



HACSU

Health & Community
Services Union

DSEAV 2 NEGOTIATIONS

LIFE WITHOUT BARRIERS EBA OUTCOMES

After bargaining since September 2021, HACSU has reached an in-principle agreement with Life Without Barriers for your next EBA.

Going into negotiations for the DSEAV 2, we knew that this would largely be a rollover thanks to the hard work of HACSU members who won an eight-year deal on the previous agreement. This means that all your current hard-won conditions and entitlements remain.

The in-principle agreement is largely a roll-over agreement, protecting your current conditions and entitlements. This was what we expected due to the previous eight-year deal won by HACSU — but alongside your protected conditions and entitlements, we've been able to secure further wins for members at LWB.

A major shift in this EBA is the move from a multi-employer agreement to single-employer agreements. Across the five providers, any who we've negotiated additional wins will be moving to single-employer agreements.

The multi-employer agreement will continue for any providers who do not agree to additional terms and conditions HACSU has been bargaining for.

READ ON FOR MORE DETAIL →

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Changes in your EBA: overview

- Corrections to errors and removal of redundant clauses from the last agreement. These were done through a technical working group of providers and HACSU — see document in pack.
- Technical corrections needed to move from a multi-employer agreement to a single employer agreement (e.g. clearly defining the scope of the employer and employees covered)
- Agreed amendments made to the discipline and roster review clauses — see document in pack.
- Inclusion of a clause around the transition to the end of the subsidy period, and the negotiation of the next agreement. This clause recognises the need to work both together and separately on improving NDIS pricing to ensure fair wages and conditions for employees and well as quality disability services. Specifically, this clause includes:
 - A working party of providers from Transferred Services
 - A working party, comprising HACSU and LWB, to consider the approach to the post-subsidy period
 - A requirement that good faith bargaining for the next agreement will begin no later than September 2024

Key Outcomes

Job Security

As a result of our campaigning, HACSU members won 8 years of protected conditions in the DSEAV 1 (1 January 2018 – 31 December 2025).

These include:

- Wages and conditions secured until 2025 (original offer was to 2021)
- Two 4-year agreements, with this new agreement being the second (original offer was a single four-year agreement)

All new employees in the worksites that transferred will be on the same agreement, to keep a single-tier workforce.

Wages

The DSEAV 1 had a record 29% of wage increases over the 8-year agreement, and these increases are locked in to be paid until 2025.

Date	Initial increase	1 July 2018	1 July 2019	1 July 2020	1 July 2021	1 July 2022	1 July 2023	1 July 2024	1 July 2025
Wage increase	3%	3.5%	3.5%	3.5%	3.5%	3%	3%	3%	3%

Additionally, some of these wage increases have been exceeded by the Equal Remuneration Order (ERO), which means for some classifications SCHADS will apply where it is a higher pay rate.

The new EBA will have wage tables with both weekly and hourly rates, to make it easier to calculate your wages and compare them to SCHADS.

New and improved entitlements and allowances

Roster review clause

The new clause improves clarification about processes, to ensure that the notification provides all required information, and that consultation occurs within team meetings.

Discipline clause

The clause has been updated to recognise that delays may occur due to involvement of Victoria Police or disability regulators such as the Victorian Disability Worker Commission or the NDIS Quality and Safeguards Commission.

Superannuation

Superannuation will now be paid as you earn it, with your fortnightly wages — meaning your money is working for you in your super fund instead of sitting in your employer's bank account. This is to commence no later than 1 January 2023.

Vaccination clause

This new clause acknowledges that the employer supports vaccination, and they will consult with HACSU and members with respect to any changes to vaccination policies.

Gender equity

This new clause provides provisions to report, consult, and include strategies to achieve gender pay equity.

Inclusion of a Qualification Allowance equivalency

This has always sat in Department documents, and now we have it inserted into the EBA to protect the standards already accepted.

Inclusion of the geographical locations

This ensures that there is clarity on the application of the recruitment clauses that refer to geographical locations and agreement coverage for new employees.

Inclusion of rostered Professional Development and Support

This clause has been updated to make clear PDS is to be rostered, as opposed to simply stating employees have "access" to it.

Redundant clauses removed

- Colanda Closure schedule and specific clauses that applied only to Colanda
- Scholarship and training clauses that applied only until 2020
- Occupational Violence Code review that was to be done by 2018
- Removal of classifications no longer applicable:
 - Facility Services Officers (FSO)
 - Trades Assistants (TA)
 - Disability Development and Support Officer (DDSO) 6 and above

Next steps

Member endorsement

This will occur at today's meeting by a vote of HACSU members.

Application to the Fair Work Commission

Once the new agreement has been endorsed, which may take five weeks as we need to attend all LWB houses, the following process will apply:

1. Access period

The employer will make the proposed agreement available to all employees to view for a period of 7 days. During this period, the employer may also provide explanatory documents and hold meetings to give employees the opportunity to ask questions about the proposed agreement.

2. Voting

Voting will be open for a limited time, most likely via an online voting system. The agreement is considered "made" when a majority of employees who cast a valid vote have approved the agreement. It's vital that members ensure their details (e.g. name, address, DOB) are up to date in order to vote — they need to match between HACSU and LWB's records.

3. Application to the Fair Work Commission for approval

If the agreement receives a 'yes' vote, the employer will then apply to the Fair Work Commission to have the agreement approved. As a part of this process, a Commissioner will assess the agreements against the Better Off Overall Test (a.k.a. the BOOT, where the agreement is compared to the relevant award to ensure employees are better off overall under the agreement) and the National Employment Standards (NES).

Next agreement

As part of the DSEAV 2, there is a requirement that good faith bargaining for the next agreement will begin no later than September 2024.

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