

## Explanatory guide to the headspace Enterprise Agreement 2023

### Definitions

**NES** means National Employment Standards (see Part 2-2 of the Act, which can be found [here](#))

**Act** means the Fair Work Act 2009 (Cth)

**HPSS Award** means Health Professionals and Support Services Award 2020 (which can be found [here](#))

**Commission** means Fair Work Commission

**2011 Agreement** means the headspace Enterprise Agreement 2011 (which can be found [here](#))

**2023 Agreement** is the proposed headspace Enterprise Agreement 2023

### Explanatory notes

The table below explains and summarises the proposed 2023 Agreement, as it compares to the 2011 Agreement and the HPSS Award. Clauses in the 2011 Agreement that have not been substantially amended, are not included in the table.

The table also does not include any of the following:

- Minor re-drafting of existing provisions (for clarity, simplification and to utilise inclusive language) which do not alter the substance of existing entitlements.
- Changes to clause numbering.

This document has been provided to assist employees to understand their entitlements, and to explain the terms of the 2023 Agreement.

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
2 Period of Operation	2 Period of Operation	<p>The Act requires enterprise agreements to include a nominal expiry date.</p> <p>The 2011 Agreement will be amended to state that the Agreement will stay in force for a period of 4 years after the date of approval by the Commission.</p>	n/a
3 Renegotiation of Agreement	n/a	<p>This is a new clause.</p> <p>It provides that discussions to renegotiate the Agreement will commence no later than 6 months prior to the nominal expiry of the 2023 Agreement.</p>	n/a
4 Definitions & Interpretation	n/a	<p>The definitions have been updated and new definitions added.</p> <p>Award has been defined as the Health Professionals and Support Services Award 2020. This is the underpinning modern Award.</p> <p>The definition of “headspace” has been simplified to mean headspace National Youth Mental Health Foundation Ltd. The 2011 Agreement</p>	See clause 2.

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>included a description of services in the definition of “headspace”, which was not necessary.</p> <p>Commission, immediate family, non-primary caregiver, primary caregiver, spouse and serious misconduct have also been added as definitions.</p> <p>The definition of clinical work, headspace policies and executive officer have been deleted because, unlike the 2011 Agreement, the body of the 2023 Agreement does not refer to these definitions.</p> <p>The definition of “shift worker” has been updated for clarity but remains substantially the same.</p>	
6 The NES, the Award, and this Agreement	5 Relationship to awards and other agreements.	<p>Clause 6 of the 2023 Agreement combines and summarises clauses 5, 7 and 8 of the 2011 Agreement.</p> <p>Unlike the 2011 Agreement, Clause 6.2 of the 2023 Agreement specifies that the HPSS Award is the underpinning Award and makes it clear that the</p>	See clause 3.

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
	7 Access to the Agreement and the National Employment Standards  8 The National Employment Standards and this Agreement	2023 Agreement does not incorporate the HPSS Award and the HPSS Award does not apply.  Clause 6.3 mirrors the wording of the Act which requires headspace to make a copy of the NES and the 2023 Agreement readily available to employees.	
Deleted	9 Severance	Clause 9 of the 2011 Agreement does not appear in the 2023 Agreement because it is unnecessary.	n/a
Deleted	6 Further Claims	The no further claims clause from the 2011 Agreement is deleted because it is not necessary.	n/a

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
7 Gender equity	n/a	This is a new clause that has been added to make clear headspace’s commitment to achieving and maintaining a workplace that is diverse, inclusive and respectful and to promoting and improving gender equality, including for transgender and gender diverse employees.	n/a
8 Individual Flexibility Agreement	10 Agreement flexibility	Renamed for clarity. Amendments to reflect the model individual flexibility agreement clause prescribed by r. 2.09 of the <i>Fair Work Regulations 2009</i> (Cth).	See clause 5. The HPSS Award clause is largely the same as the 2023 Agreement clause.
9 Flexible work arrangements	37 Flexible work arrangements	<p>Certain employees have a right to request a flexible work arrangement under s. 65 of the Act.</p> <p>This clause has been amended to mirror the HPSS Award and is consistent with s. 65 of the Act.</p>	See clause 6.

