

## Update No. 6

We've now had our fourth meeting with staff and union representatives, this weeks meeting was a very constructive one but it did highlight that there are some key points of difference that are worth explaining to all staff.

As you would know by now, one of the ABC's priority issues for change is our proposal to remove a range of cumbersome and detailed rules from our agreement in return for a pay rise for staff.

The focus of discussions at the moment is around the complex and detailed rules covering recruitment and performance management.

We've already explained WHY we want to remove them:

- Our industry is changing fast, and these rules are rigid and restrictive;
- All organisations across the public sector are being asked to remove such clauses;
- You have told us through the staff survey that you also find them a problem, especially performance management.

All of that should be clear by now. But now, quite understandably, the conversation has turned to what the impact will be if we do remove those rules from our agreement.

The unions are concerned on your behalf that ABC staff would lose protections – that the current "safety net" that guarantees we recruit properly and fairly and manage staff performance promptly and fairly would all disappear, leaving management free to do whatever it wants in terms of hiring, firing and managing staff.

We want to put our response to that here, and reassure you that won't be the case.

If the performance management and recruitment clauses were to be taken out of the formal union agreement, for the time being things would remain exactly the same. Staff would not see any immediate changes to the way performance management and recruitment operates at the ABC. That's because our main aim in removing them is not to abandon them, but to improve them. The ABC will take the time necessary to analyse the feedback we have already received and will continue to receive directly from staff about how you would like to see performance management and recruitment improved at the ABC. Of course management will have its own thoughts too, but we will be carefully considering staff feedback and

also looking at research into contemporary best practice in other organisations. Then – and only then - the ABC is committed to consulting with you all about any proposed improvements it plans to make to performance management and recruitment.

It is also important to note that the performance management and recruitment sections of our current agreement do not operate in isolation. Basic procedural fairness is already part of existing employment laws. The ABC will of course ensure there are appropriate avenues or process for staff to raise any concerns or grievances. In the majority of cases, staff would continue to be able access the dispute resolution provisions under the agreement. There are various other safety nets at law that will continue to underpin the agreement ensuring procedural fairness and protection from discrimination and adverse action.

So why remove these clauses? Well, the ABC fundamentally believes that to be able to develop contemporary and dynamic performance management and recruitment systems we have to make them simple, responsive and eliminate as much unnecessary process and red tape as possible, and this requires the flexibility outside of an Agreement which will not be renegotiated until 2019.

Just on a final point, there was some further discussion at this week's meeting about the ABC's decision to follow the Government's Workplace Bargaining Framework. The ABC again made it clear that as an efficient public broadcaster, aiming to maximise funds directed at audiences, the ABC will pay heed to the policy. This is consistent with the ABC Act, which requires the Board to "give consideration" to policy. Furthermore, the ABC considers that this policy is a fair and sensible way to deliver pay rises to staff and reform to our agreement.

### **Further Information**

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## **Recruitment**

Increasingly organisations are using multiple channels to recruit (different online job boards or digital specific social sites). Processes and adverts need to be mobile friendly, candidates are being sourced through social media, and the tools available are being used to accelerate the hiring process.

We can expect the volumes of candidates to increase with the reach of technology, and the ABC will need to be more proactive in sourcing high calibre candidates internally and from different places externally - also to better meet the challenge of improving diversity in our recruitment practices. The ABC is identified as a strong employer brand, and the statistics illustrated how both internally and externally there are a large number of people applying for ABC positions. And yet in some other discrete areas, roles were hard to fill or the market was very competitive.

Unfortunately, the ABC has a "one size fits all" approach to recruitment, relying on formal selection panels for many of our roles, with prescriptive, cumbersome, administrative processes. These processes are detailed at length in our agreement and the Recruitment and Selection Guidelines. This "rules based" approach to recruitment makes it difficult for both internal and external candidates and hiring managers. This often results in a long, drawn out process, delayed communications with candidates, a less than positive experience for everyone involved, meaning we sometimes lose the best person for the role and at the same time this works against our strong branding. The 300 managers involved in recruitment in 2015 would be better supported with advice, relevant recruitment technology, and e-learning not a "rule book". This would improve the experience for internal and external candidates.

Candidates are asking is this a "real" vacancy or just a process, including internal candidates who may ask if they are just being interviewed to follow the rules. Many people are kept waiting a long time to hear about the outcome of a recruitment process. The formality of a panel does not position the ABC well as a place of innovation and creativity, and facilitate great conversations.

The ABC is committed to a transparent recruitment process, based on merit, and more than one manager involved in the hiring decision. However, it's critical that the ABC's recruitment practices encompass a variety of shortlisting and selection techniques to ensure we get the best calibre of candidates for all roles this includes, spending the time in the right places, and adapting the selection strategy based on the market, the number of candidates, the role and the skills required.

## **Performance Management**

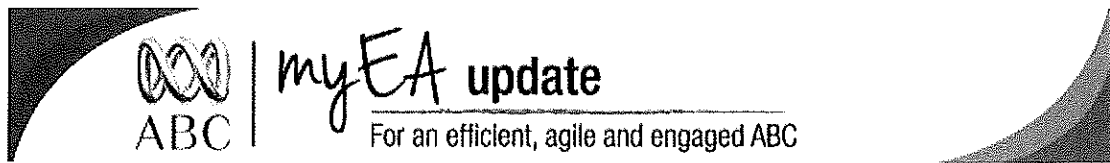
We resumed the conversation about performance management after the presentation to the Unions last week. The ABC talked through the relevant clauses which relate to performance management under the current agreement, describing

how they are restrictive or have moved out of step with contemporary practices around performance management.

The ABC then talked through a set of case studies which had been pulled together at the request of the Unions. The case studies presented a snapshot of what other organisations across different sectors are doing around performance management. The ABC were encouraged by the engagement in the room when talking through the case studies and the creative and new ways of managing performance in contemporary organisations.

The ABC are continuing to engage with our staff around performance management via the focus groups which are continuing through May. We do not have the full picture of what our staff wants from performance or what it looks like, and we will consult with staff about any proposed changes.

The ABC undertook to provide some further detail on one of the case studies, and will resume the discussions at the next meeting.



#### Update No. 7

Let's talk about PRODUCTIVITY – what it means (and what it *doesn't* mean) in the context of our employment agreement negotiations.

Yesterday we had our fifth meeting with staff and union representatives.

A lot of the discussion was about productivity. Staff and union representatives talked convincingly and at length about how ABC staff are working harder and smarter to deliver content and services to audiences on more platforms than ever before. They talked about the growing demands to work more flexibly and to deliver content on demand across the day. The strong argument from the unions was that this represents significant productivity gains that need to be recognised and rewarded.

The ABC acknowledges that our people do a fantastic job responding to changing audience demands, and that staff are working flexibly to deliver high quality content in new ways to both new and existing audiences. The challenge is to ensure we work differently, with new priorities and demands that are well managed and properly resourced. When we mention productivity offsets we do not mean additional work.

We need to ensure that as audience demands change, the ABC responds in flexible ways that ensure appropriate and manageable workflows and workloads.

As an example of that, and in response to the unions' request to see the results of the state newsroom content and staff reviews conducted by the ABC in late 2015, Craig McMurtrie, Deputy Director/ Head Newsrooms spoke to the meeting. This is the same presentation that Gaven Morris, Director News and Craig have recently rolled out to News staff. Craig gave the group an understanding of the changing landscape in which we operate, where we fit in and what we need to do in 2016 to serve audiences in the digital era. There was discussion around workflows for journalists and the ABC's prioritisation of content and stories to ensure that what is happening is a transformation rather than an intensification of workloads.

After that conversation, ABC management discussed its own views on the kind of "productivity" required to deliver pay rises. This is productivity based NOT on demanding a higher workload from staff, but on removing structural rigidities in our employment agreement. As we mentioned in a previous update, under the Government's Bargaining Policy wage increases are required to be offset by **productivity improvements**. Productivity improvements include the removal of "restrictive content" that limits our ability to operate efficiently and effectively. The "restrictive content" includes clauses around recruitment and performance management which the ABC is seeking to remove from the Agreement. The removal of this content would be a productivity offset, along with other improvements that the ABC is seeking as detailed in the ABC's Proposal. This would of course all need to be considered in the context of the Union's claims and other internal and external budgetary issues.

The ABC's main aim in removing this content from the Agreement is to improve these clauses, in consultation with all staff, and making the Agreement more efficient. [Click here for more](#)

information on the Recruitment and Performance Management discussions.

The **redundancy** clause was also discussed including the unions claim for an agreed redundancy process. The ABC agreed to consider a suggested redundancy process which the Unions will present to the ABC for discussion at our meeting in 2 weeks' time.

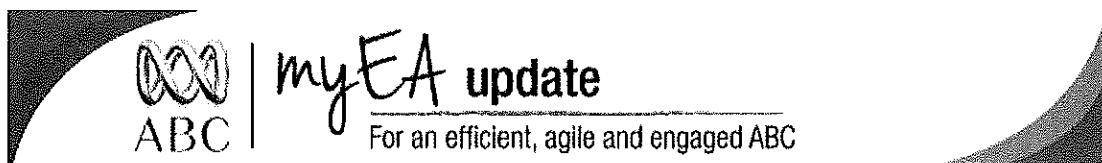
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#### Update No. 8

At the most recent bargaining meeting, discussion focussed on finances, which of course directly relate to the cost of any EA changes (such as a new leave provisions) but also any potential pay increase in a new agreement, which is understandably one of the most important issues for staff.

It's worth spending some time on this to explain the ABC's position.

To begin with, everyone agrees that **pay rises should be balanced, sustainable and reflect the value of the work and the contributions made by staff.**

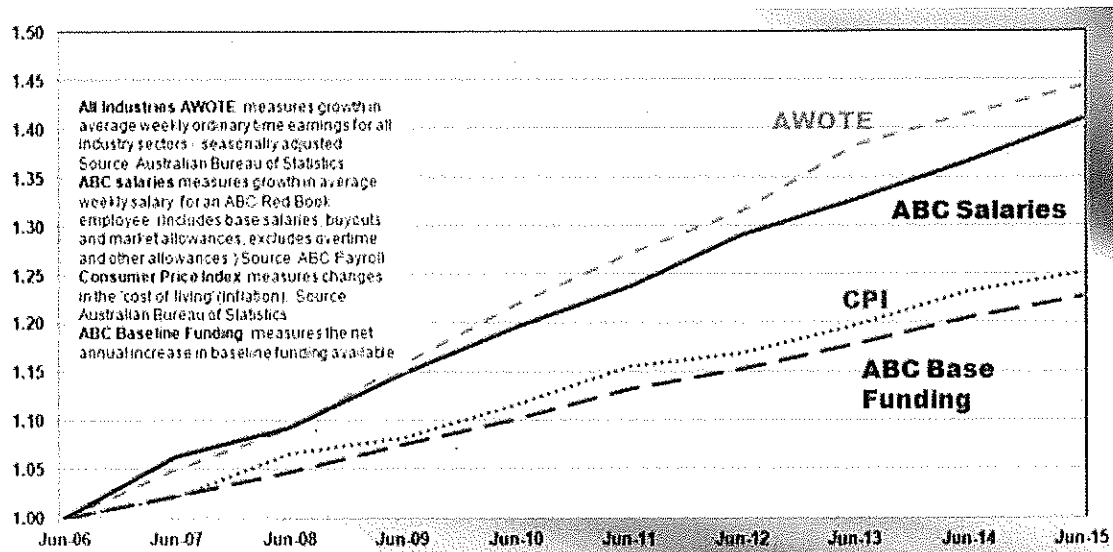
So when the ABC's Chief Operating Officer, David Pendleton addressed the meeting to spell out the tough financial environment we are working in, it wasn't an explanation for why staff should get less than they deserve because the ABC has no money. Rather, *these are* the points we sought to make:

1. We have reduced funding from the Government and long term pressures to contain costs.
2. The Government "indexes" our base funding to take account of inflation, but that indexation is significantly less than the real cost of inflation.
3. That means we will need to continue to find savings and reduce our costs over the coming years – we are going backwards just by standing still.

