



## MaxNetwork bargaining meeting 3

On 12 June 2014, the ASU and employee bargaining representatives met with MaxNetwork management for the third time to discuss the content of two new Enterprise Agreements for MaxNetwork employees. The current Agreement expires in July this year. It is proposed that one Agreement will cover Health staff and one Agreement will cover Employment, Training and Immigration staff.

### Underpayment issue

At the meeting on 12 June, management disclosed that they had identified less than 10 employees who had been underpaid. This has been rectified, and the relevant employees have received back pay. Employees should double check that they have been paid the correct pay rate over the last few years.

If you are an ASU member, we can check your pay rates for you. Contact your local ASU organiser or the National Office at [zedwards@asu.asn.au](mailto:zedwards@asu.asn.au)

### Wage analysis

The ASU has analysed the pay rates against the legal minimum set in the relevant Modern Awards. The Fair Work Act requires that wage rates must equal or exceed those rates in the Modern Award. MaxNetwork is proposing to introduce classifications with a pay point progression after 2 years. The relevant Modern Awards provide for pay point progression after 12 months. Therefore for MaxNetwork's pay offer to meet the legal test, it needs to meet or exceed the second pay point. You will see from the example below, that the second year progression point is exactly the same as the legal minimum under the Modern Award.

An example of this can be seen in the pay rates for Employment Consultant 1 set out below. The full analysis for Customer Service Officers, Employment Consultants and Business Manager's is available on the ASU website at [www.asu.asn.au](http://www.asu.asn.au)

You have to ask yourself - given that the MaxNetwork Group made over \$28 million net profit after tax for year ended 30 September 2013 – can they afford to pay more than the minimum Award rates?

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## Employment Consultant 1 – Wage comparison against the Award

MaxNetwork advise that the EC1 position is equal to the Training and Placement Officer, Grade 1 position in the Labour Market Assistance Industry Award.

Years of service	Proposed Agreement pay points (progress after 2 years)	Proposed Agreement weekly wage offer from 1 July 2014*	Award pay points (progress after 12 months)	2014 Weekly Award wage from 1 July 2014 (includes Leave loading)	Difference between the proposed Agreement and legal minimum
1	Pay point 1	\$847	Pay point 1	\$822	\$25
2	Pay point 1	\$847	Pay point 2	\$847	\$0
3	Pay point 2	\$866	Pay point 3	\$866	\$0

\*These wage rates are yet to be confirmed by MaxNetwork. The ASU has calculated this offer, by increasing the current offer by 3% (to reflect the National Minimum Wage increase). MaxNetwork may offer more than this, in which case the difference between the Award and Agreement will be larger.

## Meeting outcomes

The meeting last week achieved some small concessions but the key issues remain unresolved. Management refuse to include the bonus structure in the EBA, refuse to address workload issues, reject the ASU proposal of a Rostered Day Off to compensate people for the regular overtime they work, and refuse to address the issue of low wages.

### Management have agreed to:

- Introduce 1 week of supporting partner leave at the time of their child's birth. This was in response to a claim put by ASU and employee representatives.
- Introduce a domestic violence clause that will provide up to five days leave per year for people experiencing domestic violence. This was introduced in response to an ASU claim.
- Include a clause that recognises and remunerates staff for out of hours travel for work purposes (for example when travelling interstate or long distances to another office). The proposed wording has some issues, as it is discretionary and stipulates that it will not be on an hour for hour basis. Management are giving further consideration to these issues.

### Further consideration will be given to:

- Including a review or appeal right in the Agreement for reclassification decisions.
- A Workplace Health and Safety clause. Management have rejected the proposed ASU clause that would provide for a Health and Safety Representative in every office. The ASU and Management are holding further discussions before the next meeting to try and find agreement on this important issue.

### Management have rejected:

- A clause that acknowledges the role of employee bargaining representatives and union delegates and permits them to undertake their role during work time. This clause is designed to ensure that representatives can talk to their colleagues about the EBA and undertake their representative role within work time. This clause is designed to recognise the important role that Todd, Daniel, Janelle, Patrice, Alex and Shayne perform representing you in negotiations.
- A clause that required Management to consult with the Union on matters of major change.

In addition, the ASU has raised a concern that many clauses in the Agreement are discretionary and rely on the individual's ability to negotiate with their manager to secure an entitlement. Evidence suggests that women, young people, and people from some cultural backgrounds are disadvantaged in individual negotiations. The ASU believes that entitlements should be offered to everyone, to maintain equality and fairness in the workplace. Management have agreed to consider this issue and will respond at the next meeting.

### Specific issues in the Health Agreement

Progress on the Health Agreement has stalled because management are yet to finalise the proposed classification structure for Team Leaders. This was supposed to be finalised by our meeting on the 12 June.

A further discussion was had about the issue of professional development. Management have agreed to include the \$2000 professional development (PD) fund in the Agreement and allow staff to access study leave to undertake PD training. However, the ASU is still concerned that this will not address the issue of PD training taking place outside work hours or on weekends. The ASU believes this should be paid because PD training is an essential part of the job (without registration, you can't do your job!). Management are giving further consideration to this issue.

**The next meeting is 3 July 2014 in Brisbane. If you have any questions or feedback contact your local ASU organiser:**

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