

ENTERPRISE AGREEMENT 2021 – CHANGE SUMMARY



CLAUSE	CHANGE
(1.2) PERIOD OF OPERATION	The proposed Agreement has a nominal expiry date of 30 June 2024.
(1.3) COVERAGE	Adjustment: The coverage of the Agreement has been amended. Employees employed outside of the classifications set out in the Agreement (save for Senior Executive Officers) or employees whose full time equivalent total remuneration is more than \$152,500 per year will not be covered by the Agreement. Removal: The reference to the Agreement not applying to agency staff engaged by Council has been removed as this is sufficiently addressed at clause 3.3 of the Agreement.
(1.7) DEFINITIONS	Addition: Registered Organisation as defined by the <i>Fair Work (Registered Organisations) Act 2009</i> (Cth). Addition: Casual Employee, referring to clause 3.1(b). Addition: Full Time Employee, referring to clause 3.1(b). Addition: FWC, acronym commonly used for Fair Work Commission. Addition: Part Time Employee, referring to clause 3.1(b). Addition: Permanent Employee, referring to clause 3.8. Addition: Inclusion of Easter Sunday and Grand Final Friday prescribed Public Holidays Addition: Strategy, People & Performance, defined as the team responsible for the management for human resources functions. Addition: Temporary Employee, referring to clause 3.8. Addition: Total Remuneration, referring to annualised salaries as set out in clause 4.2.3, plus superannuation.
(2.1) CONSULTATION	Adjustment: Simplification of subclause (a) to reflect the need to notify and consult with Employees likely to be affected and their Employee Representatives (if any).

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(3.1) EMPLOYMENT TYPE	Part Time - Definition / Requirements: Minor revisions to existing wording and an additional provision which confirms that the Council can offer an employee reasonable alternative hours where the employee's ordinary pattern of hours are not available for reasons outside of the Council's control. This has been included having regard to the learnings from the COVID-19 Pandemic and to support redeployment in those circumstances. Casual – Definition / Requirements: New definition of Casual for consistency with recent amendments to the <i>Fair Work Act 2009</i> (Cth) (FW Act). A new sentence has been included, which provides that the Council can waive notice of shift changes due to circumstances outside the Council's control (e.g. COVID lockdowns).
(3.6) GENDER EQUITY	Replace Clause: New clause replacing the 2020 EA clause. The new clause confirms the Council's commitment to gender and pay equity, and sets out key principles and commitments from <i>Gender Equality Act 2020</i> (Vic). The clause also provides for an employee or the Council to refer a dispute in relation to the clause to the Public Sector Gender Equality Commissioner.
(3.8) EMPLOYMENT BASIS	Addition: Definition of Trainee updated to provide that the Council: • will not dispense with the services of a permanent employee for the purpose of creating a trainee position; • will pay an employee an appropriate rate where the employee is offered further employment at the completion of a formal training program.
(3.9) PROBATION PERIOD	Adjustment: Probation period changed to six months, rather than three months, to align with the minimum period of employment to receive protection from unfair dismissal in accordance with the FW Act, and best practice approach.
(3.10) RIGHT TO REQUEST CASUAL CONVERSION	Adjustment: Clause simplified to align with the FW Act, removing the procedural steps which will be set out in an internal policy.
(3.13.1) EMPLOYEE WELLBEING	Adjustment: Removed 5% discount on top of already discounted corporate rate, to simplify the arrangement in preparation to move to a new payroll system. Salary Sacrifice matters will remain in policy/induction.
(3.14) RIGHT TO DISCONNECT	Addition: New clause, which has been introduced in recognition of the learnings arising from the COVID-19 Pandemic. The clause sets out employees' rights to disengage from work and refrain from engaging in emails, calls or other messages outside their spread of hours or while on rostered days off or leave.
(4.3*) SENIOR EXECUTIVE OFFICERS (SEO)	Moved: Clause moved from body of Agreement to Schedule 10.

