



## DEFENCE UNIONS IN PHYSICAL SCIENCE AND ENGINEERING

APS952/2476  
2<sup>nd</sup> December, 2014

# WHOSE NEED IS BEING SERVED?

In its DECA News No. 22 of 19<sup>th</sup> November, Defence wrote:

“With work level standards soon to be set on an APS-wide basis in the Public Service Classification Rules 2000, **there is no longer a need for work level standards to be covered in the new DECA.**”

(Bolding added)

There are many parties with an interest in the DECA, including Defence as an employer and you as an employee. Whose “need” is being referred to?

As they say in the classics: you be the judge! The following pages of this bulletin compare certain provisions from the current DECA with (in more general terms) those proposed to date by Defence to replace them in any new agreement.

### Meanwhile....

The DECA negotiations will continue at Fisherman's Bend in Melbourne tomorrow and Thursday. The Director General of Defence's Personnel Policy and Employment Conditions emailed unions last Wednesday advising in part as follows:

*“During bargaining last week, I advised that clearance was yet to be received from the APSC [Australian Public Service Commission] for the Department of Defence proposed remuneration offer. I further advised that I was still hopeful of being in a position to table the proposed pay offer and associated productivity initiatives during bargaining on 3 & 4 Dec 2014. I additionally undertook to advise bargaining representatives a week before the next round of bargaining whether we would be in a position to table the remuneration offer or not.*

*Unfortunately Defence will not be in a position to table its proposed remuneration offer at the next round.*

*As you are aware Defence is one of a number of agencies that is currently bargaining a new agreement and seeking also clearance of their remuneration offer from the APSC. Defence continues to discuss its remuneration submission with the APSC to explain and provide additional information as needed to support the submission.”*

This means that you will not now receive a pay offer before 4<sup>th</sup> February, i.e.:

- more than seven months after the nominal expiry date of the current DECA; and
- exactly 19 months after the last general pay increase received by Defence employees.

There is no guarantee that you will receive one even then. More to the point, there is no guarantee that the offer - when it is eventually made - will be realistic, let alone acceptable.

The APSC is the custodian of the Abbott Government's public sector workplace bargaining policy.

CURRENT DECA	DEFENCE'S PROPOSALS FOR THE NEW DECA
<p><b>From Section B1 - Work Level Standards</b></p> <p>B1.1 The Defence-specific work level standards (WLS) describe the value of work at each of the eight APS levels ... Such standards maintain the integrity of work value levels.</p> <p>B1.2 The WLS were developed by a working party comprising representatives of Defence and employees ... and are promulgated within the <b>Defence Classification Manual</b>.</p> <p>B1.3 The WLS must be used in accordance with the guidance provided in the Defence Classification Manual when:</p> <ol style="list-style-type: none"> <li>a. establishing new positions;</li> <li>b. reviewing existing positions;</li> <li>c. reclassifying existing positions (to a higher or lower classification);</li> <li>d. restructuring or designing the structure of a new work area;</li> <li>e. establishing duty statements and selection criteria during the recruitment process;</li> <li>f. applying non-position based Additional Responsibility Pay (ARP) or partial-performance ARP; and</li> <li>g. investigating the establishment of a broadband.</li> </ol>	<p>Section B1 (including the three paragraphs cited opposite) would be deleted without replacement. In fact, the current Part B would be reduced from about five pages in length to one paragraph.</p>
<p><b>From Section I4 - Dispute Prevention and Settlement Procedures</b></p> <p>I4.3 Disputes about matters arising in the workplace, including disputes about the interpretation or implementation of this agreement and the NES [National Employment Standards] should be dealt with in accordance with the following process:</p> <ol style="list-style-type: none"> <li>a. ...</li> <li>b. ...</li> <li>c. ... where a dispute remains unresolved: <ol style="list-style-type: none"> <li>(i) the parties to the dispute may agree to refer the dispute to FWA [Fair Work Australia, now the Fair Work Commission]; or</li> <li>(ii) a party to the dispute may apply to FWA to conduct a dispute resolution process in accordance with the terms of this dispute prevention and settlement procedure.</li> </ol> </li> </ol>	<p>The scope of the disputes clause would be more tightly defined. It would not extend to include "matters arising in the workplace", unless they are addressed by the agreement or the NES.</p>

<p>14.12 ... FWA may deal with the dispute in two stages:</p> <ul style="list-style-type: none"> <li>a. FWA will first attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation; and</li> <li>b. If FWA is unable to resolve the dispute at the first stage, FWA may then arbitrate the dispute and make a determination that is binding on the parties.</li> </ul>	<p>This paragraph would be retained.</p>
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### Interpretation

DECA News No. 22 makes these proposed changes sound innocuous. **They are anything but!**

Sections B1 and I4 of the current DECA, read together, ultimately mean that a dispute over classification can be referred to consideration of the Fair Work Commission, a tribunal independent of the parties. If the Commission cannot assist the parties to reach agreement, it can determine the issues in dispute. This keeps both parties honest.

If reference to the Defence Classification Manual is removed from DECA and the scope of that agreement's disputes clause is narrowed as proposed by Defence, classification disputes would not be able to be referred to the Fair Work Commission. An independent view would no longer be available.

In the final result, if Defence succeeds, the Department would have exclusive control of classification levels (and, through them, your pay). Yes, you and your union could make representations to Defence - but if it chose not to listen, that would be the end of it.