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
10 Consultation regarding major workplace change	11 Consultation regarding major workplace change	<p>The 2023 Agreement has been amended to specify that:</p> <ul style="list-style-type: none"> <li>• if an employee appoints a representative in relation to consultation over major workplace change, that representative may include a union; and</li> <li>• headspace must consult where it proposes change to an employee’s regular roster or ordinary hours.</li> </ul>	See clause 34. The essence of this clause in the HPSS Award and the clause in the 2023 Agreement are the same, with some small differences – including what information is not required to be disclosed to employees.
11 Dispute Resolution	12 Dispute Resolution	Amendment to specify that if an employee appoints a representative in relation to the dispute resolution clause, that representative may include a union.	See clause 36. The essence of this clause in the HPSS Award and the clause in the 2023

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
			Agreement are the same.
12 Types of employment	13 Types of employment	<p><u>Part time employment</u></p> <p>Amendment to specify that hours, days and start/finish times will be agreed to at the commencement of a part time employee’s employment. This mirrors the HPSS Award.</p> <p>The definition of part time employment has been amended and aligns to the HPSS Award. It refers to a “regular pattern of work” and replaces “reasonably predictable hours”.</p> <p><u>Casual Employment</u></p> <p>Amendment to make clear that conversion from casual employment to part time or full-time employment will happen in accordance with the NES. This is a relatively new entitlement available under the NES and is therefore not in the 2011 Agreement.</p>	<p>See clause 8.</p> <p>Under the 2023 Agreement a full-time employee is only required to work 37.5 hour weeks as opposed to 38 hours per week as per the HPSS Award.</p> <p>The 2023 Agreement has otherwise been updated to mirror the HPSS Award.</p>

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>The definition of casual employment has been updated to mirror the definition in the Act.</p> <p>This clause has been amended to state that paid entitlements will not apply to casual employees unless otherwise stated throughout the agreement (as opposed to listing each entitlement that does not apply).</p>	<p>Under the 2023 Agreement, Casual hourly pay rates are calculated at the rate of 1/37.5<sup>th</sup> of the weekly rate appropriate to the employee's classification. Whereas it is 1/38 under the HPSS Award.</p>
14 Termination of Employment	15 Termination of Employment and Redundancy	<p><u>Notice of termination</u></p> <p>Notice is to be given in accordance with the NES or an employee's employment contract.</p> <p><u>Casual employees</u></p>	<p>See clause 37.</p> <p>The HPSS Award does not specify a notice period for casual employees.</p>



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<b>2023 Agreement Clause Title and No.</b>	<b>2011 Agreement Clause Title and No.</b>	<b>Nature of the change compared to the 2011 Agreement</b>	<b>Equivalent provision the HPSS Award</b>
		<p>Consistent with the definition and nature of casual employment, the 2023 Agreement provides that a casual employee’s employment ceases at the end of each period of engagement without the requirement for the employee or headspace to give one days’ notice (as is currently the case in the 2011 Agreement).</p> <p>Amended to state that if headspace terminates the employment of a casual employee during an engagement, headspace may elect to pay the employee in lieu of working all or part of the remaining hours of that engagement.</p> <p><u>Abandonment of employment</u></p> <p>Clause 15.4 of the 2011 Agreement has been deleted. This clause stated that an employee has abandoned and therefore terminated their employment if they are absent from work for a continuous period of 3 days or shifts without consent and notification.</p> <p><u>Termination without notice and serious misconduct.</u></p>	<p>The HPSS Award provides for notice to be given by the employee and the employer in accordance with the NES. The 2023 Agreement provides that notice is to be given in accordance with the NES, or an employee’s employment contract.</p> <p>The HPSS Award and the 2023 Agreement</p>

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>This clause has been recast and the examples of behaviour that amount to serious misconduct have been deleted and a reference to serious misconduct (as defined in the Fair Work Regulations (2009) (Cth)) has been included.</p> <p><u>Redundancy</u></p> <p>The clause relating to redundancy has been removed from this clause and is now its own standalone clause.</p>	<p>both have a job search entitlement.</p>
15 Redundancy	15 Termination and Redundancy	<p>This clause reflects headspace’s redundancy policy. It states that redundancy pay will be made in accordance with the NES, except that headspace will not reduce redundancy pay after an employee has 10 years’ continuous service and will provide employees with at least 9 years’ continuous service and will provide employees with at least 9 years’ continuous service with 16 weeks’ redundancy pay.</p>	<p>See clause 38.</p> <p>The entitlements for employees are better under the 2023 Agreement, as redundancy pay is not reduced once a person has 10 years of</p>

