

03 November 2014

Bargaining has begun

Representatives of the ASU met with Patty Holten and Lauren Laidlaw of SMCT on Friday 31st October to discuss preliminary issues around bargaining for the next indoor agreement. The following summarises key points.

SMCT not bound by Victorian Government Industrial Relations Policy?

Contrary to recent Management Communications, Southern Metropolitan Cemeteries Trust is not a “Public Body”. Rather, SMCT is a “Public Entity.” This makes all the difference.

According to the *Public Administration Act 2004 (Vic)*, a Public Entity cannot be made subject to whole of government industrial relations policy unless the following has occurred;

- a) Extensive consultation with affected parties, including employees, about a decision to make SMCT subject to the policy has occurred,
- b) The Premier has made a recommendation that the Governor in Council, being the Minister for Health, publish an Order that SMCT be subject to the policy.
- c) The Minister for Health has published the Order in the Government Gazette.

The Premier cannot make a recommendation unless satisfied that sufficient consultation has occurred. The ASU does not believe that SMCT and or the Department of Health can show that any of these things has happened.

Unless SMCT is able to demonstrate compliance with the *Public Administration Act 2004 (Vic)* it cannot suggest that bargaining is limited by Department of Health policy. **SMCT cannot say that pay increases are limited to 2.5% and it cannot say that pay increases must be attached to “productivity improvements.”**

The *Cemeteries Act 2004 (Vic)* provides advisory powers to the Department of Health. It does not provide the Department of Health any managerial powers in relation to a Cemeteries Trust.

ASU to seek Endorsement of Statement of Claim

SMCT Management has agreed to allow the ASU access to employees to seek endorsement of the Statement of Claim. The Statement of Claim describes the ASU's priorities or claims for this round of bargaining and reflects the results of the employee survey.

The ASU will be on site on 24th November to discuss the claim, consider any amendments and to seek endorsement by vote.

Bargaining Reps must be given time to meet

SMCT has agreed that like management, employee bargaining representatives must be allowed time during work hours to meet and discuss bargaining. Employee Bargaining Representatives are also to be invited to and allowed time to participate in Bargaining meetings.

Bargaining meetings must occur during Ordinary Work hours.

Schedule

The next bargaining meeting is scheduled for 27th November. Meetings are expected to occur at least fortnightly from that date onwards.

Next Steps

Our ability to improve conditions, including pay, is only limited by the commitment and solidarity expressed by employees. Solidarity is best shown by Union Membership. **If you want a better Enterprise Agreement you must join your Union.**

Should you have any concerns or queries don't hesitate to contact ASU Organiser for SMCT, Andy Lewis as per the details below.



Andy Lewis
ASU Organiser
0409 778 890
alewis@asupsvic.org