That is the context we operate in, using limited taxpayer funding. Given that we all agree staff need an appropriate pay rise, what should it be? The Government has imposed a rule across the public sector that pay rises which broadly keep pace with inflation can be provided in return for updating agreements to remove inflexible and restrictive clauses. That is the broad, mainstream approach across the public sector and the ABC is looking at a similar and consistent approach to that.

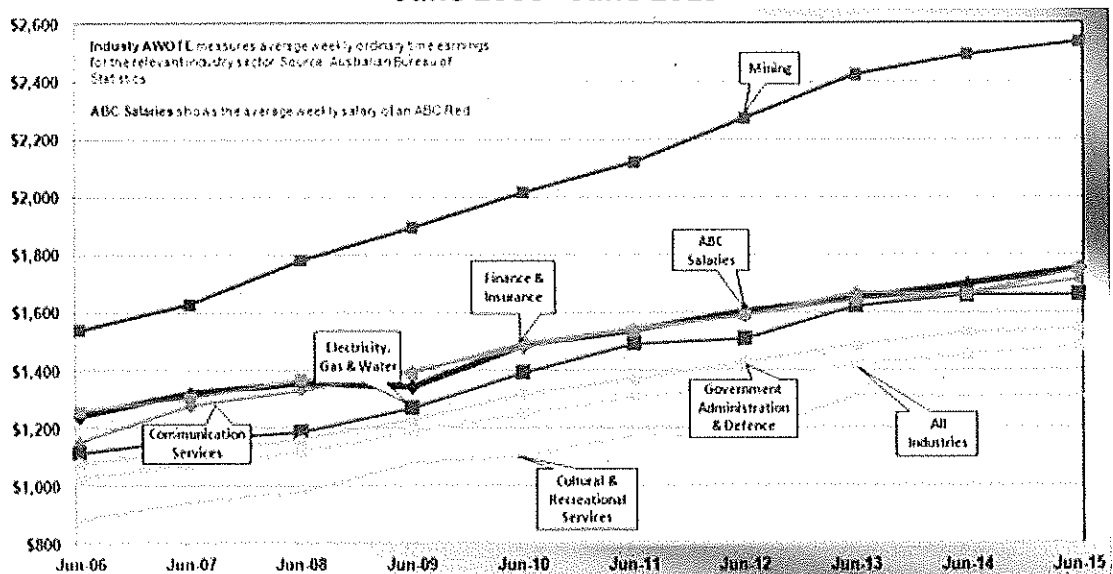
It is important to also acknowledge that, in recent years, ABC salaries across the board have been rising HIGHER than inflation and FASTER than the rest of the public sector. The ABC believes that's not a pattern that can or should continue. These graphs were provided to the meeting explaining these past trends:

## Wage / Price Increases Since June 2006



Click [here](#) to see a larger version of this graph.

## Average Weekly Ordinary Time Earnings by Industry June 2006 - June 2015



Click [here](#) to see a larger version of this graph.

And finally, we discussed formalising 'shut downs' that already happen informally in a lot of our program areas. A shut down clause would not reduce leave provisions but rather facilitate taking a proper break from work at a time where there is little or no work in the immediate work area. We want to be able to have a shut down clause to ensure people take leave when they are not required, but we will be sensible about it and give everyone lots of notice and only do it when it is clear that it is sensible to do so. This arrangement will also help to ensure staff take proper breaks throughout the year.

There will be no bargaining meeting next Monday, 23 May, at the request of the unions. However, we will resume bargaining meetings the following Monday. A quick point of clarification on the timing of a discussion that appeared in update no. 6, where we mentioned that discussions regarding the bargaining framework had occurred in the prior meeting. Whilst the framework was mentioned at that meeting, the more detailed discussions had occurred in the two meetings prior.

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## Update No. 9

Monday was our ninth bargaining meeting, and unfortunately the ABC Bargaining team felt it wasn't as productive as we had hoped. Following the Unions' request for a two week hiatus to allow them time to consult with their members on changes to performance management, they returned to the meeting to indicate they wanted to 'park' performance management and didn't want to discuss it further. The ABC Bargaining team were expecting to be presented with the PM provisions that the Unions considered to be 'safety nets' or minimum requirements to remain within the agreement.

We felt pretty disappointed, particularly given that we know how much staff would like to see changes to the system and the fact that we have given the Unions firm commitments that no changes would be made to the performance management system before we consult further with our staff. Overall we were excited by the possibilities of a system that, for example, encourages regular and more ongoing feedback, coaching and development. Given the level of prescription in the existing PM clause, removing PM is essential if we are to achieve the improvements we ultimately desire.

## Performance Management & Recruitment

Before moving on, a reminder of the external factors we must take into consideration. The Australian Public Service Commission recently reviewed our Agreement and identified several sections that should be removed – as it was content considered restrictive and adversely impacting efficient operation of the ABC. Of those sections that the APSC saw as restrictive and based on staff feedback on PM and Recruitment, the ABC decided to focus on removing them from the Agreement with a view to changing them in consultation with staff. It is rare for an enterprise agreement to have the level of prescription regarding PM and Recruitment as our Agreement. Commonly they are found in policy or guidelines. As we've said before the ABC is proposing to move these sections into Policy (like the WHS Policy and Editorial Policies). Initially you will not see any immediate change to our approach to PM and recruitment, but we desperately want the ability to make improvements to those processes based on feedback from you.

## Restrictive Work Content

As part of the discussion, the Unions again raised concerns about the ABC's decision to pay heed to the Government's Wages Policy and indicated that they held concerns regarding the ABC's independence. We made it very clear that we have been encouraged to follow the policy and are choosing to do so because, the Government is our main source of funds, the ABC Act prescribes that we operate efficiently and consider Government Policy, and because in this situation, the removal of some restrictive work content (PM & Recruitment) coincides with feedback from you. Our decision to follow the principles of the policy doesn't in anyway affect our independence nor does it have any bearing on our editorial impartiality and objectivity. We cannot though, operate in a total vacuum and must take into account the prevailing wages environment including government policy and the cuts to ABC funding.

## Safety

On Monday we were also surprised by the Unions proposed solution to their issues around safety and claims of work intensification. The Unions stated that staff are working more intensely, largely due to the

need to work on a number of platforms and that resulted in lunch breaks being missed, inadequate breaks between shifts and concerns around fatigue. Of concern was the Unions' proposed solution to these issues - an increase in penalties for staff. The ABC takes these matters very seriously, however we do not see an increase in penalties as the solution nor do we see it as meeting our obligations in terms of work, health and safety. We have requested specific information, from the Unions, regarding the areas that this is occurring, so that we can effectively deal with it. This issue is not about changes to the agreement but rather how it is applied and the solutions to this are multifaceted, including a review of buyouts, training on the recently launched Fit for Work policy which includes guidance on how to effectively manage workload, review of rosters etc. The ABC is committed to continuing these discussions; however we feel that it is more appropriate to do so outside of the enterprise negotiations.

#### **Two other issues that were discussed:**

- The proposal to amend the clause about working arrangements for rostered employees; the ABC is proposing to change Clause 27.2 and Clause 28.2, which currently requires employees to agree to change from a 2 week to a 4 week roster, or from a 4 week to a 2 week roster. The ABC considers this to be necessary to better align rosters to operational requirements; and
- Proposal to reduce minimum daily hours for Schedule A staff: The ABC is proposing to reduce the minimum call for Schedule A employees from 7 hours to 4 hours, bringing it in line with Schedule B employees. This would also allow us to cope with the peaks and troughs of work at the ABC and would enable us to better share the workload between staff.

#### **Next Steps**

We are now less than 4 weeks out from the expiry of the agreement and we are working hard to discuss fully all the issues so that we understand where we stand on the various claims, can account for any costs, and make a wages offer to staff.

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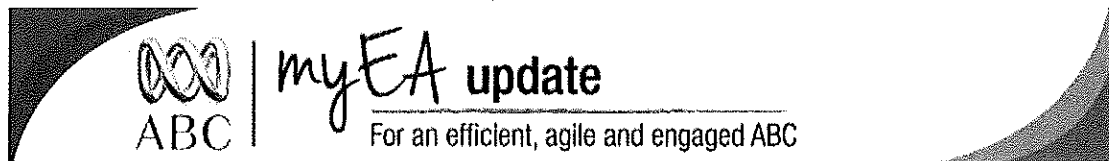
My EA Update #4

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## **Update No. 10**

A brief update this week on Monday's bargaining meeting. Here are the highlights:

### **Wages Offer**

The ABC again encouraged the Unions to talk to their remaining claims, as we are preparing to put forward the ABC's wages offer, and we need to understand where we've landed on the various issues (including the cost of any Union claims), before we can make an offer. We are hoping to do that before this agreement expires on June 30.

### **Shut Down clause**

We discussed further the 'shut down' clause, which would facilitate staff taking their leave during production breaks (including Christmas / New Year period) and at other times where there is little or no work to do. The ABC made a commitment to an approach that would cap the minimum and maximum amount of leave that could be prescribed for a 'shut down' purpose. We will also continue to explore ways of ensuring, particularly for the less obvious 'down time period' (for example, period other than the Christmas /New Year production break), that staff have plenty of notice and other mechanisms in place so there is minimal impact on staff.

### **Casuals**

The ABC and Unions made a commitment to continue discussing the Unions claim for an increase to the casual loading from 20% to 25% and the ABC's request to be able to engage casuals, when it is agreed, for less than the 4 hours (to a minimum of 2 hours). The Unions raised some concerns about staff perceptions that the ABC was casualising its workforce – the ABC was able to talk to the current data which shows the number of casual employees is the lowest it has been in 3 years.

### **Performance**

Finally, although at the previous meeting the Unions asked to 'park' discussions on performance management and recruitment, the ABC reminded the Unions it's a priority for the ABC and its staff and that we would continue to raise these important issues for discussion.

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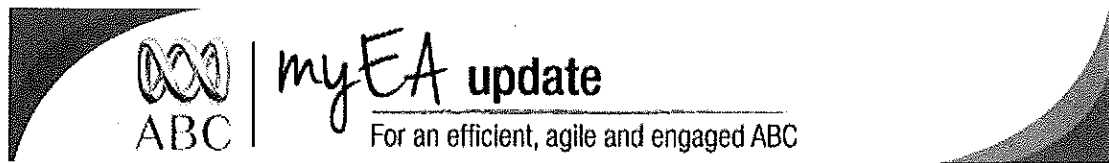
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## Update No. 11

At Tuesday's bargaining meeting we discussed many of the outstanding claims. We now have just a few remaining for discussion. Unfortunately, as we are moving closer to better understanding the specifics and potential impact of the Union's Log of Claims, the Unions insisted that they were unable to consult, or discuss, the various issues with their members until the ABC has made a wages offer. So we found ourselves at a bit of a sticking point. The ABC will continue to encourage discussion on all the outstanding matters, because we are keen to understand where we've landed on each of the issues and the possible associated costs. We want to do this so that we are soon able to put a responsible wages offer to staff: an offer that we can afford, and importantly, recognises the contributions that all staff make to the operations of the ABC.

In a nutshell, here are some of the key issues we discussed on Tuesday....