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
			continuous service. This clause is otherwise the same as the 2023 Agreement.
16 Minimum base salaries and increases	16 Salary rates and payments	<p>This clause provides a mechanism for our minimum rates to increase by the Annual Wage Review plus an additional 1%, which is more beneficial than what is required under the Fair Work Act.</p> <p>The minimum base rates set out in Schedule 1, will be increased by the Fair Work Commission’s Annual Wage Review plus an additional 1%, only once they fall below the equivalent minimum rates set out in the HPSS Award (this is set out at clause 16 of the 2023 Agreement). If the minimum base rates set out in Schedule 1 do not fall below the equivalent minimum rates set out in the HPSS Award, they will not be increased.</p> <p>Clause 16 is not cumulative on clause 18.</p>	See clause 16 and 17.

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>If a minimum base rate increases (under clause 16) to an amount greater than any increase to the employee’s salary under clause 18, at the equivalent level, the employee’s salary will be increased to the new minimum base rate.</p> <p>For example...</p> <ul style="list-style-type: none"> <li>a. An employee of headspace employed as a HS4 is currently paid \$60,000.</li> <li>b. When the 2023 Agreement comes into effect, they will receive a pay increase of 3% and will be paid \$61,800 until 31 June 2024 (however, the HS4 minimum pay rate will remain \$60,000).</li> <li>c. On 1 July 2024, the equivalent to a HS4 in the HPSS Award is increased to \$63,600 due to the Fair Work Commission’s Annual Wage Review being 6% (for example). As the minimum pay rate is now below the equivalent in the HPSS</li> </ul>	

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<b>2023 Agreement Clause Title and No.</b>	<b>2011 Agreement Clause Title and No.</b>	<b>Nature of the change compared to the 2011 Agreement</b>	<b>Equivalent provision the HPSS Award</b>
		<p>Award, it is increased by the NWI+1%, meaning it is increased to \$64,200.</p> <p>d. The employee receives the 2% pay increase on their actual salary of \$61,800 (as per clause 18), which brings their salary of \$63,036 for the next financial year (FY25). However, as this is now below the minimum under the 2023 Enterprise Agreement, this employee would instead be paid the minimum of \$64,200 for the FY25 financial year.</p> <p>e. If in this example, the HPSS Award rate did not increase above \$60,000, the minimum pay rate would have remained at \$60,000 and the employee would have been paid \$63,036 from 1 July 2024.</p>	

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
17 Classifications	16 Salary rates and payments	<p>Amendment to impose an obligation on headspace to notify employees of their commencing classification and any subsequent changes.</p> <p>A commitment to consultation regarding a new classification structure has been included.</p> <p>For details regarding headspace role alignment to the HPSS Award, please go to <a href="#">Employment Arrangements - Home (sharepoint.com)</a></p>	<p>See clause 12.</p> <p>The obligation under the 2023 Agreement to notify employees of their commencing classification and any subsequent changes is consistent with the HPSS Award.</p>
18 Actual Salary Increases	No equivalent	<p>Pay increases will be 3% for the first year and 2% each year for the following three years after that.</p> <p>Employees will receive backpay of the 3% increase from 1 July 2023 if the 2023 Agreement, is supported at ballot</p>	<p>n/a – the HPSS Award increases by the Annual Wage Increase that is decided by the Commission each year.</p>

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>The salary increases will apply to an employee’s salary and will not apply to the minimums set out in Schedule 1 of the 2023 Agreement.</p> <p>See further explanation above at clause 16 of the 2023 Agreement.</p>	
19 Payment of Salaries	22 Payment of Salaries	<p>Amendment so that salaries can be paid weekly or fortnightly as this is current practice at headspace.</p> <p>Amendment to allow for salaries to be paid by way of cash, or an alternative method, if needed as a last resort due to the unavailability of EFT.</p>	<p>See clause 21.</p> <p>This clause states that final pay, when an employee’s employment ends, must be paid within 7 days of the ending of employment.</p> <p>headspace does not propose including this in the 2023 Agreement.</p>

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
			The frequency and method of payment is also specified and is substantially the same as the 2023 Agreement.
23 Travelling, transport, and fares	18 Travelling, transport, and fares	<p>Employees will be reimbursed for use of their vehicle in accordance with the HPSS Award instead of the kilometre rate specified by the Australian Tax Office. The kilometre allowance in the HPSS Award is currently higher (\$0.92 per kilometre) than the ATO rate (\$0. 78 per kilometre).</p> <p>Clause 18.3 of the 2011 Agreement has been deleted as it is implicit in the other clauses.</p>	<p>See clause 23.3(h).</p> <p>The 2023 Agreement mirrors this clause.</p>
24 Allowances	19 Allowances	<u>Meal Allowance</u>	<u>See clause 23.</u>