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(4.2) SALARIES	Adjustment: New salary figures as per salary offer (referencing hourly rate to five decimal places).
(4.2.2) SALARY INCREASES	Addition – New clause setting out the salary increases over life of the Agreement as per salary offer, being: - Year 1: 2.3% - Year 2: 2.0% - Year 3: 2.0%
(4.2.3) ANNUALISED SALARIES	Adjustment: Removal of direct reference to higher duties as this is now incorporated in clause 4.3 Allowances.
(4.3) ALLOWANCES	Accident Make Up Pay: Moved to standalone clause – 4.11. Availability Allowance: Allowance increased by 6%. Chief Warden Allowance: Allowance increased by 6%. Engineers Instrument Allowance: Removed due to no longer being relevant or utilised. First Aid Allowance: Reworded for clarity; and allowance increased by 6%. On Call Allowance: Allowance increased by 6%. Overtime Meal Allowance: Allowance increased by 6%. Protective Clothing Allowance – Family Services Cooks: Allowance increased by 6%. Reimbursement of Expenses: Moved to standalone clause – 4.12. Site Allowance: Changed to hourly rate and increased by 6%. Special Engagement Allowance: Moved from the former clause 4.4 (Table B), and added in “(Field Employees Only)” to title, reflecting the former Table B. Supervisor Allowance: Moved to Schedule 8. Travel Allowance: The cents per kilometre reimbursement for motor vehicles 4 cylinders & less or less than 35 power mass units (pmu) increased to 80 cents per kilometre
(4.4) ALLOWANCES	Camp Allowance (Youth Services): Removed due to no longer being relevant or utilised.
<u>*Table Removed* with Allowances either removed or moved:</u>	

Dead Animals Allowance: Removed, now incorporated into Outdoor Environment & Adaptability Allowance.

Early Start Allowance: Moved to Schedule 8.

Garbage Drivers Allowance: Moved to Schedule 8 and increased by 6%.

Industry Allowance: Moved from body of Agreement, amended eligibility criteria and moved into Schedule 2, 7 and 8. Renamed as Outdoor Environmental & Adaptability Allowance. In addition, for those employees who meet the new eligibility criteria, the Allowance has increased by 10%. Anyone in receipt of the Industry Allowance at the time the Agreement is approved will transition to receive the new Environmental & Adaptability Allowance.

Maintenance Allowance: Removed allowance. Employees currently in receipt of this allowance will continue to receive the allowance at the current rate:

- until they move into a position that is not eligible to receive the allowance; or
- unless they are eligible for the new Skilled Maintenance Allowance as set out in Schedule 8, in which case they will receive that allowance instead.

Registered Plumber License Allowance: Removed due to no longer being relevant or utilised.

Seasonal Watering Allowance: Removed due to no longer being relevant or utilised.

Special Engagement Allowance: Moved to clause 4.3, added in reference to "Field Employees Only" reflecting Table B from current Agreement.

Special Maintenance Allowance: Removed allowance. Employees currently in receipt of this allowance will continue to receive the allowance at the current rate as per Schedule 8:

- until they move into a position that is not eligible to receive the allowance; or
- unless they are eligible for the new Skilled Maintenance Allowance as set out in Schedule 8, in which case they will receive that allowance instead.

Team Leader Allowance: Moved from body of Agreement into Schedule 8, updated responsibilities to include mentoring and increased rate to 3% of base rate (which is higher than current \$1 per hour). The allowance will increase each year in line with salary increases in order to reflect the new eligibility criteria.

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Trades/Tool Allowances: Removed allowance. Employees currently in receipt of the allowance will continue to receive the allowance at the current rate as per Schedule 8 until they move into a position that is not eligible to receive the allowance.

Transport of Materials Allowance: Removed due to no longer being relevant or utilised.

(4.4) SUPERANNUATION

Adjustment: clause updated to reflect changes to superannuation legislation, which require the Council to confirm with the Australian Tax Office whether new employees have an existing superannuation fund into which contributions should be made if the employee does not nominate a preferred fund. The changes are designed to reduce the number of multiple superannuation accounts held by employees as they change employment. The clause has also been updated to provide for superannuation contributions made when an employee takes a period of primary parental leave.

(4.5.3) ADULT APPRENTICES

Adjustment: Removed reference to 'Industry Allowance' and instead the clause refers to 'Any Applicable Allowance'.

