporting, including use of relevant and available data.

Immediate Response to address known units/ branches of concern

The JCC has identified some units and roles which have forfeited flex in the previous settlement period. While the work above is undertaken, the following measures will be put in place to address these areas immediately:

- Leaders of the units or roles that have been identified as forfeiting flex in the settlement period ending 26 May 2022 will be asked by the Executive Director Business Partnering to have discussions with their people regarding:
 - the cause/s of the forfeiture.
 - steps to be put in place to address this in the current settlement period (ending 14 August 2022) to balance workloads and avoid employees forfeiture of flex. For example, leaders will be encouraged to consider:
 - any workload issues and what work can be paused or redistributed.
 - any support an individual may need
 - asking an employee/s to work shorter days to reduce accumulation of flex hours.
 - access to wellbeing support.
- Leaders will be asked to monitor flex sheets weekly to ensure that they are up to date, to identify early if it is projected that an employee may exceed flex hours limits and to revisit steps to reduce accumulation of hours to avoid forfeiture.
- Where there are unavoidable issues which cannot be ameliorated these issues will be identified early and consideration will be given to approving carrying additional hours over to the next period, in accordance with the 8.11 of the Flexible Working Hours Agreement 2019.
- In the event that flex hours cannot be cleared by end of the settlement period finishing on 6 November 2022, and there has been genuine attempt to address, consideration will be given to pay out any hours that would otherwise be forfeited at single time.
- TfNSW will review the flex reports at the end of the settlement period.

4.2 Consultation and Change Management

Priority Issue

Our people have raised concerns about the way consultation and change management processes associated with organisational reform have been implemented within Transport. The JCC will work together to review change management processes including consultation and the support provided to staff impacted by organisation reform

Outcomes

A working group will be formed to discuss and identify opportunities including but not limited to:

- Early engagement with our on the need for change and opportunity for genuine input
- Maximise redeployment opportunities for impacted Provision of information that is appropriate to enable meaningful consultation

Working group will be led by the Director People Transformation and Change and Director Redeployment and will report back to the JCC to monitor progress.

4.3 Utilisation of Labour (including Labour Hire and Higher Duties Opportunities)

Discussion to develop a workplan for these items will be discussed and developed at the next JCC.

5. COMPOSITION

TfNSW Members:
• Executive Director, Business Partnering, P&C
• Director, Employee Relations, P&C (Chair)
• Senior Manager, Employee Relations x 3, P&C
• Project Officer, Employee Relations, P&C
• Director P&C Business Partnering, Portfolio 3, P&C
• Director, P&C Business Partnering, Greater Sydney Operations, P&C
• Director, P&C Business Partnering, Portfolio 2, P&C
• Director, P&C Business Partnering, Portfolio 4, P&C
• Director, People Transformation & Change, P&C
• Director, Workforce Strategy & Projects, P&C
• Senior Workforce Strategy & Projects Advisor, P&C
Nominated representatives from the following Unions:
• ASU
• RTBU
• PSA
• Professionals Australia
• AMOU
• RTBU
• MUA
• AIMPE
Other TfNSW managers and guest as required.

6. JCC AND WORKING GROUP MEETINGS

1. The Committee will meet as required but not less than each quarter, with meetings arranged in July, October, January & April or as close as possible depending on business and operational requirements. Dates are to be predetermined at the first meeting to allow sufficient time for all parties to ensure availability.
2. Meetings of the Committee will not be convened / postponed without reasonable notice issued by the Chair.
3. If the Chair is absent from a meeting, the Chair will nominate an acting Chair.
4. Meetings of the Committee will be held in person. However, if necessary depending on the circumstances, may be held online via Teams or a hybrid of both.
5. Each meeting will have set agenda items and an agenda will be circulated prior to each meeting.
6. Each meeting will include status reporting on priority items as well as any other agreed standing items.

DRAFT FOR DISCUSSION