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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>Amended to align with the HPSS Award, save for the rate of the allowance. Where the meal allowance is greater in the HPSS Award, the allowance in the HPSS Award will be applied.</p> <p>The requirement to adjust the meal allowance in accordance with CPI has been deleted because the allowance will instead be adjusted in accordance with the HPSS Award.</p> <p><u>First Aid Allowance</u></p> <p>The first aid allowance will now be increased each year by the same percentage increase as salaries are increased. This is a new entitlement.</p> <p><u>On call Allowance</u></p> <p>The definition of “work” has been removed as this is not referred to in this clause.</p>	<p>The 2023 Agreement will match the meal allowance entitlement provided under the HPSS Award.</p> <p>The HPSS Award does not have a first aid allowance.</p> <p>The on-call allowance is greater in the 2023 Agreement than under the HPSS Award. The on-call allowance in the HPSS Award is payable to casual employees.</p>

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		The on-call allowance has been changed from a percentage of an employee’s standard rate to a set amount per hour – these amounts are higher than the HPSS Award.	This is not the case in the 2023 Agreement.
25 Ordinary hours of Work	23 Ordinary Hours of Work	<p>Amendment made to replace the reference to “day worker” and “clinical staff” with “full time employee”</p> <p>The ordinary spread of hours is clarified as being Monday to Friday instead of “five days per week” for a full-time employee or “seven days per week” for clinical staff.</p>	<p>See clause 13.</p> <p>The spread of daily hours in the HPSS Award is from 6:00am until 6:00pm. The spread of hours in the 2023 Agreement is from 7:30am until 7:30pm.</p> <p>The ordinary hours for a full-time worker in the HPSS Award are 38 hours whereas they are</p>

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
			37.5 hours in the 2023 Agreement.
26 Meal Breaks and Tea Breaks	25 Meal Breaks and Tea Breaks	Amended to align with the HPSS Award, except that headspace does not allow for an employee who works no more than 6 hours to elect to forgo their unpaid meal break.	See clause 15.  The HPSS Award states “An employee who works not more than 6 hours may elect to forgo the meal break, with the consent of the employer”. This is not included in the 2023 Agreement.
27 Overtime	26 Overtime	Amendments to align with the HPSS Award by:	See clause 25.

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<ul style="list-style-type: none"> <li>• specifying that overtime applies to hours in excess of 10 hours on any shift; and</li> <li>• providing overtime for casual employees.</li> </ul> <p>Amendment made to make clear that overtime is only to be worked at the direction of headspace.</p> <p>The overtime rates are favourable to employees as they are calculated based on an employee’s actual pay rate, as opposed to the minimum pay for their classification.</p>	
28 Penalty rates	27 Shift work	Updated to extend weekend penalty rates paid when employees work ordinary hours from midnight Friday to midnight Sunday to 7:30pm Friday to 7:30am Monday.	See clause 26.

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>Updated to note that penalty rates are payable to employees who work ordinary hours after 7:30pm or before 7:30am Monday to Friday.</p> <p>All other work is to be paid as per the overtime clause.</p> <p>Updated to include penalty rates for casual employees.</p>	
29 Higher Duties Allowance	28 Higher Duties Allowance	Amendment to provide employees with the higher duties allowance or as additional 10% of their salary, if this is higher than the higher duties allowance contemplated.	<p>See clause 18.</p> <p>The HPSS Award differentiates between health professionals and support service staff when determining the higher duties allowance.</p> <p>The 2023 Agreement does not do this.</p>