(4.7) PAYROLL DEDUCTIONS

Adjustment: Entire clause reviewed and updated to reflect modernised wording and pay system. The Council will continue to facilitate payroll deductions schemes for employees that were in place prior to the commencement of this agreement provided a minimum of 20 Employees remain in the scheme. Exceptions may be approved by the Director Strategy, People & Performance.

(4.8) ANNUAL PERFORMANCE & DEVELOPMENT REVIEW PROCESS

Adjustment: Updated terminology and removed outdated language which is not reflected in current practice.

(4.9.1) SPOT BANDED POSITIONS

Adjustment: Existing clause has been replaced with a commitment to review the position descriptions (PD) of all employees who are currently spot banded over the life of the new agreement to allow full increment progression.

(4.11) ACCIDENT MAKE UP PAY

Moved: From Allowance Table in clause 4.3.

(4.12) REIMBURSEMENT OF OVERNIGHT TRAVEL EXPENSES

Moved & Adjusted: Moved from Allowance Table in clause 4.3; also updated language to reflect modern practice and utilisation.

(5.2.1) SPREAD OF HOURS (ORDINARY DAYS AND ORDINARY HOURS)

Adjustment: Amalgamation of 'Animal Information Services' and 'Local Laws', as per Schedule 6.

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Adjustment: Changed Health & Local Laws Ordinary Days to refer to Schedule 6; and Ordinary Hours to reflect daylight savings as per previous Animal Information Services.

Removal: References to 'Saleyards' removed due to the City no longer employing staff at venue.

Adjustment: Carousel and Event Employees, Community Service Employees and Leisure and Recreation Centre Employees ordinary spread of hours specified as 5.00am to 10.00pm as prescribed in the Award.

(5.3.3) PAYMENT FOR OVERTIME

Adjustment: Simplified to the effect that all overtime worked on Public Holidays by casual employees is paid at double time and a half.

(5.3.4) TIME OFF INSTEAD OF PAYMENT FOR OVERTIME (TIME IN LIEU)

Adjustment: By agreement the employee can bank TIL at a time agreed between an employee and their manager (rather than only between Christmas and New Year's Day).

(5.4) ROSTERS AND CHANGES TO ROSTERS

Adjustment: Additional wording included to reflect that an employee will be provided with a minimum of 48 hours' notice of a roster that is changed due to circumstances beyond the Council's control and for which the Council cannot be held responsible. This has been included to take into account learnings from the COVID-19 Pandemic.

(5.5.2) TEA BREAKS – FIELD EMPLOYEES

Adjustment: Reviewed wording and updated. Part time and Casual employees will be eligible for a paid 10 minute tea break when working a shift of at least three hours, or a paid 20 minute tea break when working a shift of at least six hours (compared to the previous position where a part-time or casual employee only received a tea break when working before and after a recognised tea break).

(5.8) FLEXIBLE WORK ARRANGEMENTS

Adjustment: Reviewed clause and updated to reflect modern organisational best practice, taking into consideration learnings from the COVID-19 Pandemic.

(5.8.2) INDIVIDUAL FLEXIBILITY ARRANGEMENTS

Addition: Clause separated out of previous Flexible Work Arrangements clause to recognise that the Council and an employee may make a formal individual flexibility arrangement (as opposed to more informal flexible practices in accordance with clause 5.8).

(5.8.3) TRANSITION TO RETIREMENT

Adjustment: Previous clause reviewed and new wording included to reflect modern best practice, introducing more flexibility and employee benefits such as a greater range of options to work flexibly and access to paid time off to attend appointments related to retirement planning.

