

COMPLETE ANALYSIS OF CSIRO MANAGEMENT'S PROPOSED ENTERPRISE AGREEMENT

The Staff Association has analysed CSIRO management's proposal against each of the current clauses of the CSIRO Enterprise Agreement (EA).

'Agreed': the clause is agreed because conditions and rights are retained.

'Not agreed': the clause is not agreed because conditions and rights are not retained or bargaining claims of members are not achieved.

	Agreement clause	Status	Note	Description of bargaining position, including proposed changes to current EA
1	TITLE	Agreed		
2	DATE OF OPERATION AND DURATION	Agreed		Duration is 3 years 3 months (39 months).
3	NO EXTRA CLAIMS	Agreed	Removed	Clause is agreed to be removed as workplace relations legislation now prescribes this condition.
4	PARTIES COVERED	Agreed		
5	SCOPE OF THE AGREEMENT	Agreed		
6	DEFINITIONS	Agreed	Changed	Includes an improved definition of 'partner'.
7	CONTEXT OF THIS AGREEMENT	Agreed	Changed positively	Added commitment to an inclusive work environment. Added commitment to the effective utilisation of staff capabilities: this right has been moved here from clause 85.
8	RENEWAL OF AGREEMENT	Agreed		
9	EXISTING CONDITIONS	Agreed		
10	ANTI-DISCRIMINATION	Agreed	Changed	Content is stripped from this clause. However, key conditions and rights are retained.
11	MARKET RELATED EMPLOYMENT	Agreed		
12	INDIVIDUAL FLEXIBILITY ARRANGEMENTS	Not agreed	Changed negatively	Management have proposed eight additional conditions and rights of the EA that can be traded off in an individual arrangement as long as a staff member is 'better off overall'. This is likely to result in greater numbers of staff being employed on arrangements outside the recognised pay and conditions of the EA.
13	TYPES OF EMPLOYMENT	Agreed		Right to indefinite employment as the standard form of employment has been retained.
14	WORK CLASSIFICATION STANDARDS	Not agreed	Changed negatively	Removes the right to have agreement with staff and unions to make changes to Work Classification Standards. Instead, only consultation would be required to occur before changes are put in place.
15	CASUAL EMPLOYMENT	Not agreed	Changed negatively	Removal of 662 maximum hours (per year) review mechanism could allow for greater use of casuals to perform ongoing work in place of indefinite or specified term employees.
16	ADVERTISEMENT OF VACANCIES	Not agreed	Changed negatively	Management have proposed a change to the current condition of a competitive recruitment process for indefinite positions or specified terms that are over 13 months in duration (management have proposed the duration be 18 months, not 13).
17	MEDICAL ASSESSMENTS	Agreed		
18	RESIGNATION	Agreed	Changed	Expanded to reference notice periods for termination of employment by CSIRO (an existing condition).
19	RATES OF PAY	Not agreed	Less than 1% per annum, given 3 year delay	6.5% total over the next 39 months, with no backpay/recognition of 3 year bargaining delay. Effective pay rises are no more than 1% per annum. Staff Association representatives are not agreed: the pay rises are less than cost of living increases for staff and will result in CSIRO salaries being on average 10-20% less than salaries in the university and research sectors.
20	RECOVERY OF OVERPAYMENTS	Agreed		
21	CSIRO TRAINEESHIPS	Agreed	Changed positively	Additional provision to enable trainees to be directly appointed to a CSIRO position provided they entered the organisation through a competitive process.
22	FLEXIBLE REMUNERATION PACKAGING	Agreed		
23	SUPERANNUATION	Not agreed	Claim not achieved	Clause is retained. However, the Staff Association claim that all staff receive 15.4% superannuation contributions irrespective of the choice of fund is not agreed by management.
24	OVERTIME	Agreed		
25	ENHANCED RESPONSIBILITIES ALLOWANCE	Agreed		
26	FIRST AID CERTIFICATE ALLOWANCE	Agreed	Changed positively	Clause retained and updated to recognise current qualification standards for first aid.
27	RESTRICTION DUTY	Agreed		
28	SHIFT DUTY	Agreed		
29	DIVING ALLOWANCE	Agreed	Changed	Requirement to consult staff and representatives is stripped but this right can be provided via clause 57.
30	FIELD WORK	Agreed		
31	REMOTE LOCALITIES CONDITIONS	Agreed		
32	AAHL SPECIFIC CONDITIONS	Agreed		
33	TRAVEL	Agreed	MEP not agreed	Clause is retained. However, the Staff Association claim that the minor expense payment (MEP) be increased from \$15 to \$20 is not agreed by management.
34	EXCESS TRAVELLING TIME	Agreed		
35	SUPPORTED WAGE SYSTEM	Agreed	Changed	Clause retained and updated to recognise current standards for supported wages.
36	PERFORMANCE CULTURE	Agreed		
37	ANNUAL PERFORMANCE AGREEMENT	Agreed	CCR not agreed	Clause is retained. However, the listing of representatives and other corporate citizenship roles (CCR) in EA, so that time and resources is clearly provided for these roles through the APA process is stripped.
38	CAREER MANAGEMENT, LEARNING AND DEVELOPMENT	Agreed		
39	REWARD ASSESSMENT PROCEDURES	Agreed		
40	MERIT PROMOTION	Agreed		

