

POLICY NO AND TITLE	1.2.1	Conditions of employment policy
PROCEDURE	1.2.1(u)	Workplace agreements
VERSION AND DATE ADOPTED	1	adopted by Council 14 September 1999 – 498/99
RESPONSIBLE OFFICER		Manager Human Resources

Introduction

Council supports the concept of workplace bargaining and encourages management and staff to explore opportunities of implementing Workplace Agreements in accordance with Clause 32 of the Local Government (State) Award.

Council recognises that Workplace Agreements can provide continuous improvement through enhanced flexibility and efficiency in the delivery of services. Workplace Agreements are to be genuinely arrived at by negotiation without compulsion and should provide tangible benefits to employees, and residents/ratepayers through the Council.

Background

Clause 30 of the Award provides as follows:-

- i) The parties agree to review operations at Council level on an ongoing basis, with the view to providing enhanced flexibility and efficiency. The union(s) shall be advised prior to the commencement of negotiations.
- ii) The award shall apply unless varied either expressly or impliedly by such Council agreement, provided that:
 - The agreement has been genuinely arrived at by negotiation without compulsion;
 - Such agreement is consistent with the current wage fixation principles;
 - Such agreement is to provide not less than the entry level rate of pay;
 - Such agreement is processed in accordance with subclause (iii) of this clause.
- iii) Council Agreements shall be processed as follows:
 - Any agreement reached shall be committed to writing and shall include a date of operation and date of expiration;
 - The agreement shall be signed by the Council and appropriate union(s) and a copy shall be forwarded to the Local Government and Shires Associations of NSW.

Guidelines / Procedures

Issues

Council is primarily seeking to achieve improved levels of customer service, efficiencies in service delivery and reductions in operating costs. It is also seeking to recognise the efforts of employees involved in these processes by a sharing of the gains made.

Workplace Agreements may address a wide range of employment related issues. Some of the issues that may be considered are:-

- variation to working hours
- annualising of salaries to include overtime and allowances
- greater multi-skilling and multi-tasking of employees
- the introduction of continuous improvement techniques
- non-replacement of staff
- more effective utilisation of resources
- more efficient work practices
- commercially oriented styles of operation.

It can be difficult to generate ideas for change and a commonly used prompt is for employees to adopt the approach that they “own” that particular part of the business. An assessment needs to be made of the customer’s expectations, a structure and work practice developed and the right equipment/resources to perform the work most cost effectively needs to be identified.

General Criteria

The following general criteria are to be incorporated into Council workplace agreements:-

- Agreements shall provide mutual tangible and intangible benefits to Council/ratepayers and employees
 - **Tangible benefits for Council shall include:**
 - Direct cost savings.
 - Increased service levels where there is a pre-determined need for such increase(s).
 - **Intangible benefits for Council shall include:**
 - Commitment by employees to embrace adopted management/work philosophies.
 - More satisfied work-force.
 - **Tangible benefits for employees shall include:**
 - Sharing of defined savings/profits.
 - Meeting of employees’ social needs e.g working hours.
 - **Intangible benefits for employees shall include:**
 - Enhancing jobs and work environments e.g more varied jobs, more highly skilled work, more decision-making, improved communication, improved conditions, more management support, more recognition.
- Agreements shall generally incorporate lump sum payments where there is a financial payment associated with the Agreement.

Responsibilities:

Council is responsible for:

- The adoption of the total annual operating budget which includes salaries and wages
- The establishment of general criteria for workplace agreements
- The annual review of performance outputs achieved by each agreement
The endorsement or rejection of any draft agreement that fails to meet the general criteria.

General Manager is responsible for:-

- Determining whether agreements meet the established general criteria
- Endorsing Agreements prior to submission to union(s)
- Ensuring that reports detailing the performance of each Agreement are prepared annually and submitted to Council.

Senior Management Group is responsible for the analysis and assessment of draft agreements to determine that:

- corporate visions and values are met
- tangible mutual benefits exist
- costs are funded within the Council approved budget and there is no detriment to service levels

Section Managers are responsible for:

- Preparing the recommendation to the Senior Management Group for endorsement of the Agreement.
- Initiating reviews at relevant times
- Preparing the annual report on the performance of the Agreement
- Human Resources Manager is responsible for:
 - Advising staff/managers of the potential offered by Workplace Agreements
 - Facilitating the negotiation process.

Staff Consultative Committee is responsible for:-

- Reviewing the draft Agreement following the Senior Management Group stage and providing comment to the General Manager of any concerns expressed by the Committee through consensus.

Process

The following procedures for the development of a Workplace Agreement are a guide only:-

1. Preliminary discussions relating to Workplace Agreements may be initiated by either employees or management. The initiating party shall define the objectives of entering into discussions/negotiations.
2. These discussions are to involve all members of the work group that may be affected by the proposal. In cases where a particularly large number of employees are involved, the employees may nominate representatives to discuss the issues on their behalf. Employees may request the assistance of the union(s) at any stage in the process.
3. Management representatives may include the General Manager, Director and/or Manager(s) from the relevant area(s).
4. The Human Resources Manager shall act as facilitator at discussions.
5. Discussions may occur over a number of meetings and agreed outcomes should be documented. This may take the form of a draft Agreement being written for consideration by the Senior Management Group.

6. A detailed summary of the benefits to both parties is to be included in the recommendation to the Senior Management Group. The summary is to be prepared by the relevant Manager(s) and shall refer primarily to the benefits, savings or costs associated with the Agreement.
7. Once the Agreement reaches the stage where the parties have agreed in principal to the proposal, a copy of the draft Agreement will be forwarded to the relevant union(s) and the Staff Consultative Committee for comment.
8. The General Manager will consider the comments of the Union(s) and the Staff Consultative Committee before forwarding to the relevant union(s) for counter signing.
9. A copy of the signed Agreement is then to be forwarded to the Local Government and Shires Association in accordance with the Award.
10. Copies of the signed Agreement are to be held by the employees, the union(s), the relevant manager(s), the Payroll Officer and the Manager – Human Resources. A copy shall be placed on appropriate files.
11. The Manager responsible for the employees covered by the Agreement shall initiate a review of the Agreement at least two (2) months prior to the expiration of the Agreement period. The review is to adopt the same general approach as an initial proposal.

General

All employees are to be made aware of the potential offered by Workplace Agreements and the processes involved in establishing an Agreement. The Manager - Human Resources is to be responsible for conducting information sessions for all work groups to ensure that employees are given the opportunity to consider the viability of an Agreement for their area.

Checklist

The following elements should be included in Agreements:-

- Specific objectives of the Agreement
- Conditions for review
- Conditions of payment during periods of leave
- Method of payment: Council has a preference for payment of lump sum amounts
- Employment of casual/relief or replacement staff
- Change of Circumstances Clause
- Specific performance criteria
- Reference to Grievance procedures
- “Matters not covered by Agreement” Clause.

Reporting

The General Manager is to prepare an annual report to Council on the performance outcomes of each workplace agreement.