### **Additional Paid Maternity and Spouse/Partner Leave**

The Unions are seeking an increase to paid maternity leave from 14 weeks to 26 weeks. They have also requested an increase to Supporting/Partner leave from 2 weeks to 6 weeks. The ABC is keen to look at this area, as we are committed to ensuring our staff have access to paid time off during this special time. While we currently provide maternity and Spouse/Partner leave in excess of community standards, we are willing to consider an increase to this leave. It's important to note though, an increase to 26 weeks maternity leave would obviously have a significant impact on the ABC's cost base and would be taken into account alongside the broader wages offer the ABC is able to make.

### **Shift Penalties (Schedules A and B) - A Holistic Approach**

The Unions are seeking an increase to the penalty currently paid to Schedule B staff who commence their shift between 2am and 4am. The ABC is keen to look at this particular situation – which affects a small but important group of staff. The unions have not provided guidance on what they think the penalties should be, but we note that the EA already makes provision for increased penalties for regular overnight work. We think this leads to a discussion about the issue of shift penalties more broadly. It would be great to find a balance between compensating those staff who work 'unsociable hours' and a penalties structure that supports staff and managers to meet the demands of our audience.

We have proposed a change to the Monday to Friday 15% shift penalty, and have suggested that payment for this work should be for the hours worked within the penalty window only, and not the hours that fall outside the window. It seems unfair that, as an example, one person who starts half an hour earlier than another receives a 15% penalty for their full shift while their colleague receives only the base rate. Even though the employee has only worked 30 mins within the shift penalty window, the remainder of their shift is worked during normal daily hours. We know this would have an impact on staff, and we have heard from many of you about this issue. We have made a commitment to explore ways we could minimise the impact on staff. One possible solution might be increasing the loading paid for the 'more unsociable' hours within the window. No doubt there are other possibilities as well. We hope the discussion about this will continue.

### **Superannuation when accessing unpaid Parental Leave**

On Tuesday, the Unions clarified their claim in relation to employees being paid superannuation during unpaid parental leave. When this claim was first made, the ABC confirmed that we do pay these entitlements according to the relevant rules of the Commonwealth fund which allows for such payment. At this week's meeting the Unions let us know that the request extends to staff that opt to pay into a non-Commonwealth fund. We have indicated that we are willing to cost this claim and discuss it further, however again this would represent an additional cost to the ABC and will need to be considered as part of our overall offer.

### **Television Co-Productions**

The Unions are seeking to have a clause inserted into the Agreement which commits the ABC to maintaining dialogue with them about staffing arrangements for television co-productions in the context of career development for ABC staff. We agreed to look into and consider this request.

### **Learning and Development (L&D)/Career Pathway**

There was quite a lot of discussion around this issue – some of it constructive and engaging. The Unions have made two specific claims regarding training:

1. The inclusion in the Agreement of the need for a six monthly review of individual development plans to ensure that training that is agreed to within the plans, occurs. The ABC will consider this request.
2. That the ABC record the training attended by staff in a number of different categories: compliance, skills development, and career development. The ABC advised that we thought it may be difficult to achieve this, that it is potentially a subjective way to categorise L&D and that we already have a comprehensive database that records the L&D activities of our staff. That said, we agreed to look at the current recording and reporting to see if what has been requested is possible or if there is a more effective way of including extra detail into our existing reporting.

### **Next Meeting**

Our next meeting is scheduled for Monday. We are confident we can find some middle ground on some of the outstanding issues - or at best understanding comprehensively the Union's claim- so that we can get cracking on putting together a suitable wages offer. We hope to be able make the offer within the next few weeks.

### **Further Information**

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## **Update No. 12**

This week's meeting with the Unions and staff delegates was a productive one. We moved another step closer to understanding the extent of the Union's claims and where we may land on some of the ABC's proposed changes to the Agreement. We expect that we will soon be able to combine all of this, with other information such as your thoughts on improving performance management and recruitment along with the current financial situation, in order to make a realistic, overall EA offer which includes a wage rise.

Monday's discussion gave us a better understanding of the various issues; however it did highlight those, some of which are priority issues, that still require further discussion. As a result of Monday's run through of all the issues, we now have a list of actions for both the ABC and Unions to complete as soon as possible and on the agenda for discussion at our next meeting.

Some of the highlights from the meeting include:

### **Redundancy / Redeployment**

The ABC confirmed that it does not agree to a mandatory voluntary redundancy process in the Agreement. To remain relevant in this fast paced, dynamic industry we must be able to select the staff for the future based on their skills. However, the ABC committed to considering the other part of this claim by the Unions, that is, amendments to redeployment. The ABC is waiting on the Unions to provide this information for its consideration.

### **Performance Management**

The Unions said that they are on board with making changes to performance management (PM), if the changes are made within the Agreement. While the ABC believes that to enable the future improvements that staff are seeking it needs to be removed from the Agreement. Ideally, it would be placed into Policy so that appropriate changes can be made in consultation with staff. But in an effort to progress the discussions the ABC is considering, in consultation with staff, some safeguards pertaining to PM, which could remain within the Agreement and which will give staff some comfort around issues such as procedural fairness. We hope to discuss this with the unions next week.

### **Recruitment**

The ABC re-iterated the reasons why removing the Recruitment clause is a priority issue for us. We want to have flexibility in recruitment, based on the merit principle and procedural fairness. The current recruitment system needs to be overhauled so that we can have an improved contemporary recruitment process. The Unions said that they are happy to discuss a streamlined recruitment process within the Agreement and are considering whether any part of the Recruitment clause can be removed.

### **Time off in lieu of overtime (TOIL)**

The Unions said that there is confusion about the operation of this clause and that some people do not understand that any TOIL is taken by Agreement. We took the opportunity to clarify that currently TOIL is taken by mutual agreement and paid on an hour for hour basis. In other words, if an employee does not wish to take TOIL they can be paid overtime. The Unions' claim is for TOIL to be paid out at overtime rates. The ABC explained that this would incur additional costs. TOIL is paid

at ordinary time rates because of the costs associated with backfilling people's roles when they have time off. We believe this issue can be resolved by improving the understanding of how the existing TOIL provisions operate.

#### **Next Meeting**

Our next meeting is scheduled for Monday. As we said in our last update, we are confident that we can find some middle ground on some of the outstanding issues - or at best understanding comprehensively the Union's claim- so that we can get cracking on putting together a wages offer. We hope to be able make the offer within the next few weeks.

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- Other divisions –(email [myea@abc.net.au](mailto:myea@abc.net.au))

#### **Previous EA updates**

[My EA Update #1](#)

[My EA Update #2](#)

[My EA Update #3](#)

[My EA Update #4](#)

[My EA Update #5](#)

[My EA Update #6](#)

[My EA Update #7](#)

[My EA Update #8](#)

[My EA Update #9](#)

[My EA Update #10](#)

[My EA Update #11](#)



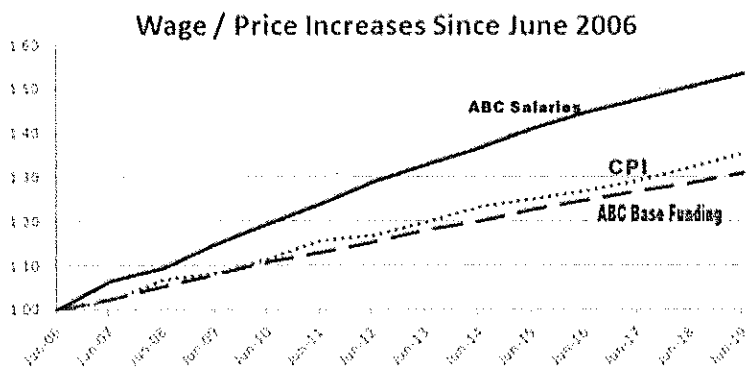
## My EA #13

The outcomes of this week's bargaining meeting were mixed. We had hoped to make further progress on a number of key areas discussed at previous meetings, such as the proposed shut down clause. The Unions indicated last week that they would consult their members about these issues and come back to us. However, on Monday, the Unions and staff delegates advised that they will not consider the ABC's proposed changes without having a wages offer and a commitment to back pay on the table.

From the outset, we've been open and transparent with staff and the unions, especially in regards to the ABC's tight budget, and how that has to be considered in relation to any offer, including any wage rise, that it can put to staff. A few weeks ago, the ABC's Chief Operating Officer, David Pendleton gave the Unions and staff delegates a detailed presentation on the current budgetary climate in which we operate, and this was communicated to all staff in *MyEA* Update #8 in mid-May 2016. The situation has not changed.

The ABC has only one bucket of money in which to fund not only a wages offer, but any other increase in staff entitlements, such as Parental Leave, the introduction of Family Violence Leave and the casual loading. We cannot do this without making other changes within the EA that removes restrictive clauses and enable the ABC to be more flexible and efficient in how we operate.

We reminded the unions and staff delegates at the meeting that we are not starting from scratch, the Agreement contains a generous set of terms and conditions of employment, and wage growth over several years for ABC staff has well exceed both CPI and the ABC's funding as shown in the graph below. Click [here](#) to see a larger version of this graph.



We are continuing to listen to the Unions and staff delegates about possible changes and improvements that we can make to the Agreement. We are very mindful that our Agreement is due to expire soon and we are hope that the Unions and staff delegates can provide us with firmer feedback on the various issues under discussion, so that we make a wages offer within the next few weeks. The ABC does not want to see any further delay to these discussions and putting a realistic and responsible offer out to staff.

## Recruitment

We made some progress on recruitment. Importantly, the ABC and the unions agreed that the key principles of merit, fairness, transparency and accountability that underpin recruitment will remain, regardless of what changes are made in the EA or the guidelines. These principles are combined with the ABC's continued commitment to ensure that our staff are made aware of upcoming opportunities. The unions will be providing more detail in writing - we are hoping to receive this within the next day or so, to be in a position to consider prior to our next Monday's meeting.

The ABC listened to the Unions proposed amendments to the recruitment clauses in the Agreement and the Recruitment and Selection Guidelines (Guidelines). Although the Guidelines sit outside of the Agreement, they are intrinsically linked to the recruitment clauses contained in the Agreement. The proposed amendments are a step forward, but only a small step. To achieve the level of improvements necessary to establish a contemporary recruitment system, the prescriptive recruitment section of our Agreement, like performance management, needs to come out of the Agreement.

Other topics of discussion included:

#### **Higher Duties Allowance (HDA)**

The unions have proposed a change to the HDA clause that would see staff paid HDA for days worked on a regular, non-consecutive basis, over the course of a year, when they are operationally required to perform work at a higher band. We are willing to consider this proposal, but it is important that the parameters are clear to ensure this is applied correctly; for example, stating that it applies to the same position each time and performing the entire role, and putting in a place a pre approval process so that both the manager and staff member knows that the higher level work will count towards payment of HDA at the end of the calendar year and is not part of an employee's agreed development to be considered for review at appraisal time. The discussions are continuing around the finer details of this possible change.

#### **Job Security**

We discussed some new clauses that the Unions have proposed to address job security concerns of their members, including a new requirement for managers to initiate conversion of contract staff to ongoing employment. The ABC considers the current Agreement clauses are appropriate. Those clauses, introduced during the last round of negotiations, specifically provide contract staff with the right to request the ABC consider converting their employment status to ongoing.

We know that in practice the conversion is often initiated by the manager when it is appropriate to do so, but acknowledge that this can be complex depending on individual circumstances. We are keen to avoid setting up a system that would require managers to undertake reviews at times when it is not necessary to do so. We are working to reduce the administrative burden on all ABC staff, rather than increase the level of bureaucracy.

The ABC has, however, committed to rolling out 'forms of employment' training to managers, which has been provided in previous years, to ensure all managers understand the circumstances in which conversion to ongoing employment is appropriate.