	Agreement clause	Status	Note	Description of bargaining position, including changes to current EA
41	APPOINTMENT, MERIT PROMOTION AND ADVANCEMENT – CSOF LEVEL 7 AND ABOVE	Not agreed	Claim not achieved	Clause is retained. However, the Staff Association claim to abolish in entirety the five yearly review process for CSOF Level 7 and above staff is not agreed by management.
42	CSOF LEVEL 3 ADVANCEMENT CRITERIA	Not agreed	Claim not achieved	Clause is retained. However, the Staff Association claim to abolish in entirety the advancement barrier for CSOF Level 3 staff is not agreed by management.
43	SUPERIOR PERFORMANCE RATING	Agreed		
44	PERFORMANCE CASH REWARDS	Agreed		
45	NON-CASH RECOGNITION REWARDS	Agreed	Changed	Content is stripped from this clause. However, key conditions and rights are retained.
46	ASSISTANCE WITH STUDIES	Agreed		
47	MANAGEMENT ACCOUNTABILITY	Agreed		
48	BUREAUCRACY	Agreed		
49	SUPPORTING INNOVATION AND CREATIVITY	Agreed		
50	SUSTAINABILITY	Agreed		
51	INDIGENOUS EMPLOYMENT STRATEGY	Agreed		
52	OUTSOURCING	Not agreed	Removed	Clause is removed in entirety, including recognition that job security is of significant concern to many staff; conditions that CSIRO-initiated decisions to outsource must be based on financial, efficiency and quality criteria; must include consideration of whether gains can be made through internal reorganisation; and must follow consultation with internal clients, staff and their representatives.
53	COMMERCIALISATION	Agreed		
54	HEALTH AND SAFETY REPRESENTATIVES	Agreed		
55	EQUITY AND DIVERSITY OFFICERS	Agreed		
56	MORAL RIGHTS	Agreed		
57	STAFF PARTICIPATION AND CONSULTATION	Not agreed	Changed negatively	Content is stripped from this clause, including conditions/definitions that are important in enforcing genuine consultation before decisions are made in CSIRO; the right to have input that must be considered by management; the right to be provided feedback plus rationale for decisions made; the right to the provision of listed demographic and employment data. However, some existing rights are retained in the EA (subclause 57k), which supplement the standard consultation provisions that are permitted by the Australian Public Service Commission in this clause.
58	FREEDOM OF ASSOCIATION	Agreed		
59	PRINCIPLES AND FACILITIES FOR WORKPLACE DELEGATES	Not agreed	Removed	Clause is removed, including commitment to facilitate communication with staff by elected workplace delegates. However, some conditions and rights are retained and moved to clause 60.
60	FACILITIES FOR REPRESENTATIVES	Not agreed	Changed negatively	Some conditions and rights are retained, however the commitment to provide access to facilities to support representatives to undertake their role is removed.
61	COLLEAGUE OFFICER	Agreed		
62	PUBLIC HOLIDAYS	Agreed		
63	DEFENCE LEAVE	Agreed	Changed	Clause retained and updated to recognise current standards for defence leave.
64	ANNUAL SHUT DOWN	Agreed	Changed	Requirement that consultation occur with staff prior to decisions being made on implementing the annual shut down is stripped but this right can be provided via clause 57.
65	MISCELLANEOUS LEAVE	Not agreed	Changed negatively	The list of categories/examples of miscellaneous leave which are considered reasonable is removed. Consequently, greater potential for misapplication. However, key enforceability of the clause is retained.
66	COMPASSIONATE LEAVE	Agreed	Domestic violence leave not agreed in EA	Clause is retained. However, new domestic and family violence leave provisions are proposed to be in CSIRO policy, not the EA.
67	JURY LEAVE	Agreed		
68	MATERNITY LEAVE	Agreed	Adoption leave not agreed in EA	Clause is retained. However, new adoption and fostering leave provisions are proposed to be in CSIRO policy, not the EA.
69	PARENTAL LEAVE (PAID)	Agreed		
70	PARENTAL LEAVE (UNPAID)	Agreed		
71	UNPAID MATERNITY AND PARENTAL LEAVE – SUPERANNUATION	Agreed		
72	LEAVE WITHOUT PAY	Agreed		
73	SICK AND CARER'S LEAVE	Agreed	Changed	Progressive accrual system to replace upfront crediting of sick and carer's leave for all staff. An additional two days leave on appointment is agreed to address potential disadvantage for new staff.
74	RECREATION LEAVE	Agreed	Changed	Senior staff leave bank provisions are stripped, however this doesn't affect the right to access this leave.
75	PART-TIME/JOB SHARE ARRANGEMENTS	Agreed		
76	RETURN FROM LENGTHY ABSENCES	Agreed		
77	CHILDCARE	Agreed		