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<b>2023 Agreement Clause Title and No.</b>	<b>2011 Agreement Clause Title and No.</b>	<b>Nature of the change compared to the 2011 Agreement</b>	<b>Equivalent provision the HPSS Award</b>
<p>30 Annual Leave</p>	<p>29 Annual Leave</p>	<p>Updated to align closer to the HPSS Award, however the 2023 Agreement allows for some different entitlements.</p> <p>Updated to expressly make clear that employees receive 17.5% annual leave loading as part of their salary and will not be paid an additional amount for this.</p> <p>Updated to provide that a shift worker will be paid the higher of an annual leave loading of 17.5% of their minimum rate of pay; or the weekend and shift penalties the employee would have received had they not been on leave during the relevant period.</p> <p>Updated so that excess leave will be managed in accordance with the HPSS Award which defines excess leave as more than 8 weeks paid annual leave (or 10 weeks' paid annual leave for a shift worker) the 2011 Agreement defined excess leave as leave in excess of 6 weeks for all staff (including shift workers). The relevant provisions are 27.7 – 27.9 of the HPSS Award, which can be accessed through the link on the first page of this document.</p>	<p>See clause 27.</p> <p>The HPSS Award has leave loading of 17.5% as a separate entitlement that is not built into an employee's salary.</p> <p>The HPSS Award allows for annual leave in advance. The 2023 Agreement does not have this entitlement; however, it has been updated to include the</p>

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>In relation to the shutdown period changes have been made to:</p> <ul style="list-style-type: none"> <li>• remove the reference to “headspace closing the National Office” to make it clear that the shutdown provision applies to all employees of headspace, regardless of their location;</li> <li>• clarifies that the shut down provision applies pro rata to part time employees; and</li> <li>• specifies that employees who work during the shut-down will have hours worked added to their annual leave balance on an hour for hour basis.</li> </ul>	<p>provision of purchased leave (discussed below).</p>
31 Purchased Leave	No equivalent	<p>This is a new entitlement for employees.</p> <p>It enables full time and part time employees to apply for, and by agreement, purchase up to 4 weeks’ additional leave per year, through salary reductions that are averaged over a 12-month period. However, it is proposed that this entitlement will commence no earlier than 1 March 2024 due to</p>	n/a

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		administrative matters that need to be addressed before headspace will be able to facilitate this entitlement.	
32 Public Holidays	36 Public Holidays	<p>Updated to:</p> <ol style="list-style-type: none"> <li>1. specify that public holidays include those lawfully declared or prescribed to apply in applicable States, Territories, or regions.</li> <li>2. deletes reference to Victorian public holidays to better reflect headspace as a national employer.</li> <li>3. specifies that employees who are absent from their normal employment on a day that is a public holiday, will be paid at their normal rate of pay for their ordinary hours of work. The 2011 Agreement was silent on this aspect.</li> <li>4. specifies that where a public holiday occurs during a period of annual or personal/carer’s leave, the public holiday will not be</li> </ol>	See clause 33.



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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>deducted from the employees’ annual or personal/carer’s leave credits respectively; and</p> <p>5. specifies that where an employee is on a period of leave without pay and public holiday occurs, the employee will not be entitled to payment for the public holiday.</p>	
33 Long Service Leave	30 Long Service Leave	<p>Updated to:</p> <ol style="list-style-type: none"> <li>1. retain the entitlement from the 2011 Agreement to 13 weeks’ long service leave after 10 years ‘continuous’ service (the reference to continuous is new);</li> <li>2. prescribe that the applicable State or Territory laws will prevail to the extent of any inconsistency, so long as they are more beneficial than the 2023 Agreement.</li> <li>3. specifies that the entitlement to long service leave is based on “continuous service” rather than “completed years of service” to reflect the wording in long service leave legislation; and</li> </ol>	n/a

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>4. prescribes a new entitlement to take pro rata long service leave after 7 years’ service and continues to prescribe that employees are entitled to payment in lieu if employment ends after 7 years (which is not the case under some state-based legislation – for example in the Northern Territory).</p>	
34 Personal/Carers’ Leave	34 Personal/Carers’ Leave	<p>The following amendments have been made:</p> <ol style="list-style-type: none"> <li>1. Employees are now entitled to a total of 15 days of personal/carers’ leave per year which accumulates progressively during the year of service (in accordance with the NES) is cumulative, meaning that unused leave accumulates from year to year of employment. The 2011 Agreement provides for 10 days cumulative personal leave and 5 days non-cumulative carers’ leave.</li> <li>2. An employee may use their accrued paid personal/carer’s leave entitlements to attend an appointment, that cannot reasonably be</li> </ol>	<p>See clause 28.</p> <p>The HPSS Award provides for personal/carer’s leave in accordance with the NES (i.e. 10 days’ paid leave per annum). The 2023 Agreement provides for a greater</p>