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(5.9) EXEMPTIONS FROM HOURS OF WORK AND OVERTIME PROVISIONS	Addition: New exemption as per Schedule 7 of the agreement, covering Children's Crossing Supervisors.
(6.2.2) TAKING OF ANNUAL LEAVE	Addition: Clause requiring a minimum of three days' notice for blocks of annual leave greater than three days. Move: Clause 6.2.2b moved to 6.2.3 – Excessive Accumulated Leave.
(6.2.3) EXCESSIVE ACCUMULATED LEAVE	Adjustment: Wording clean up regarding the usage of Leave Management Plans. Move: 6.2.3(a) moved from 6.2.2.
(6.2.4) ANNUAL LEAVE CASH OUT	Move: Whole clause moved from 6.2.6.
(6.2.7) ANNUAL LEAVE LOADING	Addition: New sub-clause confirming that leave loading does not apply to any leave entitlement in accordance with Schedule 11.2.
(6.2.9) ANNUAL LEAVE CLAUSE REVIEW	Removal: Clause removed as the Council has now reviewed the Annual Leave section as required by the clause.
(6.3) LONG SERVICE LEAVE PROVISIONS	Adjustment: Clause adjusted to refer to the new regulations which came into effect in 2021.
(6.4.1) GENERAL PROVISIONS (PERSONAL LEAVE)	Move: Clause D - moved from previous "Sick Leave". Adjustment: Clause G - introduced a requirement for Satisfactory Evidence or Proof of Illness after a period of Annual Leave and Long Service Leave (as well as after RDOs or Public Holidays). Move: Clause I – moved from previous "Sick Leave"
(6.4.3) SPECIAL ASSISTANCE LEAVE (PERSONAL LEAVE)	Adjustment: Previously "Sick Leave", this clause is now dedicated to Special Assistance Leave. Previous "Sick Leave" provisions now added into 6.4.1. In addition, removal of ability to "donate" sick leave; rather, employees should apply for "Special Assistance Leave". Added sentence to monitor clause usage through SRCC.
(6.5) BEREAVEMENT / COMPASSIONATE LEAVE	Addition: Added clause 'd' to cover the occurrence of an employee or employee's partner's miscarriage.
(6.6.1) DEFINITIONS (PARENTAL LEAVE)	Adjustment: Changing terminology from Spouse to Partner to reflect modern organisation.

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(6.6.2) GENERAL PROVISIONS (PARENTAL LEAVE)	Removal: Clause 'd' removed due to repetition with previous clause 'e'.
(6.6.4) PRIMARY CARER (MATERNITY) LEAVE	Adjustment: Increasing the Primary Parental Leave paid component from 14 weeks to 16 weeks. Addition: New clause – a(iii) - superannuation will be paid on the full 52 weeks of parental leave, including periods of unpaid primary parental leave. Addition: New clause 'e' – introducing paid leave for surrogate carriers and receivers.
(6.6.5) SPECIAL PARENTAL LEAVE	Adjustment: Clause reworded for clarity. Inclusion of leave provisions in the case of miscarriage or stillbirth.
(6.6.6) IVF TREATMENT LEAVE	Addition: New clause regarding provision for paid leave for IVF appointments.
(6.6.8) SECONDARY CARER (PATERNITY) LEAVE	Adjustment: Increasing the Primary Parental Leave paid component from three weeks to six weeks.
(6.6.9) ADOPTION LEAVE	Addition: New clause – a(iii) - superannuation will be paid on the full 52 weeks of adoption leave, including periods of unpaid adoption leave.
(6.7.3) VOLUNTEER LEAVE	Adjustment: Clause reviewed and wording changed to make simpler and easier to read and apply.
(6.7.5) DISASTER AND EMERGENCY LEAVE	Addition: New clause which provides paid leave for employees affected by a catastrophic event which prevents the employee from being able to attend work.
(6.7.6) CULTURAL OR CEREMONIAL LEAVE	Addition: Introduction of new clause providing unpaid and paid leave for Cultural and Ceremonial purposes.
(6.7.7) DONOR LEAVE	Addition: New clause with provision for paid leave for employees to donate blood, plasma, and platelets.
(6.7.8) GENDER TRANSITION / AFFIRMATION LEAVE	Addition: New clause which provides for paid leave for employees undergoing Gender Transition or Affirmation.
(7.2) NOTICE OF TERMINATION	Adjustment: Simplification of clause with respect to employees to who this notice period clause does not apply to.

