

NAMED NSW (NON-DECLARED) AFFILIATED HEALTH ORGANISATIONS' STAFF SPECIALISTS AGREEMENT 2021

Information about the terms and effect of the Named NSW (Non-Declared) Affiliated Health Organisations' Staff Specialists Agreement 2021

The below table provides a brief explanation of the terms (and effect of the terms) of the proposed *Named NSW (Non-Declared) Affiliated Health Organisations' Staff Specialists Agreement 2021* ('**the Proposed Agreement**').

The Proposed Agreement is an updated version of the *Named NSW (Non-Declared) Affiliated Health Organisations' Staff Specialists Agreement 2009* ('**the 2009 Agreement**').

This document is a general non-exhaustive summary only, it does not form part of the Proposed Agreement, and should be read in conjunction with the Proposed Agreement. Further to this, it is subject to change following negotiation with the Union should any of the clauses require further amendment.

In this summary, references to the '**Modern Award**' refer to the *Medical Practitioners Award 2020*, references to the '**State Award**' refer to the *Staff Specialists (State) Award 2019*.

Throughout the agreement references to Director General of the NSW Department of Health have been deleted and replaced with "Chief Executive Officer or General Manager of the Employer."

The majority of the additions or amendments to the Proposed Agreement have been made in order to update the Proposed Agreement to better align with either the Modern Award or the State Award, and, more generally, the provisions of the *Fair Work Act 2009* (Cth).

Clause Number	Brief Explanation of Clause
Clause 1 –Titles, parties and Duration	This clause outlines the following for the Proposed Agreement: the title, the parties that will be bound and when it will be in force.
	What's changed? <ul style="list-style-type: none">• Amended the title of the NSW (Non-Declared) Affiliated Health Organisations' Staff Specialist Agreement to "2021"• Removed references to the Royal Rehabilitation Centre and renamed references to St Joseph's Hospital and Sacred Heart Hospital which are now part of St Vincent's Hospital• Removed "Belmore, Nepean, Willoughby and Wollstonecraft" from Family Care Centres.

	<ul style="list-style-type: none"> • Date to remain in force nominally updated to three years from the date of approval.
Clause 2 – Definitions	This clause provides definitions of terms used throughout the Proposed Agreement.
	What's changed? <ul style="list-style-type: none"> • No substantive changes have been made to this clause. • Updated definition of "Federation" removing '(New South Wales)'
Clause 3 – Issue Resolution	This clause sets out the process for managing and resolving disputes between parties about the interpretation, application or operation of the agreement.
	What's changed? <ul style="list-style-type: none"> • Various changes to refer to the CEO, or General Manager of the relevant employee • Process amended in so far as disputes now referable to Fair Work Commission for matters arising under the Proposed Agreement and the NES and to the Industrial Relations Commission for matters relating only to NSW Health Policy Directives.
3A – Consultation Regarding Major Workplace Change	This clause sets out the process for consultation regarding major changes.
	What's changed? <ul style="list-style-type: none"> • Additional provisions requiring consultation about changes to rosters or regular hours of work; • Clarification that employees may appoint a representative, which will be recognised by the employer; • Alignment of terms to the Fair Work model consultation clause; and

	<ul style="list-style-type: none"> • Renumbering of clause.
Clause 4 – Normal Duties	<p>This clause sets out the hours of work of employees, including shift work and rostering systems.</p>
	<p>What's changed?</p> <p>No substantive changes</p>
Clause 5 - Salary	<p>This clause sets out Staff Specialist salaries and incremental progression</p>
	<p>What's changed?</p> <ul style="list-style-type: none"> • No substantive changes have been made to this clause, though it does defer to Schedule 6 which contain actual rates of pay. Those rates of pay have been updated in accordance with the <i>Staff Specialists (State) Award 2019</i>.
Clause 6 – Salary Sacrifice – Definition	<p>This clause defines salary sacrifice.</p>
	<p>What's changed?</p> <ul style="list-style-type: none"> • No substantive changes have been made to this clause.
Clause 7 – Salary Sacrifice	<p>This clause sets out salary sacrifice arrangements and administrative matters including taxation.</p>
	<p>What's changed?</p> <ul style="list-style-type: none"> • No substantive changes have been made to this clause.
Clause 8 – Salary Sacrifice for superannuation	<p>This clause sets out salary sacrifice for the purpose of superannuation additional contributions, arrangements and administrative matters including taxation.</p>
	<p>What's changed?</p> <ul style="list-style-type: none"> • No substantive changes have been made to this clause.