	Agreement clause	Status	Note	Description of bargaining position, including changes to current EA
78	FACILITIES FOR NURSING MOTHERS	Agreed		
79	WORKING AWAY FROM BASE IN CSIRO	Agreed	Changed	Content is stripped from this clause. However, key conditions and rights are retained.
80	FLEXIBLE WORKING HOURS – FLEXTIME	Agreed		
81	AVERAGING PAY OVER A REDUCED WORKING YEAR	Agreed	Changed	Content is stripped from this clause. However, key conditions and rights are retained.
82	PHASED RETIREMENT OF MATURE AGED STAFF	Agreed		
83	PERMANENT RELOCATION	Agreed	Changed	Right to 12 months minimum formal notice of inter-city relocation and 3 months minimum formal notice of intra-city relocation are both stripped. However, key enforceability of formal notices and other provisions of the clause are retained.
84	ACCOMMODATION CHANGES	Agreed		
85	INTERNAL LABOUR MARKET	Agreed	Removed	Clause is agreed to be removed. However, the right to effective utilisation of staff capabilities is retained as it has been moved to be part of clause 7.
86	REVIEW OF DECISIONS TO TERMINATE EMPLOYMENT	Agreed		
87	DISPUTES CONCERNING MATTERS COVERED BY THIS AGREEMENT	Agreed		
SCH1	MANAGEMENT OF UNDERPERFORMANCE	Agreed	Changed	Content is stripped from this clause. However, key conditions and rights are retained.
SCH2	SPECIFIED TERM EMPLOYMENT	Not agreed	Changed negatively: criteria for term employment removed	Some key conditions and rights are retained, including post-doctoral fellowships, equitable treatment of staff, separation payments and rights to the review of tenure status for a staff member after both 4 and 7 years of term employment. However, the listed criteria for the use of term employment is removed, reducing the enforceability of whether an appointment at CSIRO should be indefinite or specified term. Consequently, enforceability with this clause is likely to be focussed on an assessment of whether a specified term appointment 'covers work that is clearly of a limited term nature'.
SCH3	REDEPLOYMENT AND RETRENCHMENT	Agreed	Changed	Key conditions and rights are retained. The abolition of over-67yo exclusion to redundancy entitlements is agreed. A new option to facilitate the early exit of staff who voluntarily nominate, and are approved by CSIRO for redundancy substitution, is agreed. In return, staff in this circumstance will have the protection of a minimum early retention period of 4 weeks, unless a shorter period is mutually agreed.
SCH4	GRIEVANCE PROCEDURES	Not agreed	Changed negatively: new procedure will not be in the EA	A new procedure will be developed during the life of the next EA that will implement a single procedure for both grievance matters and misconduct matters. Until a new procedure is in place, the existing Grievance Procedure (in the current EA) and the existing Misconduct Procedure (in CSIRO policy) will continue to be in application. The new 'workplace issues resolution' procedure will not be in the EA, but will be in CSIRO policy, which reduces the enforceability of grievance matters for staff. CSIRO management and Staff Association representatives will develop an enforceable memorandum of understanding to underpin the key conditions and rights to be incorporated into the new procedure.
SCH5	DUTY AT SEA	Agreed		
SCH6	CLASSIFICATION LEVEL DESCRIPTORS	Agreed		
SCH7	CSIRO SALARY SCALES	Agreed		

OVERALL: 79 AGREED 15 NOT AGREED (plus 4 matters within agreed clauses are not agreed)