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>arranged in non-working time, with a health professional including a dentist, optometrist, osteopath, physiotherapist, chiropodist/podiatrist, chiropractor, or any other health professional including mental health professional as agreed to by headspace. The 2011 Agreement does not allow personal/carers' leave to be used in this way.</p> <p>3. An employee required to attend pre-natal appointments or parenting classes that are only available or can only be attended during the employee's ordinary rostered hours may access their accrued personal or carer's leave.</p> <p>4. Employees are required to give notice of the taking of leave and advise of the expected duration as soon as practicable.</p> <p>5. Provides that an employee can take a maximum of up to 5 single days' leave or 2 consecutive days' leave without producing supporting evidence. The 2011 Agreement provides that only 3 single days or any</p>	<p>entitlement to employees.</p>

**Explanatory guide to the headspace Enterprise Agreement 2023**

2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		<p>period of leave not greater than 1 day can be taken without medical evidence being produced in support.</p> <p>6. Specifies that casual employees are entitled to take up to 2 days' unpaid carer's leave (as per the NES) or another period as agreed with headspace.</p>	
35 Blood, platelet and plasma donation leave	No equivalent clause	This is a new entitlement. It allows full time or part time employees to apply for time off without loss of pay (for up to a maximum of three hours) to visit the Red Cross Blood Bank as a donor once every twelve weeks.	n/a
36 Reproductive Health and Wellbeing Leave	No equivalent clause	<p>This is a new entitlement.</p> <p>It entitles full time employees requiring reproductive health specialist medical intervention up to 5 days' paid reproductive health leave, every twelve months, for the purpose of attending and recovering from specialty</p>	n/a

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2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
		appointments and treatments. Part time employees are entitled to pro rata leave. This leave is separate to personal/carers leave and is non-cumulative.	
37 Compassionate Leave	32 Compassionate Leave	<p>This clause has been updated to include the following:</p> <ol style="list-style-type: none"> <li>1. 4 days’ paid compassionate leave instead of 2 days’ paid compassionate leave for part time and full-time employees.</li> <li>2. Specifies that if an employee is already on another type of leave (for example, annual leave) and needs to take compassionate leave, they can use compassionate leave instead of the other leave.</li> <li>3. Specifies that an employee may, at headspace’s discretion, be granted compassionate leave in relation to a person with a significant family or personal connection to the employee, but who is not a member of the employee’s Immediate Family or household</li> <li>4. Makes clear that the 4 days’ compassionate leave can be used in relation to still birth or miscarriage.</li> </ol>	<p>See clause 28.</p> <p>The HPSS Award provides for compassionate leave in accordance with the NES (i.e. 2 days’ per occasion). The 2023 Agreement provides for a greater entitlement to employees.</p>

**Explanatory guide to the headspace Enterprise Agreement 2023**

2023 Agreement Clause Title and No.	2011 Agreement Clause Title and No.	Nature of the change compared to the 2011 Agreement	Equivalent provision the HPSS Award
38 Transition to Retirement	No equivalent clause	<p>This is a new clause.</p> <p>This clause provides that:</p> <ul style="list-style-type: none"> <li>• by agreement with headspace, an employee aged 55 or over, who has indicated their intention to retire within the next five years and provides written notice of resignation from headspace may participate in a retirement transition arrangement;</li> <li>• there are a range of options which may form part of a retirement transition arrangement, including a reduction of an employee’s working hours, a job share arrangement, an employee working in a position at lower rate of pay, working remotely, using accrued long service leave and/or annual leave for the purpose of reducing their working week, or using purchased leave; and</li> <li>• a transition to retirement arrangement may include an employee accepting appointment to a role that has reduced hours (post transition role), in which case the employee will retain the accrual of</li> </ul>	n/a

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		<p>long service leave they had immediately prior to the reduction in their hours. Where long service leave is taken, the employee will be paid long service leave hours at their hours of work prior to the post transition role until the preserved long service leave hours are exhausted.</p>	
39 Parental Leave	33 Parental Leave	<p>The 2023 Agreement provides improvements to the paid parental leave for primary and non-primary carers and introduces several new leave types relating to parental leave. A summary of the entitlements can be seen in the table in clause 39 of the 2023 Agreement.</p>	<p>See clause 29.</p> <p>The HPSS Award affords for parental leave in accordance with the NES. The NES does not provide paid parental leave. The 2023 Agreement provides a greater entitlement to employees.</p>