#### **Rostering Arrangements**

The Unions have raised concerns around rostering arrangements across the ABC and requested that the Agreement includes a provision for the ABC's WHS team to audit these on an annual basis. We believe that this requirement would place an unrealistic administrative burden on the ABC and as discussions progressed it became clear that the issues are broader than WHS and pertain to certain areas of the ABC. We are committed to ensuring that those staff responsible for rostering

understand not only the requirements already contained in the EA, but are further educated on how shift work and roster changes can impact on staff from a wellbeing perspective. In March we launched the *Fit for Work* Policy, the content of which is informed by the Safe Work Australia Guidelines on Fatigue Management, and as part of the education on this policy, we have committed to extending this to include training on how to apply the Fit for Work policy when rostering our staff.

We also highlighted that staff already have a number of mechanisms available to them to raise rostering concerns, including lodging a hazard/incident in WorkSafe, contacting their Division Health & Safety Representative, contacting their ABC People representative or raising the matter through the ABC's grievance resolution process.

#### **Next Meeting**

Our next meeting is scheduled for Monday, where we are hoping to be able to discuss all outstanding issues and by the end of the meeting have a firm understanding of where we've landed.

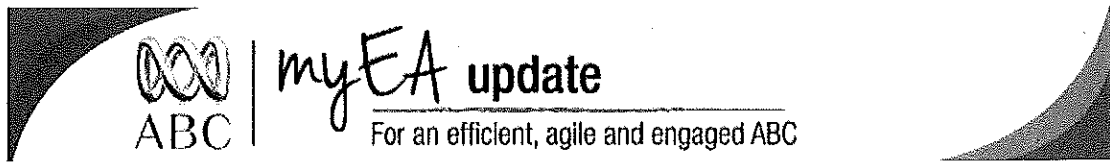
#### **Further Information**

Thank you again for your ongoing feedback and involvement in this important process and we encourage you to continue to send any questions or suggestions through to the My EA email address or contact your divisional representative:

- Shane McLeod & Rebecca Matthews (News)
- Stephen Murray & Gabrielle Cambridge (TV)
- Cath Hurley (Regional)
- Chris Scaddan (Radio)
- Tara Hester (Audience & Marketing)
- Other divisions –(email [myea@abc.net.au](mailto:myea@abc.net.au))

#### **Previous EA updates**

Click [here](#) to see previous EA updates.



#### My EA #14

We can confirm that we are now close to being able to make a wages offer to staff as we hope to have talked through all the outstanding issues by the end of next Monday's meeting.

#### Performance Management

As we've said to you previously, we want to see performance management removed from the Agreement and moved into policy, so that we can develop a better system in consultation with staff. However, in an effort to take on board the concerns raised by the Unions and staff delegates, and in an effort to progress the bargaining conversation, we have revised our position to consider retaining some minimum requirements within the Agreement such as:

- at least one, annual performance review;
- regular tracking and feedback;
- rating system and links to pay; and
- a more streamlined underperformance process.

Given feedback from the Performance Focus Groups, we also proposed removing the P rating so that employees can be re-classified as part of the existing job design process sooner, rather than having to work to a higher band for a year before being promoted.

We also proposed changing the current UP rating (underperformance) to MM (mostly meets). The existing rating system does not provide for instances where an employee may not have met all the requirements of the role, so the only option would be to give the individual a UP rating. In instances where someone might be developing into a new role, we feel this does not foster improved performance or provide encouragement to the employee.

The unions have committed to considering these proposed changes and to providing feedback at next week's meeting.

#### Redundancy and Redeployment

We again confirmed that while the ABC is unable to agree to a voluntary redundancy process and that we're not pursuing any change to the existing redundancy process, we are willing to consider other proposed changes. A reminder, the existing Agreement clauses require the ABC to consult with staff each and every time regarding both the proposed change and the proposed redundancy process. We have been waiting for the Unions and staff delegates to provide proposed changes for consideration, but we have yet to receive it.

This week the Unions asked the ABC to provide them with a new redundancy process. This request took us by surprise as the ABC is not seeking changes to the current provisions, and had

not committed to doing this. It is the Unions, as part of their initial claim, that are proposing to change the current provisions within the Agreement, not the ABC. We have committed to discussing an alternative redeployment process, but need the unions to provide the details so we can engage in a meaningful discussion with them.

### **Shift Penalties**

As you know, we would like to explore options to change how penalties are applied, we are keen to achieve a more equitable outcome for those staff who work across different shifts. We are also keen to move to a system that provides greater compensation for those staff that work the more unsociable hours rather than paying a loading for ordinary daily hours. The ABC has also listened to the Union's and staff delegates claim to increase the loading paid to staff working between 2am and 4am.

On Monday, the ABC presented an alternative model for discussion:

- Increase penalties for Schedule A staff from 15% to 30% between 10pm – 12am;
- Increase penalties for Schedule B staff from 15% to 50% between 12am – 6am;
- Increase penalties for Schedule B (Rural) staff to 50% between midnight – 6am; and
- Hours worked outside of the penalty window will not incur penalties.

We recognise for some staff this proposed change will have a financial impact, so we are committed to exploring ways that we can minimise any adverse impact. We discussed with the unions the idea of possibly introducing this change gradually, or putting in place a compensation payment to minimise any impact on staff. The challenge will be to balance the need to achieve equity for those staff rostered to work unsociable hours with an affordable and fair penalty structure.

### **Further Information**

Thank you again for your ongoing feedback and involvement in this important process and we encourage you to continue to send any questions or suggestions through to the My EA email address or contact your divisional representative:

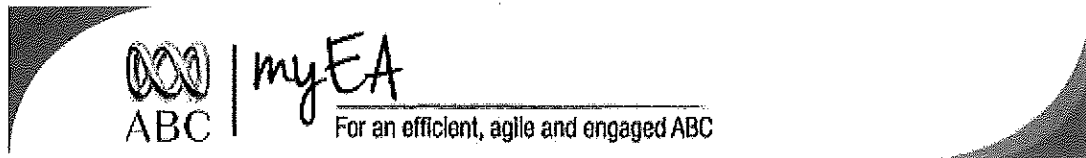
- Shane McLeod & Rebecca Matthews (News)
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- Cath Hurley (Regional)
- Chris Scaddan (Radio)
- Tara Hester (Audience & Marketing)
- Other divisions –(email [myea@abc.net.au](mailto:myea@abc.net.au))

### **Previous EA updates**

Click [here](#) to see previous EA updates.

**From** Rebekah Donaldson  
**To** Rebekah Donaldson  
**Cc**  
**Subject** Your wage offer

**Date** Monday, 18 July 2016 3:53:16 PM



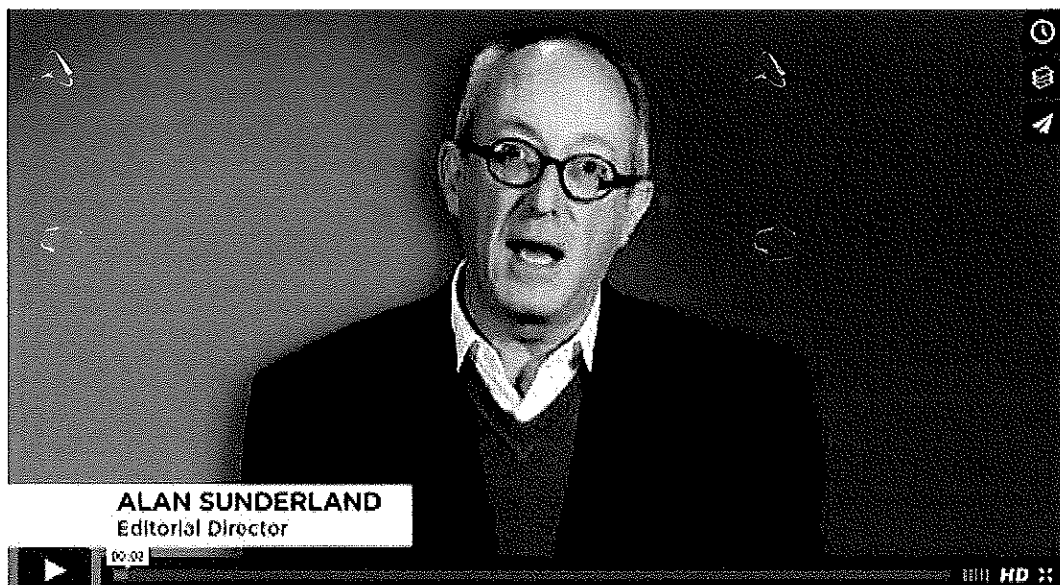
Dear colleagues

At our Redbook enterprise bargaining meeting this morning the ABC made a wages offer to staff delegates and Unions. The offer includes:

- a wage rise of 2% each year for three years;
- backpay; and
- 2% bonus for high performers at the top of their band.

Members of the ABC Executive have put together three short videos explaining the Offer and what it means for you.

In the first video, Alan Sunderland, Editorial Director, explains the background and provides an overview of the offer.



To hear from [Gaven Morris, Director News](#) and [Fiona Reynolds, Director Regional](#), who will provide more information on the offer, visit the ABC's [MyEA Intranet page](#)

**These videos are confidential and for ABC staff use only.**

**What happens next?**

First of all, you are also invited to join us in a Yammer Q&A session on the enterprise negotiations to ask any questions or provide any thoughts or comments.

**Yammer Q&A session****Tuesday 19 July****1.30 – 2.30pm**

To participate in the Yammer session:

- You will need to create or log into your Yammer account. If you have forgotten your Yammer password or are having trouble logging in, you can find more information [here](#).
- You must join the [MyEA Yammer group](#) to post your questions

If you can't make the Yammer session, a list of [FAQs](#) is available on the intranet.

Or alternatively, if you have any further questions or would like to provide feedback I encourage you to talk to your manager or contact one of the following divisional representatives on the ABC's Bargaining team:

- Shane McLeod & Rebecca Matthews (News)
- Stephen Murray & Gabrielle Cambridge (TV)
- Cath Hurley (Regional)
- Chris Scaddan (Radio)
- Tara Hester (Audience & Marketing)

You may also send any queries through to the [MyEA](#) mailbox.

We think that this offer is a good one, which is fair and reasonable for our staff, and is sustainable for the ABC overall. We will continue to talk to you, unions and staff delegates over the coming weeks, and we hope to have an 'in principle' agreement to this offer by mid August.

I encourage you to watch the videos and read about the ABC's offer so that you can make an informed decision.

Regards,

**Rebekah Donaldson**

A/ Director ABC People



## The ABC's Offer - FAQs

1. Will I receive a pay increase under the ABC's offer?
2. What is "in principle" agreement?
3. How has the ABC determined the wages offer?
4. Are you offering back pay?
5. When will we receive back pay?
6. When will I be asked to vote? Why should I keep informed of the bargaining process?
7. What if we don't reach "in principle" agreement with the unions?

### ADDITIONAL FAQs ON DETAILS OF THE OFFER

8. Why does the ABC need to make changes to Performance Management and Recruitment?
9. Why has the ABC followed the Government's Workplace Bargaining Framework?
10. What is restrictive content?
11. What happened to the shift penalty changes?
12. Does the shut down clause mean I will have to take all my leave when my manager asks me to?

#### 1. Will I receive a pay increase under the ABC's offer?

For employees covered by the proposed enterprise agreement (the EA) the ABC has offered a 2% pay increase each year for 3 years from the first full pay period after 1 July 2016 if 'in principle' agreement is reached with the Unions on or before 8 August 2016. It's a package offer, inclusive of other proposed changes to the EA and some new benefits. The removal of performance management and recruitment, whilst retaining some safeguards, underpins the 2% pay rise.