<p>Clause 10 – Managerial Allowance</p>	<p>This clause sets out annualised allowances paid in response to additional management responsibilities.</p> <p>What's changed?</p> <ul style="list-style-type: none"> • No substantive changes have been made to this clause, though it does defer to Schedule 6 which contain actual rates of pay. Those rates of pay have been updated in accordance with the State Award. • Formatting changes have been made to the duties related to the Managerial Allowance Level 1 Rate.
<p>Clause 11 – Performance Agreement</p>	<p>This clause covers annual performance agreements developed jointly by staff specialists and designated supervisors.</p> <p>What's changed?</p> <ul style="list-style-type: none"> • The standard format can be in the form provided for in the State Award or a format developed by each employer in consultation with the Union.
<p>Clause 12 – Part time employment and arrangements</p>	<p>This clause specifies part-time employment arrangements, entitlements and progression for the purpose of continuity of service.</p> <p>What's changed?</p> <ul style="list-style-type: none"> • No substantive change
<p>Clause 13 – Work Location</p>	<p>The clause sets out provisions for staff specialists to work at any hospital, institution or other health services as directed by their employer including consultation requirements and parameters of the arrangement.</p> <p>What's changed?</p> <ul style="list-style-type: none"> • No Substantive change

Clause 14 – Outside Practice and other Business activities	This clause sets matters relating to secondary employment.
	What's changed? <ul style="list-style-type: none"> No substantive change.
Clause 15 – Post Graduate Fellow	This clause provides for the appointment of Post-Graduate Fellows
	What's changed? <ul style="list-style-type: none"> No substantive changes have been made to this clause.
Clause 16 – Annual Leave and Annual Leave loading	This clause provides for annual leave including how it is accrued; how it can be taken; directions to take annual leave; cashing out; and annual leave loading.
	What's changed? <p>Inserted:</p> <ul style="list-style-type: none"> This clause now contains provisions allowing for the cashing out of annual leave.
Clause 17 – Long Service Leave	This clause sets out entitlements to Long Service Leave and Accrual.
	What's changed? <ul style="list-style-type: none"> The definition of continuous service as well as recognition of prior government service is now referable to the Government Sector Employment Regulation 2014. The change mirrors the State Award. The treatment of payment of accrued long service leave on death has been updated.
Clause 18 – Sick Leave	This clause sets out entitlement to and accrual of sick leave
	What's changed? <ul style="list-style-type: none"> No substantive changes have been made to this clause.

<p>Clause 19 – Family and Community Service Leave</p>	<p>This clause sets out entitlement to and parameters around family and community services leave, family and domestic violence leave and compassionate leave</p> <p>What’s changed?</p> <ul style="list-style-type: none"> • This clause has now been renamed to: FAMILY AND COMMUNITY SERVICES LEAVE, FAMILY AND DOMESTIC VIOLENCE LEAVE AND COMPASSIONATE LEAVE <p>The clause has been amended as follows:</p> <ul style="list-style-type: none"> • Separate standalone nature of entitlements clarified. • Family and domestic violence leave added • Compassionate leave added •
<p>Clause 20 – Personal Carers Leave</p>	<p>This clause sets out entitlement to and parameters around Personal Carers Leave</p> <p>What’s changed?</p> <ul style="list-style-type: none"> • Amended to remove limits of staff specialists accessing personal carers leave accrued in a previous year.
<p>Clause 21 – Maternity, Adoption and Parental Leave</p>	<p>This clause provides entitlement and parameters around maternity, adoption and parental leave.</p> <p>What’s changed?</p> <ul style="list-style-type: none"> • References to repealed legislation have been updated to refer to current legislation • This clause now allows for ‘safe jobs’ and no ‘safe jobs’ leave in accordance with the modern Award and the <i>Fair Work Act 2009</i> (Cth). • The Clause now provides for ‘keeping in touch days’ in accordance with the <i>Fair Work Act 2009</i> (Cth). • The clause now provides for unpaid pre-adoption leave

<p>Clause 26 – Anti-Discrimination</p>	<p>This clause confirms the intention and commitment of the employer and employees to prevent and eliminate discrimination in the workplace.</p> <p>What's changed?</p> <ul style="list-style-type: none"> The clause has been amended insofar as the grounds for discrimination have been expanded to reflect current anti-discrimination legislation.
<p>Clause 27 – Redundancy</p>	<p>This clause deals with NSW Health policies which apply in circumstances of redundancy.</p> <p>What's changed?</p> <ul style="list-style-type: none"> The reference to an obsolete 2007 NSW Health policy has been updated to the current policy.
<p>Clause 29 – Agreement Flexibility</p>	<p>This clause allows for the making of individual flexibility agreements between an employer and an employee.</p> <p>What's changed?</p> <ul style="list-style-type: none"> The notice period for terminating an individual flexibility agreement has been increased from 28 days to 13 weeks in accordance with changes to the Modern Award.
<p>Part B – Monetary Rates – Salary and Allowance Tables</p>	<p>These tables stipulate the salaries payable to employees in corresponding classifications and allowances payable to certain employees in particular circumstances.</p> <p>What's changed?</p> <ul style="list-style-type: none"> The salaries have been updated to reflect rates of pay contained in the State Awards. These rates are higher than those contained in the Modern Award.

