

New BoysTown Agreement Approved

The BoysTown Enterprise Agreement has been approved by the Fair Work Commission and will commence today, 4 June 2013 and will nominally expire on 4 June 2016.

The new agreement provides a number of additional benefits to you including:

- A number of new allowances such as travel, transport, excursion, sleepover and first aid allowance;
- The inclusion of casual conversion clause;
- Increase in Paid Maternity Leave (PML) by 2 weeks to 8 weeks total; and
- The inclusion of an outplacement program as part of the redundancy clause.

The pay increases will be implemented as follows:

- Current employees as at the date of 5 June 2013 will receive back pay of 3% on their rate of pay back dated to the first full pay period on or after 1 July 2012;
- 3% from the first full pay period on or after 1 July 2013;
- 2.5% from the first full pay period on or after 1 January 2014;
- 3% from the first full pay period on or after 1 July 2014;
- 2.5% from the first full pay period on or after 1 January 2015;
- 3% from the first full pay period on or after 1 July 2015; and
- 3% from the first full pay period on or after 1 July 2016.

However, the Fair Work Commission (FWC) found that the consultation clause of the Agreement did not technically comply with the Fair Work Act (FW Act). This is despite the FWC approving the exact same clause in the previous BoysTown Enterprise Agreement.

As a result, the Agreement was taken not to contain a valid consultation clause and the FWC is required by the FW Act to insert the Government's model consultation clause in its place.

There are two key differences between the agreed consultation clause and the Government's model consultation clause.

- 1) The agreed clause requires BoysTown to consult with delegates and employees when *considering* major workplace change, rather than once a definite decision has been made.
- 2) The agreed clause requires that status quo work arrangements continue until the consultation procedure has been followed.

With regard to these differences, BoysTown has written to the ASU stating its intention to comply its obligations as were originally agreed with BoysTown employees. This letter will become a "side letter" to the BoysTown Enterprise Agreement.

While the side letter does not carry as much legal weight (and is therefore less enforceable) as clauses contained within the Agreement, it represents a promise by BoysTown to adhere to its obligations as originally voted upon by you. A copy of the side letter is attached to this bulletin.

The ASU remain confident that the BoysTown Agreement is an excellent package overall and will continue to assist members in making the most its benefits.

If you'd like more information or would like to arrange a meeting in your workplace – about the EBA or Equal Pay or any workplace issue please contact:

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