#### 2. What is 'in principle' agreement?

Over the next 3 weeks the ABC, Unions and staff will continue to discuss the enterprise agreement including the details of the ABC's offer. On or before 8 August, the Unions will advise us whether they are prepared to provide 'in principle' - support for the ABC's offer and recommend it to members when it comes to the formal voting process. If we reach 'in principle' agreement staff will then be asked to vote on the proposed new EA.

#### 3. How has the ABC determined the wages offer?

We considered a range of important factors, including:

- recognition of your contributions to serving ABC audiences over the last 3 years;
- the changes you've asked us to make to the existing EA;
- feedback received through the Staff Engagement Survey;
- the unions' claims;
- enabling future improvements to various workplace practices such as Recruitment; and
- internal and external financial considerations such as our funding (including budget cuts and our base line funding which is indexed below inflation) and CPI (which currently sits at 1.3%), and that we have to be responsible and sustainable in what we offer.

The ABC was also cognisant of the maximum wage rise payable to Australian Public Sector staff under the Government's Workplace Bargaining policy, which is 2% each year, for three years (or total of 6% over 3 years) in return for removal of "restrictive content" from Agreements.

In recognising your contribution to our audiences, the ABC acknowledges that our staff do a fantastic job responding to changing audience demands, and that staff are working flexibly to deliver high quality content in new ways to both new and existing audiences. The challenge is to ensure we work differently, with new priorities and demands that are well managed and properly resourced.

#### **4. Are you offering back-pay?**

Yes, we have offered back-pay of the full 2% from the first pay period after 1 July 2016 if 'in principle' agreement is reached by 8 August 2016. In other words, the 2% pay rise is effective from the first pay period after 1 July 2016.

#### **5. When will we receive our back-pay?**

There are a number of steps we must follow before we are able to implement the new EA including any wage rise and back pay. If we reach 'in principle' agreement, we will be in touch about the next steps in relation to the staff vote. If we receive a majority "yes" vote for the Agreement, we then need to apply to the Fair Work Commission to have the Agreement approved. Once the Agreement is passed by the Fair Work Commission we will be able to begin processing the new pay rates and back pay.

#### **6. When will I be asked to vote? Why should I keep informed of the bargaining process?**

All staff covered by the EA will be asked to vote on the proposed new EA. We will be in touch with further details on the voting process. In the mean time, remaining informed is important if you want to know of any changes to current conditions being proposed, how the changes might affect you, and have the opportunity to provide your feedback.

#### **7. What if we don't reach "in principle" agreement with the unions or the proposed new EA is voted down?**

If the Unions do not provide "in principle" agreement, we may not be able to progress the offer as it stands. The ABC will need to consider its options and will be in touch regularly to advise you about what happens next.

If we reach "in principle" agreement, the proposed new EA goes to a vote. If the new EA is voted down by staff, we would need to start again or may take a pause in bargaining while we consider next steps. This will mean the 2% pay increase plus back pay and other terms currently on offer may not be offered again.

**8. Why does the ABC need to make changes to recruitment and performance management in the Agreement?**

Your feedback has been overwhelmingly in favour of improving both our performance management (PM) and recruitment systems at the ABC. In particular, we heard that staff want the ABC to better reward high performers and manage poor performers. Changes to recruitment mean we remain committed to advertising in most circumstances, and a selection process which involves more people than just the hiring manager. Given the high volume of applicants at the ABC, we need to move to more contemporary recruitment practices and remove overly prescriptive selection processes and rules.

Also, we were recently advised by the Public Sector Commission (the Commission) that we need to remove a swag of clauses and sections from our EA, that are considered "restrictive". This means they are onerous and cumbersome and are better dealt with in policy or procedures. The list of clauses highlighted by the Commission was long and included Performance Management and Recruitment. However, given your feedback we decided to focus on those two. To enable improvement, we'd like to have the flexibility of having them out of the EA and into Policy where we can change and adapt them in consultation with you over the coming years. That said, we have listened to staff and the unions and proposed that we retain some safeguards in the new agreement.

**9. Why has the ABC followed the Government Bargaining Framework?**

The ABC has been strongly encouraged to follow the Government's Workplace Bargaining framework. We aren't bound by it but we are required to consider it and be cognisant of it. The framework provides for wage increases but requires that they be offset by productivity improvements, that is, the removal of 'restrictive content'.

**10. What is restrictive content?**

"Restrictive content" is things in the Enterprise Agreement that confine the ability of the ABC to operate effectively and efficiently, such as clauses around recruitment and performance management. They are clauses or provisions which are onerous, often contain administrative procedure or aspirational goals and which are better placed in policy or are dealt with by legislation.

**11. What happened to the proposed changes to shift penalties? Do they form part of the Offer?**

No, shift penalty changes do not form part of the offer.

As we operate in a converged 24/7 media environment, we had a look what other media organisations are doing in an attempt to ensure our working arrangements are aligned with contemporary industry and community standards. We initially thought it appropriate that our pay structures reflect that and considered making changes to shift penalties. Our proposal was based on compensating employees for the most unsociable hours while not paying penalties on ordinary hours of work. However, after hearing feedback from staff and unions we have decided to take the proposed changes to shift penalties off the table and out of our offer.

**12. Does the Shut Down clause mean I have to take all my leave when my manager asks me to?**

The proposed shut down clause facilitates staff taking leave during production breaks or other periods where there is little or no work to do such as the Christmas and New Year period. This is already happening in many areas by mutual agreement. The clause caps the amount of leave an employee can be asked to take during these periods and the ABC will be required to notify staff months in advance of any "shut down" period'.

Page last updated 28 September 2016 | Author: Administrator

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**From** Rebekah Donaldson  
**To** Rebekah Donaldson  
**Cc**  
**Subject** Wages Offer

**Date** Friday, 22 July 2016 11:03:47 AM

Dear colleagues

Firstly, I would like to thank you for taking the time to watch the videos explaining the wages offer and your invaluable feedback over the last few days. The feedback has been constructive and positive and has informed the development of some further FAQs.

Many of you have asked, "when and how do I vote".

While we believe that the offer on the table is a good one for all staff and the ABC as a whole, we are still in the bargaining period and will continue to discuss the Agreement and our offer with staff delegates and the Unions. We are hoping that we will be able to reach in principle agreement on or before the 8 August and will then be in touch with more information about the voting process.

People have also been asking "why do we need the Unions' agreement to the offer?". You'll remember that when we commenced bargaining we sent a notice of representational rights advising you about the bargaining representative process. We are required to negotiate with bargaining representatives about the agreement – and the CPSU and the MEAA are default bargaining representatives in relation to the Enterprise Agreement. Other staff are able to nominate as bargaining representatives if they wish (as set out in the notice of representational rights).

In any event, as we have been at pains to highlight, we are keen for your thoughts and ideas and encourage you to keep sending them through, by contacting the ABC's Bargaining team, [MyEA](#) or a member of the ABC People team. You can also choose to provide your feedback to the bargaining representatives.

For more detailed information on the offer, the [new FAQs](#) (on Our Wage Offer/Cost of Living, Travel Allowance, Rostering Changes and Back pay) and a [Fact Sheet on Performance Management and Recruitment](#), please visit our [MyEA Intranet page](#).



Rebekah Donaldson  
A/Director ABC People

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## Additional FAQs

### FREQUENTLY ASKED QUESTIONS

1. Will my rights change if parts of performance management and recruitment are moved from the EA into policy?
2. Is it true that the ABC's wage offer is not keeping up with the cost of living?
3. Why is the ABC moving travel allowance from the EA to the Travel Policy? Do these changes mean that employees will be out of pocket?
4. Why are changes, to whether someone is on a two or four week roster, required?
5. What are the changes proposed to minimum daily shifts for Schedule A staff? How will this change my shift patterns?
6. Why do we only get back-pay if we get in principle agreement by 8 August 2016, when our Agreement ran out in July 2016, but executives got back-pay for months?

#### **1. Will my rights change if parts of performance management and recruitment are moved from the EA into policy?**

Your rights with respect to Performance Management and Recruitment will remain largely unchanged. The parts of Recruitment and Performance Management that will be moved into policy are mostly process driven, and the ABC has committed to maintaining principles and certain safeguards for both Performance Management and Recruitment (as outlined below).

The proposal to take the more process related provisions out of the EA is so that we can continue to talk with you over the coming months and years about improvements to these systems and adapt them as our organisation and industry changes.

It is rare for an enterprise agreement to contain the level of prescription around Performance Management and Recruitment as currently exists in our EA. We have also had advice from the Australian Public Sector Commission to remove these sections entirely from our EA, but as a result of feedback from staff and Unions and to provide some reassurance, we have chosen to leave in some core conditions (or safeguards).

#### ***PM and Recruitment clauses remaining in the EA***

The following, existing obligations around Performance Management will remain in the EA (recently referred to as 'safeguards'), and more information on the Performance Management and Recruitment can be found [here](#) [PDF 443 Kb]:

- Appraisal outcomes linked to pay (such as automatic increments for Band 1-6 for an 'M' rating)
- A 12 month cycle;
- Regular and ongoing feedback;
- An annual Appraisal meeting, this is as a minimum but we are encouraging of more frequent feedback;
- Ratings (with the introduction of a new 'MM' rating and removal of the P rating);
- An appeal process; and
- A managing underperformance process.

In terms of recruitment, the majority of the Recruitment clause will remain including the commitments to advertising vacancies and the selection process for long term vacancies.



## **2. Is it true that the ABC's wages offer is not keeping up with the cost of living?**

No – that is not true.

The current, actual CPI figure sits at 1.3% - it is at historically low levels, so too is wage growth across the board. There may be parts of Australia where a higher, local CPI exists, however we are a national organisation with over 4,000 staff across the country and funding based on national indexation – we cannot sustain a wage increase based on any inflated, local CPI figures.

Importantly though, this is a package offer, that not only includes a wage rise, but also a 2% bonus for those staff who are sitting at the top of their band and receive an 'E' rating for their performance. We're also increasing leave entitlements, the casual loading and putting in place commitments to improve rostering practices, rights for staff to deal with workload concerns and a forum to deal with learning and development concerns. In addition to the 2% wage rise, and the 2% bonus, increments (i.e. moving up points within a band) for an appraisal outcome will also continue to be paid to many staff which is equivalent to an additional 2% to 3% for each point.

As you all know, we're not starting from scratch. Our EA already provides a generous set of terms and conditions of employment. Furthermore, ABC wage growth has risen steadily and well in excess of CPI and our base line funding over several years. The ABC needs to strike a balance between an appropriate wage rise that recognises staff contribution and a wage rise that we can sustain.

Finally, we cannot ignore the Government Bargaining Framework which currently applies to all Australian Public Sector employees and sets a 2% per year cap on wage rises in return for the removal of restrictive content from EAs.

With respect to the CPI forecasts, there are predictions that there may be a modest increase to 2% during 2016/2017 and a possibly 2.25% during 2017/2018. Taking into account the combination of performance increments, as well as the 2% offer, most employees will still be well ahead of these predictions.



## **3. Why is the ABC moving travel allowance from the EA to the Travel Policy? Do these changes mean that employees will be out of pocket?**

The ABC is proposing to move the domestic and international travel allowances from the EA into the Travel Policy. The ABC's Travel Policy is a comprehensive policy document that has governed travel at the ABC for many years now and deals with all aspects of travel for business purposes.

Currently, the domestic travel allowance is for an employee who undertakes travel on official ABC business. The allowance is to cover the cost of meals and incidental expenses and is calculated in accordance with ATO rates. The overseas travel allowance is paid in respect of meals, incidental expenses, transport and accommodation expenses in accordance with the overseas travel guidelines.

