

TIME TO GET ACTIVE

In August 2008, a meeting was held with Vinnies members and delegates to discuss where Vinnies matters are up to and to plan a way forward. At that meeting, the matters below were discussed:

- Last year's 'in principle' agreement
- Proposed enterprise agreement
- Vinnies Workplace Manual 2008

Last Year's 'in principle' agreement – where is this up to?

Members will recall the 'in principle' agreement made last year between the ASU and Vinnies management. Two of the major items agreed to were:

So called 'non-award' employees

The Society agreed that it would identify and advise the ASU of any workers who have been employed as 'non-Award' staff. This has not happened. This means that there are Vinnies workers who are not receiving their Award conditions or the correct rate of pay.

The Award which covers you is not determined by your employer, but by your job description. It is the view of the ASU that **ALL employees of Vinnies Special Works** are covered by the Social and Community Services (SACS) Award. The Award covers all youth workers, case workers, residential workers, homeless services, family support services, mental health services, migrant and refugee services and all workers who deliver community services.

If you have been employed as a 'non-Award' staff, **you have been wrongly classified** and are missing out on your proper entitlements. We urgently seek to resolve this injustice and need your involvement. The ASU will be raising this issue with Vinnies management at our next meeting. If you are not employed under the Award and want to receive your proper Award entitlements, please:

- a. Join the ASU;
- b. Provide us with a copy of your job description.

Payment for employees who have been denied Award conditions

The ASU is aware that some Special Works employees have not been paid correctly, either because they have been wrongly classified (as above) or have not had their Award entitlements correctly calculated. This might include leave entitlements, allowances such as sleepovers, first aid, motor vehicle, overtime rates or shift penalties.

Many members have expressed concern that they have been underpaid. The ASU intends to **lodge a claim for backpay** for these members. If you believe you have been underpaid and wish to take part in this backpay claim, please:

- a. Join the ASU;
- b. Advise the ASU of how you believe you have not been correctly paid.

The ASU will be meeting with Vinnies management over the coming weeks to discuss these issues, so we encourage you to get involved now.

Proposed Enterprise Agreement

Vinnies management have advised the ASU that they intend to have an enterprise agreement which will cover **all Special Works employees** by January 2009. Vinnies are entitled to do this.

What is an Enterprise Agreement?

An Enterprise Agreement (or collective agreement) is an agreement that contains all your employment conditions, including pay rates, leave entitlements, penalties etc and is a legally binding agreement. It replaces the SACS Award and any other employment contract which may apply to you. Vinnies intends that your enterprise agreement will cover all Special Works employees.

Your enterprise agreement will be a Union agreement which means that the ASU is a party to the agreement and it will be a negotiated agreement. The ASU will:

- ✓ Consult widely with members to ensure that you get the conditions YOU want;
- ✓ Represent workers (along with Vinnies delegates) at the bargaining table and negotiate the terms and conditions of your agreement on your behalf to get the best outcome for workers;
- ✓ Enforce the terms and conditions of the agreement in the Industrial Relations Commission.

Your agreement **MUST BE** equal to or better than the Award or your current pay and conditions.

Once a draft agreement has been prepared, members will get the opportunity to vote on the agreement. The ASU will only sign off on the agreement after extensive consultation with members and with the support of a majority of members.

What you need to do?

It is vital that every Vinnies workplace is involved in negotiating the agreement to ensure that all workers have a say in what the agreement looks like. We want to know what you think and what conditions are important to you. We also need to

have a strong voice at the negotiating table to make sure you get the conditions you want.

We encourage you to take the following action:

1. Encourage your colleagues to join the union (invite your Union organiser to visit your workplace to assist with this).
2. Vote for a delegate in your workplace to represent your concerns. Delegates will form part of an ASU EA negotiating committee.
3. Hold union meetings at your workplace to discuss and debate the conditions you want;
4. Delegates to attend ASU monthly meeting to report back on your union meetings, communicate with other members and be part of the negotiating process with Vinnies management.

Things to keep in mind when holding a union meeting:

You may have heard of the ASU CARE Campaign. This campaign is fighting to improve the wages and conditions of all workers across the entire community sector. Some things we are campaigning for include:

- ✓ Equal wages with the public sector
- ✓ 26 weeks paid maternity leave
- ✓ Better career paths
- ✓ Improved access to education & training

If the Campaign is successful, these improvements will become the new Award conditions and industry standard. Don't be left behind. You need to ensure that your agreement includes all the things we are campaigning for.