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40 Foster and kinship care leave	No equivalent clause	<p>New entitlement.</p> <p>An employee who provides short-term foster or kinship care as the primary carer to a child who cannot live with their parents as a result of an eligible child protection order is entitled to leave.</p> <p>An employee (except for a casual employee) is entitled to paid foster and kinship care leave of two days' paid leave on up to five occasions (maximum 10 days) per calendar year in accordance with this clause.</p>	n/a
41 Gender Affirmation Leave	No equivalent clause	<p>New entitlement to gender affirmation leave for employees affirming, questioning, or transitioning their gender identity or expression. Gender affirmation leave is not afforded for in the NES.</p> <p>An Employee (other than a casual employee) may access paid gender affirmation leave for required gender affirmation actions and examples of these gender affirming actions are listed in the 2023 Agreement.</p>	n/a



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		<p>For full time and part time employees, gender affirmation leave is up to 4 weeks' (20 days) paid leave where an employee requires gender affirmation actions; and up to 48 weeks of unpaid leave available to be taken by the Employee during their employment.</p> <p>Gender Affirmation Leave for Casual employees is up to 52 weeks' continuous unpaid leave. Obligation on headspace to treat information relating to an employee's gender affirmation as sensitive information in accordance with relevant privacy laws and headspace's code of conduct.</p>	
42 Community Service Leave	34 Community Service Leave	<p>These entitlements exist under the Fair Work Act but have been specified in the 2023 Agreement in detail.</p> <p><u>Jury Service</u></p> <p>If the absence is due to jury service, an employee (other than a casual employee) will be entitled to 10 days' paid leave, at their ordinary rate of</p>	<p>See clause 30.</p> <p>The HPSS Award states that community service leave is provided for in the NES.</p>

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		<p>pay. State and territory laws continue to apply to employees where they provide more beneficial entitlements (for example, additional payment or payment for casual employees during jury duty).</p> <p><u>Recognised Emergency Management Body Volunteer Activity</u></p> <p>Employees may be entitled to up to 2 weeks’ paid leave in relation to voluntary emergency management with a recognised emergency management body as defined in this clause. This includes bodies such as the State Emergency Service (SES), the Country Fire Authority (CFA), the RSPCA (in respect of animal rescue during emergencies or natural disasters).</p> <p>An employee is entitled to take unpaid community service leave while they are engaged in the activity and for reasonable travel and rest time. There is no limit on the amount of unpaid community service leave an employee can take.</p>	


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43 Ceremonial and cultural leave – First Nations employees	35 Ceremonial leave	<p>This entitlement has been updated to include 5 days’ paid leave per year, with the approval of headspace, for First Nations employees.</p> <p>This leave does not accrue and is not paid out on the termination of employment.</p>	<p>See clause 31.</p> <p>The HPSS Award only affords 10 days’ unpaid leave to First Nations employees. The 2023 Agreement provides this to all staff and also provides for 5 days’ paid leave for First Nations employees.</p>
44 Special disaster leave	n/a	<p>This is a new entitlement.</p> <p>An employee, other than a casual employee, can apply for up to 3 days’ paid leave per calendar year in circumstances where they do not qualify for personal leave and are unable to attend work due to specific disasters</p>	n/a

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		(which are expressly stated). This leave is not cumulative and is not paid out on the termination of employment.	
45 Family and domestic violence leave	No equivalent clause	<p>This is a new entitlement. Family and domestic violence leave is provided in accordance with the NES except that instead of the 10 days' paid leave, employees are entitled to 20 days' paid leave, in a 12-month period.</p> <p>Ability for employees supporting those through family and domestic violence to utilise personal/carer's leave, at the discretion of headspace.</p>	<p>See clause 32.</p> <p>The HPSS Award states that community service leave is provided for in the NES (i.e. 10 days' paid leave).</p>
46 Study leave	No equivalent clause	<p>This is a new entitlement.</p> <p>An employee (other than a casual employee and a probationary employee) can apply for up to five days' paid study leave per year (pro-rata for part time employees). Casual employees can apply for unpaid study leave.</p>	n/a

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47 National Training Wage	No equivalent clause	<p>This is a new clause that has been added to allow headspace to engage employees on traineeships in accordance with the minimum rates and conditions set out in Schedule E of the Miscellaneous Award.</p> <p>Schedule 3 of the Miscellaneous Award can be accessed here –</p> <div style="text-align: center;">  <p>Echedule E - Miscellaneous Awar</p> </div>	<p>See clause 20.</p> <p>The 2023 Agreement mirrors the HPSS Award.</p>