At first, the ABC proposes to move the travel allowances to policy without making any changes. With the advent of new technologies there are opportunities to make the administration of travel more efficient and less onerous for staff. The ABC wants the ability to explore these more efficient ways of administering the travel allowance and that means that the travel allowance needs to be in policy so that we can explore these new technologies over the next three years. It should be noted that it is unlikely that the ABC would move to a reimbursement based model given potential administrative inefficiencies. In any event, the ABC would never move to a system that would require staff to use their own money to cover travel costs and be out of pocket.



#### **4. Why are changes to whether someone is on a two or four week roster required?**

Currently, rostered employees can have either a two week or a four week roster. The arrangement of hours for these rosters is determined by agreement between management and a defined group of employees or an individual employee. The proposed change is to provide greater flexibility so that where necessary we can move employees from a 2 week to a 4 week roster, or from a 4 week to a 2 week roster, based on operational needs. The requirement for the ABC to consider the need for employees to balance their work and family responsibilities as well as the ABC's 'duty of care' will remain in the EA.

This change does not mean that we will be chopping and changing roster cycles. But rather, if all employees in the one work area are not on the same cycle, local management may decide that it's more operationally sustainable to have all staff on the same roster cycle. To do this, managers will have to consult with the relevant staff, taking into consideration the factors mentioned earlier regarding any such change. We think there are situations where it is better to align rosters to operational requirements and have colleagues who work in the same area and perform similar jobs are working the same roster arrangements.

#### **5. What are the changes proposed to minimum daily shifts for Schedule A staff? How will this change my shift patterns?**

The ABC's offer includes reducing the minimum call for Schedule A employees from 7 hours to 4 hours. This change will bring Schedule A minimum daily hours in line with Schedule B employees. Also, these minimum daily hours already apply to some Schedule A staff. The minimum 4 hour daily shift currently applies to staff presenting / producing radio shifts in certain circumstances (e.g. on weekends, public holidays, outside broadcasts, or the recording of live music productions).

The proposed change would allow us to cope better with peaks and troughs of work at the ABC, and where necessary, share the workload between employees. Employees would be advised of any changes to rosters ahead of time in accordance with the normal EA requirements. This change does not reduce employee's contracted hours overall, but would place them elsewhere within your working week.

In making any changes we would consider employees need to balance their home, work and family responsibilities, as well

as any Work Health and Safety considerations.



**6. Why do we only get back-pay if we get in principle agreement by 8 August 2016, when our EA ran out in July 2016, but executives got back-pay for months?**

In an effort to progress the negotiations, facilitate reaching agreement and to provide you with some certainty on your future conditions including wages, as soon as possible, we set a 3 week timeframe to reach "in principle" agreement with the Unions. We think three weeks is a reasonable period for the unions to consult with their members regarding the offer and for us to explain it to all staff and consider their feedback. As you know, we have been meeting and discussing all these issues for 16 weeks now. Even though the Government's Wages policy stipulates that there should be no back pay we have decided that, in an attempt to achieve agreement, we can afford to offer back pay for a period of time.

We have had a few questions about the Senior Executive ("SE") Agreement.

It is a one-year agreement, expiring in March 2017. It provides two pay rises over a 21 month period.

The first pay rise of 1.5% was applicable from July 2015 and was 1% less than the increase paid under the red book for the same period.

The second pay increase of 2% applicable from 30 November 2015 was paid to executives who received an M, E or O rating in their performance appraisal for the 2015 performance cycle

The pay rises provided under the SE Agreement work out to be less than 3.5% over the 21 month period and are balanced by some key offsets:

- Executives earning above a set amount were removed from the SE Agreement entirely – none of the agreement increases applied to these executives;
- reduced redundancy provisions for new Executives; and
- consolidating two agreements into one

As performance management and recruitment already sit outside the executive agreement and are managed in policy and guidelines, there were no changes sought on these.

The ABC and Union started negotiations for a new the SE Agreement on 24 June 2015 and the ABC made an offer to Executives and Unions on 11 November 2015. This offer included back pay if 'in principle' agreement could be reached by 30 November 2015 (approximately 3 weeks after the offer) and we did reach in principle agreement by that date. Because executive negotiations started later in the year, the time elapsed between date of effect for increases and the date of effect of the agreement resulted in a number of months back pay. However, the period of time allowed to reach in principle agreement was the same as is currently being offered to Red Book staff.



Page last updated 28 September 2016 | Author: Administrator

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# PM and Recruitment

## Performance Management

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Although the ABC's initial proposal was to remove Performance Management and Recruitment entirely from the EA, we've listened to staff and Union feedback. As a result, we have agreed to retain core conditions or safeguards in the EA, streamline parts of Performance Management and Recruitment where we consider these to be unnecessarily long or repetitive, and move the administrative processes into Policy.

In terms of Performance Management, the following safeguards will remain in the EA:

- **Performance Management cycle:** this will remain a 12 month period during which the employee's job is planned, regular feedback is given and received, and the employee's performance is formally appraised;
- **Tracking and Feedback:** The manager and employee will monitor progress and provide ongoing feedback throughout the performance cycle on what has been achieved against the Job Plan;
- **Appraisal Meeting:** At least once a year, the employee and manager will meet formally to review an employees' performance and development over the previous cycle;
- **Appraisal ratings and outcomes:**
  - The ABC is proposing to maintain the automatic increase for M rating, the current description for the U, M and E ratings.
  - The proposed change from a UP rating to a new MM rating (Meets Most) is a more constructive way to deal with a situation when an employee is not meeting all of the requirements of their role.
  - The ABC is proposing to remove the P rating, so that employees do not have to be job planned and work to a position for full year before being promoted to this role. This would allow managers to promote employees to a role more quickly where the ABC requires the work to be performed at a higher level.
  - Eligibility requirements for an appraisal outcome remain the same.

**Streamline sections on managing underperformance and dispute resolution:** The overwhelming feedback from the staff survey was that the ABC does not currently manage underperformers well. By merging clause 23.5 and 24 into one section, the ABC will maintain a clear process for improving underperformance. And by removing the duplication currently in both clauses, it will be easier for both staff and managers to navigate. For dispute resolution, the ABC is proposing to retain this through the Personal Grievance Resolution process in the EA.



## Recruitment

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Similar to performance management, the ABC thinks that recruitment processes can be improved all the time, and having so much of them locked down in an Enterprise Agreement limits this. Any processes would be set down in ABC Policy, which is part of a big framework of operational rules at the ABC. Changes to recruitment mean we remain committed to advertising in most circumstances, and a selection process which involves more people than just the hiring manager. Given the high volume of applicants at the ABC, we need to move to more contemporary recruitment practices and remove overly prescriptive selection processes and rules.

As part of the proposal, the ABC is planning to retain the following conditions in the Agreement:

- Recruitment Guidelines will remain, but these will no longer be an agreed document with the unions;
- Commitment to advertise vacancies would remain in the agreement, as would the current exclusions to vacancies being advertised;
- Selection for vacancies greater than 12 months would remain within the Agreement. A selection panel will be formed in all cases, except for the exclusions currently in the Agreement and the Recruitment and Selection Guidelines. The current exemptions in the Enterprise Agreement will continue to apply; and
- A right of appeal against a selection decision will remain in the Agreement under the ABC's offer, and the process will fall within the Grievance Resolution Guidelines.

The ABC believes that the proposal to remove the bureaucratic processes while maintaining safeguards in the Agreement is a win-win proposition. The parts that are put into ABC policy will sit alongside other policies, such as Editorial Policies, WHS and travel entitlements, and the ABC will consult with employees over any proposed changes. This achieves a more flexible and streamlined agreement, and also means that the ABC can explore some of the new and flexible ways to make these systems work better.

**From:** Rebekah Donaldson  
**Sent:** Thursday, 28 July 2016 6:11 PM  
**To:** Rebekah Donaldson <Donaldson.Rebekah@abc.net.au>  
**Subject:** SYDNEY ALL STAFF MEETINGS REDBOOK NEGOTIATIONS [ABC-PAL.FID5606]

Members of the ABC Executive team including: Sam Liston , Alan Sunderland, Michael Mason, Gaven Morris, Richard Finlayson and Dave Pendleton will be available to answer any questions you have in relation to the ABC's recent offer.

We are holding two all staff meetings for people in Sydney.

Details are as follows:

**Date:** 2 August 2016

**Times:** 11am for 11.15am start - 12pm  
2pm for 2.15pm start - 3pm

**Location:** Eugene Goosens Hall, Ground Floor, Ultimo A

If you would rather send your questions in advance please send them to MyEA and indicate that you would like them answered on the day and which meeting you will be attending.

Thanks, Rebekah



Rebekah Donaldson  
A/Director ABC People

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P +61 2 8333 4489 E [donaldson.rebekah@abc.net.au](mailto:donaldson.rebekah@abc.net.au)  
M +61 0408 244 249 F +61 2 8333 5108



## My EA #15

Yesterday's meeting with the Unions, the 18<sup>th</sup> meeting, was on the whole a productive one. We were very keen to hear from the Unions about the feedback they have received from their members in relation to the ABC's Offer. We explained that all that we have heard has been largely positive, we also explained the areas that we have had some questions about and provided an overview of the areas around which we have developed further [FAQs](#).

The Unions advised that they think there is confusion amongst members about the process and in particular the vote. We think it's important to make it clear that we are not at the point of going to a vote on a new agreement at this stage. Currently, we are still seeking "in principle" agreement with Unions by 8 August 2016. A vote on a new agreement will be held if we reach "in principle" agreement and once we have finalised the drafting of the new agreement. If we proceed to a vote we will provide you with access to the new agreement along with further detailed information about the proposed Agreement and how it changes from the current agreement.

If we don't reach "in principle" agreement, we will need to decide what to do next and we will be in touch with more information. We have a few options: have a pause in negotiations and then commence again, re-commence negotiations straight away beginning from scratch or, put the current offer to a staff vote without agreement from the Unions. These are all things that we will have to weigh up if we don't get "in principle" agreement. It's a decision we hope we don't have to make because we think we have made a good offer and are keen for "in principle" agreement.

The Unions advised that there is some confusion around what remains in the proposed Agreement in relation to **Performance Management** and how it differs from what is currently in there. We strongly encourage you to look at the specifics, what we currently have in the Agreement and what we are proposing to leave in the Agreement. By clicking [here](#) you will see the proposed draft Performance Management clause and you will see that largely your conditions will remain. The process parts, the when we do things, the how we do things will be moved into policy. We have committed to consulting with you on any future changes.

Similar concerns were raised about **recruitment**, so just to ensure you have all the information you need we have provided the draft proposed Recruitment clause [here](#). Again you will see that the majority of the Recruitment clause that sits in the existing Agreement will remain in the proposed new Agreement.

Finally, the Unions advised that they have had questions in relation to the proposed **shut down provisions** and in particular how many times the provisions can be used by the ABC. We confirmed that it can only be used for any employee once a year. We also highlighted that any shutdown period would be arranged in discussions with staff, with 1 month's notice for Christmas periods and 2 months notice at other times and in circumstances where it is reasonable. In relation to "reasonableness", one example highlighted by the Unions was where an employee may be getting married and have a planned honeymoon in a particular year and may be saving their leave for that special occasion. In those circumstances we said it may not be reasonable to apply the shutdown provisions. We highlighted to the Unions that we are simply seeking to have staff take leave at

periods when there is little or no work to be undertaken and the situations when a shutdown provision may be appropriate varies across work areas.