Additional Clauses

Clause number	Reason for Insertion
Clause 4A – Multiple Assignments	This clause contemplates circumstances in which an employee covered by the Proposed Agreement has more than one position within NSW Health. A clause to this effect is included in the State Award.
Clause 5A – Remuneration	This clause is inserted in accordance with section 206 of the <i>Fair Work Act 2009</i> (Cth) ensuring that base rates of pay are not less than the <i>Modern Award</i> . It also provides that increase to Award Rates & allowances will be passed on.
Clause 21A – Lactation Breaks	This clause applies to employees who are lactating mothers. A lactation break is provided for breastfeeding, expressing milk or other activity necessary to the act of breastfeeding or expressing milk and is in addition to any other rest period and meal break as provided for in this agreement. A clause to this effect is included in the State Award.
Clause 30 – Public Holidays	Confirms that entitlement to Public Holidays is in accordance with the <i>Fair Work Act 2009</i> (Cth).
Clause 31 – Ceremonial Leave	This clause sets out employees' entitlement for Aboriginal Ceremonial Leave purposes. A clause to this effect is included in the Modern Award.
Clause 32 – Termination of Employment	This clause confirms the notice required to terminate employment.
Clause 33 – National Employment Standards To Prevail	This clause was added to ensure the Proposed Agreement is in accordance with the National Employment Standards.

Deleted Clauses

During the process of reviewing the 2009 Agreement, certain clauses were considered to be outdated or no longer applicable. Accordingly, please see below a list of deleted clauses:

Clause number (in 2009 Agreement)	Reason for Deletion
Clause 10 Exclusions	This clause has been deleted as it is no longer applicable to employees covered by the Proposed Agreement.
Clause 31 – Monthly Leave Return	This clause has been deleted because it is no longer relevant to the operation of Affiliated Health Organisations.
Clause 32 – Leave Reserved	This clause has been deleted in accordance with the <i>Fair Work Act 2009</i> (Cth).
Clause 33 – No Extra Claims	The clause has been deleted because it is redundant and no longer has relevance to the Affiliated Health Organisations.

Deleted Schedules and Annexures

During the process of reviewing the 2009 Agreement, certain schedules were considered to be outdated or no longer applicable. Accordingly, please see below a list of deleted clauses:

Clause number (in 2009 Agreement)	Reason for Deletion
Annexure Pro Forma Staff Specialists Performance Agreement	No longer required.

Renumbered Clauses

Clause number (in 2009 Agreement)	Clause Number (in Proposed Agreement)
29 – Consultation Regarding Major Workplace Change	3A – Consultation Regarding Major Workplace Change
11 – Managerial Allowance	10 – Managerial Allowance
12 – Performance Agreement	11 – Performance Agreement
13 – Part-time Employment and Arrangements	12 – Part-time Employment and Arrangements
14 – Work Location	13 – Work Location

15 – Outside Practice	14 – Outside Practice and Other Business Activities
16 – Postgraduate Fellow	15 – Postgraduate Fellow
17 – Annual Leave	16 – Annual Leave and Annual Leave Loading
18 – Long Service Leave	17 – Long Service Leave
19 – Sick Leave	18 – Sick Leave
20 – Family and Community Service Leave	19 – Family and Community Service Leave, Family Violence Leave and Compassionate Leave
21 – Personal/Carer’s Leave	20 – Personal/Carer’s Leave
22 – Maternity, Adoption and Parental Leave	21 – Maternity, Adoption and Parental Leave
23 – Telephones	22 – Telephones
24 – Office, Secretarial and Administrative Support	23 – Office, Secretarial and Administrative Support
25 – Specialist Medical Administrators	24 – Specialist Medical Administrators
26 – Labour Flexibility	25 – Labour Flexibility
27 – Anti-Discrimination	26 – Anti-Discrimination
28 – Redundancy	27 – Redundancy
30 – Underpayment and Overpayment of Salaries	28 – Underpayment and Overpayment of Salaries
34 – Agreement Flexibility	29 – Agreement Flexibility