Vinnies Workplace Manual 2008

You may have received Vinnies Workplace Manual 2008. Vinnies has indicated that this policy will come into effect in January 2009. While the Manual proposes some benefits to workers, the ASU has some concerns and we encourage you to meet with your colleagues and discuss:

- a. What are your views regarding the Manual?
- b. How can it be improved or changed?

Below is a list of concerns the ASU has identified with the Manual.

Title	No. in Manual	ASU Concerns
Application & Operation	1.2.1	This Manual is not part of your employment contract and is a policy document, which means it can be changed at any time by Vinnies management and is not enforceable. <ul style="list-style-type: none"> • It is vital that these matters be secured in your enterprise agreement.
Managerial and Non-	2.2.1	Managers and non-Award staff will not be covered by the enterprise agreement. Currently, there are

Award Staff		workers at Vinnies who have been classified as 'non-award' but should be covered by the Award. <ul style="list-style-type: none"> • Who are managers? • Who is non-Award? • Why are they not covered by the enterprise agreement? • What will their employment conditions look like?
	2.2.2	Salary reviews for Managers and Non-Award staff will be based on employee performance. <ul style="list-style-type: none"> • All other workers in the sector are entitled to automatic pay increases not linked to performance • These increases are negotiated collectively, not individually
	2.2.3	The decision to award a salary increase is at the sole discretion of the Society. <ul style="list-style-type: none"> • This is very subjective and there are no guarantees that an increase will be given.
	2.2.4	Remuneration must remain confidential. <ul style="list-style-type: none"> • Why? • This creates divisions between employees and removes the ability to bargain collectively.
Annual Holidays	3.2.1	These entitlements are guaranteed by law.
Long Service Leave	3.3.1	These entitlements are guaranteed by law.
Study Leave & Financial Support	3.4.4	The decision to grant study leave and financial support depends on many factors which may deny workers the benefit of this clause: <ul style="list-style-type: none"> • How is course relevance decided? • What level of performance is necessary? • What length of service is necessary before employees can access this? • How long must an employee remain with the Society after study? • Is there any mechanism to appeal if study leave and financial support is denied?
Parental Leave	3.5.2	The provisions in this clause are only available to women. Others leading employers make parental leave available to either the male or female primary care giver. Also, other Award conditions relating to parental leave have not been included eg: <ul style="list-style-type: none"> • The right to request extension of parental leave

		<ul style="list-style-type: none"> The right to request a return to work on a part time basis.
	3.5.3	The ASU CARE Campaign is fighting for 26 weeks of paid parental leave, available to all employees (not on a sliding scale). If successful, this provision will be below the industry standard.
	3.5.5	This clause needs to be clarified.
Additional Parental Leave	3.6.1	Is this clause available to women?
Workplace Equity Policy	4.1.2	<p>This clause provides that an employee who acts in a manner which is 'contrary to the Society's values' may be terminated. This is highly subjective and ambiguous.</p> <ul style="list-style-type: none"> What constitutes this behaviour? Who decides? Termination may be excessive
Employee Liability	4.8	It is the responsibility of an employer to ensure the health, safety and welfare of all employees and to provide suitable instruction, information, training and supervision to employees. This clause does not remove an employer's obligations.
Email and Internet Use	5.6.1	<p>This clause says that an employer can terminate an employee for breach of the email and internet use policy.</p> <ul style="list-style-type: none"> Termination may be excessive Is there any mechanism to appeal a decision
Performance Management & Disciplinary Policy	6.3.3	<p>The Society may terminate your employment on the spot for 'refusal to follow a lawful directive'. This is excessive.</p> <ul style="list-style-type: none"> This should be amended to 'any reasonable directive'.
External Representation in Disciplinary Processes	6.4.1	Workers are entitled to have a support person of their choice present at a disciplinary meeting.
OHS	8.4	Workers should have access to counselling and support after a work related critical incident.

The ASU would like to consult with all members and get your feedback regarding the Manual.

Delegates and members are invited to attend a meeting on **Wednesday 29th October at 6:30pm** here at the ASU office to discuss the matters above.

The ASU office is located at 39 Renwick Street, Redfern.

It is vital that you attend to ensure that your rights are protected.

Please ensure that all of your workmates get a copy of this newsletter and are a member of the Union. Membership forms and all the newsletters can be found on our website:

<http://www.asumembers.org.au/sacs>

To RSVP and for further details, you can contact Adrienne at the ASU on 9310 4000 or

adrienne@asu.org.au.

Do you know about the CARE Campaign?

To find out more, visit the ASU website at www.asumembers.org.au



CARE
community, advocacy,
respect and equity.