Finally, we reminded the Unions and the staff delegates that we firmly believe for all the reasons that we have highlighted previously this is a good offer. In addition to a 2% pay rise, where CPI continues to decline (now at 1.1%) and the govt capping APS wage rises by up to 2% with the removal of restrictive content, the ABC has committed to:

- Backpay to 1 July;
- Expanding the pay increases associated with the performance management system by continuing the automatic increases and introducing a new 2% bonus for staff at the top of their band;
- Increasing the casual loading from 20% to 25%;
- Increasing the maternity leave and spouse/partner leave entitlement; and
- Introducing a new form of Family Violence Leave.

#### **Further Information**

Thank you again for your ongoing feedback and involvement in this important process and we encourage you to continue to send any questions or suggestions through to the My EA email address or contact your divisional representative:

- Shane McLeod & Rebecca Matthews (News)
- Stephen Murray & Gabrielle Cambridge (TV)
- Cath Hurley (Regional)
- Chris Scaddan (Radio)
- Tara Hester (Audience & Marketing)
- Other divisions –(email [myea@abc.net.au](mailto:myea@abc.net.au))

#### **Previous EA updates**

Click [here](#) to see previous EA updates.



## Additional FAQs

### FREQUENTLY ASKED QUESTIONS

1. [Will my rights change if parts of performance management and recruitment are moved from the EA into policy?](#)
2. [Is it true that the ABC's wage offer is not keeping up with the cost of living?](#)
3. [Why is the ABC moving travel allowance from the EA to the Travel Policy? Do these changes mean that employees will be out of pocket?](#)
4. [Why are changes, to whether someone is on a two or four week roster, required?](#)
5. [What are the changes proposed to minimum daily shifts for Schedule A staff? How will this change my shift patterns?](#)
6. [Why do we only get back-pay if we get in principle agreement by 8 August 2016, when our Agreement ran out in July 2016, but executives got back-pay for months?](#)

#### 1. Will my rights change if parts of performance management and recruitment are moved from the EA into policy?

Your rights with respect to Performance Management and Recruitment will remain largely unchanged. The parts of Recruitment and Performance Management that will be moved into policy are mostly process driven, and the ABC has committed to maintaining principles and certain safeguards for both Performance Management and Recruitment (as outlined below).

The proposal to take the more process related provisions out of the EA is so that we can continue to talk with you over the coming months and years about improvements to these systems and adapt them as our organisation and industry changes.

It is rare for an enterprise agreement to contain the level of prescription around Performance Management and Recruitment as currently exists in our EA. We have also had advice from the Australian Public Sector Commission to remove these sections entirely from our EA, but as a result of feedback from staff and Unions and to provide some reassurance, we have chosen to leave in some core conditions (or safeguards).

#### ***PM and Recruitment clauses remaining in the EA***

The following, existing obligations around Performance Management will remain in the EA (recently referred to as 'safeguards'), and more information on the Performance Management and Recruitment can be found [here](#) [PDF 443 Kb]:

- Appraisal outcomes linked to pay (such as automatic increments for Band 1-6 for an 'M' rating)
- A 12 month cycle;
- Regular and ongoing feedback;
- An annual Appraisal meeting, this is as a minimum but we are encouraging of more frequent feedback;
- Ratings (with the introduction of a new 'MM' rating and removal of the P rating);
- An appeal process; and
- A managing underperformance process.

In terms of recruitment, the majority of the Recruitment clause will remain including the commitments to advertising vacancies and the selection process for long term vacancies.



## **2. Is it true that the ABC's wages offer is not keeping up with the cost of living?**

No – that is not true.

The current, actual CPI figure sits at **1.3%** - it is at historically low levels, so too is wage growth across the board. There may be parts of Australia where a higher, local CPI exists, however we are a national organisation with over 4,000 staff across the country and funding based on national indexation – we cannot sustain a wage increase based on any inflated, local CPI figures.

Importantly though, this is a package offer, that not only includes a wage rise, but also a 2% bonus for those staff who are sitting at the top of their band and receive an 'E' rating for their performance. We're also increasing leave entitlements, the casual loading and putting in place commitments to improve rostering practices, rights for staff to deal with workload concerns and a forum to deal with learning and development concerns. In addition to the 2% wage rise, and the 2% bonus, increments (i.e. moving up points within a band) for an appraisal outcome will also continue to be paid to many staff which is equivalent to an additional 2% to 3% for each point.

As you all know, we're not starting from scratch. Our EA already provides a generous set of terms and conditions of employment. Furthermore, ABC wage growth has risen steadily and well in excess of CPI and our base line funding over several years. The ABC needs to strike a balance between an appropriate wage rise that recognises staff contribution and a wage rise that we can sustain.

Finally, we cannot ignore the Government Bargaining Framework which currently applies to all Australian Public Sector employees and sets a 2% per year cap on wage rises in return for the removal of restrictive content from EAs.

With respect to the CPI forecasts, there are predictions that there may be a modest increase to 2% during 2016/2017 and a possibly 2.25% during 2017/2018. Taking into account the combination of performance increments, as well as the 2% offer, most employees will still be well ahead of these predictions.



## **3. Why is the ABC moving travel allowance from the EA to the Travel Policy? Do these changes mean that employees will be out of pocket?**

The ABC is proposing to move the domestic and international travel allowances from the EA into the Travel Policy. The ABC's Travel Policy is a comprehensive policy document that has governed travel at the ABC for many years now and deals with all aspects of travel for business purposes.

Currently, the domestic travel allowance is for an employee who undertakes travel on official ABC business. The allowance is to cover the cost of meals and incidental expenses and is calculated in accordance with ATO rates. The overseas travel allowance is paid in respect of meals, incidental expenses, transport and accommodation expenses in accordance with the overseas travel guidelines.

At first, the ABC proposes to move the travel allowances to policy without making any changes. With the advent of new technologies there are opportunities to make the administration of travel more efficient and less onerous for staff. The ABC wants the ability to explore these more efficient ways of administering the travel allowance and that means that the travel allowance needs to be in policy so that we can explore these new technologies over the next three years. It should be noted that it is unlikely that the ABC would move to a reimbursement based model given potential administrative inefficiencies. In any event, the ABC would never move to a system that would require staff to use their own money to cover travel costs and be out of pocket.



#### **4. Why are changes to whether someone is on a two or four week roster required?**

Currently, rostered employees can have either a two week or a four week roster. The arrangement of hours for these rosters is determined by agreement between management and a defined group of employees or an individual employee. The proposed change is to provide greater flexibility so that where necessary we can move employees from a 2 week to a 4 week roster, or from a 4 week to a 2 week roster, based on operational needs. The requirement for the ABC to consider the need for employees to balance their work and family responsibilities as well as the ABC's 'duty of care' will remain in the EA.

This change does not mean that we will be chopping and changing roster cycles. But rather, if all employees in the one work area are not on the same cycle, local management may decide that its more operationally sustainable to have all staff on the same roster cycle. To do this, managers will have to consult with the relevant staff, taking into consideration the factors mentioned earlier regarding any such change. We think there are situations where it is better to align rosters to operational requirements and have colleagues who work in the same area and perform similar jobs are working the same roster arrangements.

#### **5. What are the changes proposed to minimum daily shifts for Schedule A staff? How will this change my shift patterns?**

The ABC's offer includes reducing the minimum call for Schedule A employees from 7 hours to 4 hours. This change will bring Schedule A minimum daily hours in line with Schedule B employees. Also, these minimum daily hours already apply to some Schedule A staff. The minimum 4 hour daily shift currently applies to staff presenting / producing radio shifts in certain circumstances (e.g. on weekends, public holidays, outside broadcasts, or the recording of live music productions).

The proposed change would allow us to cope better with peaks and troughs of work at the ABC, and where necessary, share the workload between employees. Employees would be advised of any changes to rosters ahead of time in accordance with the normal EA requirements. This change does not reduce employee's contracted hours overall, but would place them elsewhere within your working week.

In making any changes we would consider employees need to balance their home, work and family responsibilities, as well

as any Work Health and Safety considerations.



**6. Why do we only get back-pay if we get in principle agreement by 8 August 2016, when our EA ran out in July 2016, but executives got back-pay for months?**

In an effort to progress the negotiations, facilitate reaching agreement and to provide you with some certainty on your future conditions including wages, as soon as possible, we set a 3 week timeframe to reach "in principle" agreement with the Unions. We think three weeks is a reasonable period for the unions to consult with their members regarding the offer and for us to explain it to all staff and consider their feedback. As you know, we have been meeting and discussing all these issues for 16 weeks now. Even though the Government's Wages policy stipulates that there should be no back pay we have decided that, in an attempt to achieve agreement, we can afford to offer back pay for a period of time.

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Page last updated 28 September 2016 | Author: [Administrator](#)

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## **Part G                      Performance Management**

### **23. Performance Management**

#### **23.1        Performance Cycle**

- 3.1.1    The performance cycle is generally the 12 month period during which the employee's job is planned, regular feedback is given and received, and the employee's performance is formally appraised.

#### **23.2        Tracking and Feedback**

- 3.2.1    The manager and employee will monitor progress and provide ongoing feedback throughout the performance cycle on what has been achieved against the Job Plan.

#### **23.3        Appraisal Meeting**

- 3.3.1    On or prior to the Appraisal Due Date, the manager and employee will meet to formally review the employee's performance and development over the previous cycle (**Appraisal Meeting**).

#### **23.4        Appraisal Outcome**

- 3.4.1    The provisions of this subclause do not apply where:
- a.    the employee has been working to their Job Plan for less than six months during the performance cycle;
  - b.    the employee has been absent on leave in excess of six months during the performance cycle; or
  - c.    the employee has been promoted or transferred with a salary increase within six months prior to the end of the performance cycle.
- 3.4.2    Following the appraisal meeting, the manager will evaluate the employee's performance against the requirements of the Job Plan and the Work Level Standards. Subject to (a) and (b) of this paragraph, performance will be rated in accordance with the following definitions:

| Rating |                | Description   |
|--------|----------------|---|
| U      | Unsatisfactory | Performance does not meet minimum requirements within the current band. |
| MM     | Meets Most     | Performance does not meet some requirements within the current band.    |
| M      | Meets          | Performance meets all requirements within the current band.             |
| E      | Exceeds        | Performance exceeds all or most requirements within the current band.   |

- 3.4.3    The rating will be used to govern salary advancement where appropriate, either within the current salary band or to the next higher band in accordance with the Job Plan. The following principles will apply:
- d.    No salary increase will be payable to employees who are rated 'U' or 'MM'.
  - e.    Employees in Bands 1-6 will be advanced:

- i. one salary point within their current band with a rating of 'M'; or
- ii. two or more salary points within their current band with a rating of 'E'.

f. Employees in Bands 7 to 8 will be advanced within their current band with a rating of 'E'.

3.4.4 Salary for employees in Band 9 will be at the discretion of management.

3.4.5 Any salary increases resulting from an Appraisal will be paid with effect from the first pay period on or after 1 March every year unless the ABC determines that an alternative date should apply for a specific division.

## **23.5 Appeal and Dispute Resolution**

3.5.1 Disputes regarding:

- g. a salary outcome or rating of an Appraisal; or
- h. an employee who believes that they have regularly been performing, and were required to perform, tasks beyond the level specified in their Job Plan;

will be dealt with in accordance with **Part 0 Settlement of Grievances and Disputes, Clause 60 Personal Grievance Resolution.**

## **23.6 Managing Underperformance**

23.6.1 Discussions about work performance may be held at any time as part of the ongoing tracking and feedback process. Where a problem with an employee's performance is identified and the manager determines that formal processes need to be applied, the manager will:

- a. advise the employee in writing of the underperformance issue/s needs to be addressed;
- b. inform the employee in writing of the performance standards they are expected to achieve and the area/s of performance they need to improve;
- c. provide an opportunity for the employee to respond so that all relevant matters can be considered, including any possible changes to the performance standards expected and any requests by the employee for training, coaching, re-arrangement of duties or changes to the work environment;
- d. set a reasonable period over which the employee's performance will be monitored and a date for review having regard to (c) above; and
- e. advise the employee of the likely consequences if the employee does not meet the required standard, including that the ABC may take action under clause 23.9.3.