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(SCHEDULE 1 – 1.3) HOURS OF WORK AND OVERTIME	Removal: Employees will now be entitled to Overtime payments for all hours worked over 76 per fortnight / 152 per four week period.
(SCHEDULE 1 – 1.4) TYPES OF EMPLOYMENT	Adjustment: Clause adjusted to reflect learnings from the COVID-19 Pandemic, including to provide that part-time employees: - may be engaged for less than one hour in relation to classes that run for less than one hour; and - will be entitled to use accrued leave entitlements up to a maximum of 38 hours per week. Move: Moving references to ‘Rosters’ to a new standalone clause (1.5).
(SCHEDULE 1 – 1.5) ROSTERS	Addition: New clause with components from 1.4 moved. Clause based on learnings from the COVID-19 pandemic, including to provide that the Council may take steps to allocate alternative duties or redeploy employees at short notice in the case of a Government-mandated shutdown.
(SCHEDULE 1 – 1.7) CONSULTATIVE PROCESS	Addition: New clause supporting consultative meetings between Employees, management and the Union.
(SCHEDULE 1 – 1.8) RATES OF PAY	Adjustment: Wording removed referring to casual employees progressing to band 3, because casual employees do not participate in the performance cycle nor increment progression. Removal: Paragraph removed referring to casual conversion. Employees can refer to the casual conversion provisions in the body of the Agreement and the FW Act. Addition: Add paragraphs (h) and (i) to confirm loading (50%) paid to casuals for ordinary hours worked on a public holiday
(SCHEDULE 2 – 2.1) HOURS OF WORK	Adjustment: Subclause (d) reviewed and reworded for clarity and ease of application.
(SCHEDULE 2 – 2.2) COMMUNITY CARE WORKERS ROSTERING	Addition: Subclause (d) added to provide that, in the first instance, an employee should raise any concerns regarding rostering with their team leader.
(SCHEDULE 2 – 2.3) REMUNERATION	Addition: A new pay scale (including Level 2D) has been introduced for all Band 2 workers, including Community Care Workers and Food Services Assistants.

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(SCHEDULE 2 – 2.3) REMUNERATION	Addition: Subclause (h) added to confirm that Home Maintenance Workers will be paid the Outdoor Environmental & Adaptability allowance. The change is required due to the previous 'industry allowance' now being taken out of the Agreement body. The subclause refers to the allowance described in Schedule 8.
(SCHEDULE 2 – 2.5) UNIFORM	Addition: Subclause (d) added, which provides for paid time to pick up PPE for Community Care Workers. The subclause is linked to federal funding, currently lapsing at June 30 2022, unless funding is extended.
(SCHEDULE 3 – 3.2) HOURS OF WORK AND BREAKS	Addition: Subclause (b) added, which provides the minimum engagement period for casuals and part time employees will be four hours. Addition: Last sentence in subclause (d) added, bringing the total break time up to 20 minutes, as per rest of the organisation.
(SCHEDULE 3 – 3.4) REMUNERATION AND CLASSIFICATION	Adjustment: New salary figures as per salary offer.
(SCHEDULE 3 – 3.5) ALLOWANCES	Adjustment: Qualification allowances increased by salary increment. Adjustment: Team Leader Allowance changed to hourly rate and increased by salary increment. Adjustment: Uniform Allowance changed to hourly rate and corrected CPI rate put in place.
(SCHEDULE 4 – 4.5) PLANNING TIME	Removal: Removing of paragraph referencing the Early Education Employees Enterprise Agreement 2016.
(SCHEDULE 4 – 4.10) TEA BREAKS	Adjustment: Wording reviewed and updated in line with changes to the body of the Agreement.
(SCHEDULE 4 – 4.13) UNIFORM	Adjustment: Allowance moved to hourly rate and increased by 6%.
(SCHEDULE 4 – 4.16) VARYING HOURS WITH ENROLMENTS	Addition: New clause which provides that the Council cannot vary an employee's contracted ordinary hours of work unless the employee and Council agree or, where the reduction arises from a change in funding, enrolment or curriculum, the Council provides four weeks' notice consistent with the Consultation process in the body of the Agreement. The clause also provides that if employees' hours are reduced significantly without their consent, they might be entitled to redundancy pay in certain circumstances.

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(SCHEDULE 5 – 5.1) APPLICATION & DEFINITIONS

Adjustment: Clause 5.1 reviewed and updated.

Removal: The definition of Associate removed due to serving no purpose in the schedule provisions.

Adjustment: Graduate Engineer definition reviewed and wording updated.

Adjustment: Engineer definition reviewed and wording updated.

Addition: New definition added for 'Professional Engineer'

(SCHEDULE 5 – 5.4) ENGINEERS

Adjustment: Clause reviewed and updated.

(SCHEDULE 5 – 5.5) ROTATION PROGRAM

Adjustment: Last paragraph reviewed for clarity and modernised consistent with practice.

(SCHEDULE 5 – 5.6) PROFESSIONAL ENGINEERING DEVELOPMENT PROGRAM

Adjustment: Clause reviewed and amended for clarity, including removing references to specific dollar amounts allocated to programs (instead referring to 'budget' amounts).

Removal: Last paragraph removed due to not needing to specify Technologists. Council has a study policy which covers all employees in all roles.

(SCHEDULE 5 – 5.7) ACCREDITATION AND REGISTRATION OF ENGINEERS

Addition: Clause updated to include the CPD requirements of the new *Professional Engineers Registration Act 2019* (Vic).

(SCHEDULE 5 – 5.8) SUPERVISION OF ENGINEERS

Addition: Clause updated to include the supervision requirements of the new *Professional Engineers Registration Act 2019* (Vic).

(SCHEDULE 6 – 6.1) APPLICATION

Adjustment: Clause updated to set out all of the officers to whom the Schedule applies.

(SCHEDULE 6 – 6.2) HOURS OF WORK & PENALTY RATES

Addition: New clause added setting out the spread of hours and days of the week when ordinary hours can be worked for Health and Local Laws employees covered by the Schedule. In addition, the clause sets out the penalty rates for Saturdays, Sundays and Public Holidays.

(SCHEDULE 6 – 6.3) OVERTIME AND OVERTIME ROSTER

Adjustment: Clause separated from Hours of Work, and updated to apply to all employees covered by the Schedule (rather than only Parking and Animals employees).

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(SCHEDULE 6 – 6.6) ALLOWANCES	Adjustment: Clause updated to provide that all patrolling officers in Health and Local Laws will receive the Patrolling Allowance. Allowance changed from weekly to hourly, and increased by 6%.
(SCHEDULE 7) CHILDREN'S CROSSING SUPERVISORS	Addition: New Schedule dedicated to Children's Crossing Supervisors, including provisions regarding the basis of employment, hours of work, annualised salary, classifications and leave without pay.
(SCHEDULE 8) CITY SERVICES FIELD EMPLOYEES	Addition: New Schedule dedicated to Field Employees employed in City Works, Parks & Gardens and Environment & Waste setting out provisions in respect of allowances and allowance transitions.
(SCHEDULE 9) COVID-19	Addition: New Schedule acknowledging the impacts of the COVID-19 Pandemic and additional measures that the Council might take if the Victorian Government issues directions as a result of the COVID-19 Pandemic which impact the Council's ability to offer work (or the manner in which employees can perform work).
(SCHEDULE 10) SENIOR EXECUTIVE OFFICERS	Addition: New Schedule dedicated to Employees employed as Senior Executive Officers, namely addressing the terms of salary agreements.
(SCHEDULE 11) TRIAL PROVISIONS	Addition: New Schedule added to reflect new provisions to be trialled over the period of this agreement.
(SCHEDULE 12 – 12.2) MINIMUM CLASSIFICATIONS	Adjustment: Clause reviewed and updated to reflect changes in Schedule 5, Engineers and Schedule moved from Schedule 7 to Schedule 12.
OTHER	While this table sets out the key changes to your existing terms and conditions, it generally does not include any of the following: • minor re-drafting of existing provisions which do not alter the substance of your entitlements; • changes to clause numbering for existing entitlements where there are no other substantive changes to the operation of the entitlement or condition; and • minor re-drafting changes to adopt clear or simplified language which does not substantially alter entitlements. All employees are encouraged to familiarise themselves with the draft Agreement.