## **23.7 Assessment at Review Date**

23.7.1 If, at the review date, the ABC:

- a. determines that the employee's performance has improved to a satisfactory standard, then appropriate recognition will be provided and the process will be closed; or
- b. considers that adequate progress has not been made, the ABC:
  - i. may decide to transfer the employee to another function or work area with the employee's agreement; or
  - ii. will follow the steps outlined in clause 23.9.

## **23.8 Failure to Remedy Performance**

- 23.8.1 If it is determined that the employee's performance remains unsatisfactory, the employee will be formally notified that they have failed to remedy their performance and will be asked to give reasons as to why the ABC should not take action in accordance with subclause 23.9.3. The notification will identify the concerns relating to the employee's performance and will provide an opportunity for the employee to respond at a meeting or in writing in relation to the performance concerns and the proposed action to be taken under subclause 23.9.3.
- 23.8.2 If a satisfactory response is provided by the employee, the ABC may provide the employee with a further opportunity to address the performance concerns and advise the employee of a new review date. Clause 23.8 will then apply at that new review date.
- 23.8.3 If a satisfactory response is not provided, the delegate may:
- a. redesign the employee's position to an equal or lower salary band;
  - b. transfer the employee to another position at an equal or lower salary band; or
  - c. dismiss the employee with due notice, or payment in lieu, in accordance with the relevant provisions of **clause 58 Termination of Employment**.
- 23.8.4 At any stage during the above process the employee may choose to be accompanied or represented.
- 23.8.5 Prior to commencing underperformance in accordance with clause 23.7 above, where the employee's role has significantly altered at the initiative of the ABC as a result of technological change, or changes to work practices, the manager in conjunction with a representative of ABC People will consider whether all reasonable effort has been made by the employee to adapt to the altered role. Where, despite all reasonable effort, the employee is unable to perform the altered role to the required standard of performance, the employee will be considered redundant and managed in accordance with **Part M – Redundancy**.

## **Part D Recruitment**

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### **13. Advertising and Selection**

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#### **13.1 Guidelines**

- 13.1.1 The ABC's Recruitment and Selection Guidelines do not form part of this Agreement. In the event of inconsistency, the Agreement will prevail.

#### **13.2 Advertising**

- 13.2.1 All vacancies will be advertised, except where:
- a. The vacancy is expected to be for 6 months or less duration;
  - b. The vacancy relates to a key program or project requiring the skills and attributes of a particular person, which may involve canvassing potential candidates on a discreet basis;
  - c. The vacancy is to be filled by transfer or redeployment;
  - d. The vacancy is to be filled by the appointment of an employee on return from a temporary assignment or period of approved absence where there is a statutory obligation on the ABC to place them in a similar position to the one previously held;
  - e. A suitable candidate for the vacancy has already been identified through a selection process conducted within the last 8 months (from the close of advertising) for a similar or generic role;
  - f. The vacancy is a Run of Show engagement and is to be filled by an employee on an existing Run of Show engagement, or an employee who has received an offer of further Run of Show employment in accordance with clause 14.3.6;
  - g. The vacancy is to be filled by the appointment of the current temporary incumbent, provided they have been employed in the position for a period of 12 months or more and have previously undergone a documented selection process for that position.

#### **13.3 Selection for Short Term Vacancies**

- 13.3.1 Where a vacancy is expected to be greater than 6 months but not more than 12 months' duration, the manager will document the selection, which will be based on merit, as well as having regard to operational requirements.

#### **13.4 Selection for Long Term Vacancies**

- 13.4.1 Selection decisions for long term vacancies will be made by a Selection Panel, which will consist of more than one decision maker. A Selection Panel will be formed for all advertised vacancies greater than 12 months, except where:
- a. the vacancy relates to a key program or project requiring the skills and attributes of a particular person, which may involve canvassing potential candidates on a discreet basis;
  - b. the vacancy is to be filled by transfer or redeployment;
  - c. the vacancy is to be filled by the appointment of an employee on return from a temporary transfer or period of approved absence where there is a statutory obligation on the ABC to place them in a similar position to the one previously held;

- d. a suitable candidate for the vacancy has already been identified through a selection process conducted within the last 8 months (from the close of advertising) for a similar or generic role;
- e. the vacancy is to be filled by the appointment of the current temporary incumbent provided they have been employed in the position for 12 months or more and have previously undergone a documented selection process for that position;
- f. there is only one applicant for the vacancy, and the;
- g. the vacancy is a Run of Show engagement and is to be filled by an employee on an existing Run of Show engagement or whose Run of Show engagement has expired within four weeks of the vacancy being approved to fill.

13.4.2 The delegate of the ABC will make the decision regarding appointment to the vacant position (**Selection Decision**), in accordance with the ABC's Recruitment and Selection Guidelines.



## My EA #16

Yesterday's bargaining meeting was both a critical and productive one. As you know, the ABC's offer of a 2% pay rise including back pay, was subject to the Unions providing their 'in principle' agreement by COB yesterday. The offer has been on the table now for three weeks which we considered to be a reasonable amount of time for both the ABC to listen to staff feedback on the offer and for the Union's to consult with their members before coming back to indicate its position on 'in principle' support.

The ABC Executive also spent the last few weeks meeting with staff around the country to get their feedback on the proposed offer. Following those meetings we have a clearer understanding of staff concerns and questions about the offer.

At yesterday's meeting, the Union indicated there were some threshold issues preventing them from being able to give 'in principle' support. We discussed and listened to the details of these issues at length. However, we were unable to finalise those discussions. On this basis, we have indicated to the Union that we will keep back pay on the table until we can finalise those discussions at our next meeting which will be tomorrow morning.

The ABC is still hopeful of reaching 'in principle' agreement and will be in touch with another update following tomorrow's meeting.

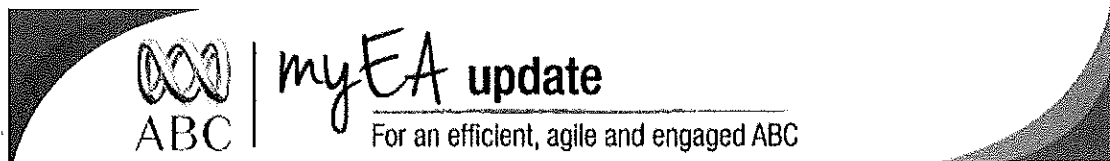
### Further Information

Thank you again for your ongoing feedback and involvement in this important process and we encourage you to continue to send any questions or suggestions through to the My EA email address or contact your divisional representative:

- Shane McLeod & Rebecca Matthews (News)
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### Previous EA updates

Click [here](#) to see previous EA updates.



## My EA #17

If you read only one EA update this year, make sure it is this one.

We are very pleased to let you know that, as a result of one final burst of negotiation yesterday with management, staff delegates and unions, we now have an amended offer that the Unions feel they can take to their members to seek an in principle agreement.

On this basis, the ABC has extended the offer of back pay to allow for meetings around the country to seek agreement, and they will be happening shortly.

At yesterday's meeting the ABC provided the Unions and staff delegates with a number of draft clauses which formed the basis of a good discussion around the proposed amendments. The work done by the ABC Bargaining team and the staff and union reps has seen some sensible and useful changes to the offer to clarify, limit or eliminate things that were causing concern and to add in some important consultation processes in key areas.

**Minimum Daily Hours for Schedule A Rostered staff** – The original proposal to reduce the minimum daily hours for Schedule A Rostered staff from 7 hours to 4 hours has been withdrawn. Instead, there will be provision for an employee to choose to work a shorter shift (i.e. between 4 hours and 7 hours) at their discretion and this arrangement would need to be agreed in an Individual Flexibility Arrangement (IFA) or similar. The current exclusions for Radio presentation and production staff will remain unchanged.

**Recruitment** – The ABC has confirmed that the Agreement will allow for internal applicants who meet the selection criteria to be short listed for interview as they currently are under guidelines. However, where there are too many internal applicants who meet the selection criteria, the selection panel will be able to further short list internal candidates prior to interview.

**Performance Management** – additional detail about job plans and the underperformance process will be added to the core conditions that will remain in the Agreement. In relation to the proposal to replace the UP rating with an MM rating this will be replaced with a new draft clause in the agreement that indicates:

- an appropriate descriptor that better reflects the intention of the UP rating;
- the reference to the underperformance process for this rating will be removed;
- however, where staff are given this rating, they will also be provided with a review after three months and if their performance meets all requirements of the job, they will receive any increment on a pro rata basis.

**A Discussion Forum** – Over the next three years, the ABC will hold quarterly discussion forums with staff, managers and Unions to talk about performance management, recruitment, staff engagement and redeployment. This will include discussion on any future changes to the performance management, recruitment and travel allowance policy/guidelines.

**Minimum casual callout** – the two-hour minimum casual callout will be restricted to only those arrangements that were previously in place under the Artist Payroll and the ABC will not seek to broaden the use of the two-hour minimum beyond those arrangements. The requirement that it can only be used where agreed continues to apply.

**Annual Shutdown** – the proposed Annual Shutdown has now been restricted to around the Christmas and New Year period. The clause will be explicit that staff cannot be unreasonably required to take LWOP and that TOIL can be accessed for this purpose in accordance with the normal TOIL EA provisions.

**Back pay** – if the Unions provide the ABC with in principle agreement by Monday 29 August, staff will be back paid their wage increase from the first full pay period after 1 July 2016.

### **Further Commitments**

Voluntary redundancies - while the ABC will not agree to a voluntary redundancy process in the Agreement, we are willing to make a commitment to take into consideration an employee's preference for redundancy where there are multiple redundancies.

Travel allowances – The proposal to move travel allowance to the Travel Policy remains, however, while the ABC has no immediate plans to make changes to our travel allowance, any changes will be discussed as part of the Discussion Forum. If a change is brought forward for discussion, the ABC will provide staff with a commitment that as is currently the practice, they will not be out of pocket.

Previous commitments to a learning and development forum, delegate rights and communicating casual entitlements will remain.

All other increased benefits made under our previous offer and that will be provided for under the Agreement remain in place:

- 2% wage rise each year, over 3 years
- 2% bonus for staff receiving an E rating and sitting at the top of their bands
- Increase in paid maternity leave from 14 to 16 weeks
- Increase in supporting partner/dad leave from 2 to 4 weeks
- Family/Domestic violence leave of 7 days (up from 5 days in our previous offer)
- Increase in casual loading from 20% to 25%
- Superannuation paid to employees on unpaid maternity leave (where super rules allow this)
- Work Intensification provisions.

All other proposed changes the ABC has made to the Agreement remain.

We are working to have these changes in the form of draft clauses for staff to review by early next week. This will allow you to discuss this in detail in meetings we will hold over the next two to three weeks.

### **Further Information**

Thank you again for your ongoing feedback and involvement in this important process and we encourage you to continue to send any questions or suggestions through to the My EA email address or contact your divisional representative:

- Shane McLeod & Rebecca Matthews (News)
- Stephen Murray & Gabrielle Cambridge (TV)
- Cath Hurley (Regional)
- Chris Scaddan (Radio)
- Tara Hester (Audience & Marketing)
- Other divisions –(email [myea@abc.net.au](mailto:myea@abc.net.au))

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