



**Community and Public Sector Union/SPSF Group Victorian
Branch**

**Proposed Victorian Public Service
Enterprise Agreement 2024**

September 2023

Introduction

CPSU proposes the following:

- 1.** Terms and conditions set out in the Victorian Public Service Enterprise Agreement 2020 are retained except where expressly stated.
- 2.** Delineation between Section I - Core terms and conditions of employment to apply to entire Victorian public service, and Section II - Agency specific arrangements is retained.
- 3.** Appendices deal with matters relevant to a Department/Agency or where a variation to a core term and condition applies.
- 4.** Redraft where necessary clauses into plain English.
- 5.** Adopt modern award standard formatting and drafting where appropriate.
- 6.** Amend for machinery of government changes
- 7.** Update all legislation references
- 8.** All salary rates to be increased by quantum of salary increase
- 9.** All allowances to be increased by quantum of salary increase
- 10.** All classification structures to be increased by quantum of salary increase

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**CPSU – PROPOSED VICTORIAN PUBLIC SERVICE ENTERPRISE AGREEMENT 2024
Core terms and conditions of employment**

Section 1 Core Terms and Conditions of Employment

Note: CLAUSE = Clause from Victorian Public Service Enterprise Agreement 2020

TITLE	CLAIM	REF
Transparent, easy to read modern agreement		
Plain English modern terms and conditions of employment	<p>Review agreement clauses for ambiguity and plain English.</p> <p>Review agreement for spelling, grammar, and formatting errors</p> <p>Include relevant modern award terms</p> <p>Remove legacy provisions that no longer apply</p>	
Definitions	Review definitions clause and ensure all relevant employers are covered, including new statutory authorities	2
Term of agreement	To be negotiated	3
Coverage	VPS	
Agreement Implementation	<p>Review agreement content having regard to outcome of SDPP common policies</p> <p>Retain VPS Agreement Monitoring Committee.</p> <p>Propose new SDPP clause for the new agreement.</p>	4.4
Legal developments	<p>Review agreement for statute and case law compliance including:</p> <ul style="list-style-type: none"> • Family Violence Leave • Fixed-term employment • Casual employment conversion • Anti-discrimination • Flexible work arrangements • Medicinal marijuana and mandatory drug testing • Rostering employees on Public Holidays 	
Undertakings	Review agreement with regard to relevant undertaking at Annexure A	
Consultation	<p>Negotiate better consultation arrangements for MOGs and cancellation of public service programs, particularly where VPS areas and agreements interact.</p> <p>Improve Consultation process by engaging parties at an earlier stage</p> <p>Ensure consultation clause meets BOOT</p>	11

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TITLE	CLAIM	REF
	<p>Clarify that part-time workers can accrue Time in Lieu.</p> <p>Add an additional meal payment for every 5 hours worked.</p> <p>Define overtime for casuals.</p> <p>Reduce time worked before double-time overtime is paid from three hours to two.</p> <p>Create new payment to compensate workers where overtime is cancelled at short-notice.</p>	
Right to disconnect	Insert a Right to Disconnect clause	New
Stand-by	<p>Review clause for ambiguity and how it applies to operational standards.</p> <p>Update clause to align with modern technology and expectations around stand-by and how it is used.</p> <p>Increase stand-by allowance to fairly compensate employees.</p> <p>Create new payment to compensate workers where rostered stand-by work is cancelled at short-notice.</p>	35.5
Personal Leave	<p>Change evidence requirements to be less onerous, particularly for people with chronic illnesses</p> <p>Expand the reasons why one can take personal/carer’s leave</p> <p>Clarify processes for dealing with personal leave adjustments due to periods of unpaid leave</p> <p>Increase amount of days without documentary evidence.</p> <p>Ensure employees are paid where they are fit to return to work but the employer requires further evidence before they return</p> <p>Put onus on employer to advise when employee has run out of personal leave and what leave they would like to use</p>	51
Long Service Leave	<p>Clarify casual entitlements and align definitions with LSL Act 2018</p> <p>Allow people close to retirement age who have less than 7 years of continuous service to access LSL pro rata</p> <p>Extend early leave payout to include people on rolling fixed-term contracts</p> <p>Remove prohibition on pay out of long service leave for serious misconduct terminations</p> <p>Ensure fixed-term employees maintain continuous service where there are short gaps between VPS contracts.</p> <p>Review entire clause for clarity.</p>	62

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TITLE	CLAIM	REF
Christmas Closedown	Three days of <i>paid</i> leave for closedown period.	42
Rostered Work	Re-define meaning of roster to those who work a span of hours for particular tasks/duties/work locations for the purpose of notification of change.	12
Reimbursement of Expenses	Include internet and other communication technology expenses where required to work from home	36.3
Shift Work	Definition of shift worker to align across the Agreement Increase night shift penalty rate to 25% Introduce intrusive and unsociable hours allowances.	39
Unsatisfactory Work Performance	Place higher onus on need to consider personal and organisational circumstances. Clarify informal process required before formal process commences Review length and use of warnings for performance Require evidence of formal counselling during probation for performance issues	24
Misconduct	Improve procedural fairness in clause, including provision of investigation reports and evidence. Expand 25.14(b) for other matters of procedural fairness and integrity affecting the misconduct investigation, including allowing conciliation at FWC before a final determination is made. Bring elements of Common Policy into Agreement.	25
Dispute Resolution	Changes to be made to the entire framework to resolve the current shortcomings and inadequacies of the process with respect to the internal resolution stage and jurisdictional issues, and enshrine positions outlined in the common policy.	13
Place of work	Clarify that the Residential Relocation principles should apply to internal relocations where employees have responded to EOIs and also to transfers between Agencies in the VPS (in line with other public services in Australia) Introduce an allowance to improve recruitment and retention in rural and regional areas.	19
Defence Reserve Leave	Ensure that employer calculations are only for days on defence leave and not for other periods where the employee is not on Defence Reserve Leave Extend entitlement to Cadet Force	63
Gender equity		
Parental Leave	Increase parental leave to 26 weeks.	55

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TITLE	CLAIM	REF
	<p>Remove primary and secondary carer distinction.</p> <p>Additional week of pre-natal leave for supporting partner.</p> <p>Ensure paid leave reflects pay inclusive of shift penalties and allowances, not just base rate of pay.</p> <p>Redraft Parental Leave clause to make it more accessible and easy-to-read.</p> <p>Extend superannuation payments to all periods of parental leave and for all employees accessing parental leave.</p>	
Carers Leave	<p>Expand the use of personal leave for caring reasons i.e., in situations other than an emergency.</p> <p>Reduce the evidence required to utilise carers leave.</p> <p>Increase amount of personal leave to acknowledge the impact caring responsibilities have on accrued leave.</p>	51
Reproductive leave	Create a separate form of leave for workers to utilise for menstruation, menopause, endometriosis and other reproductive issues.	New
Fertility leave	Create new leave entitlement for people undergoing fertility procedures.	New
Family Violence Leave	<p>Bring FVL in line with Fair Work Act.</p> <p>Expand what family violence leave can be used for.</p> <p>Remove existing barriers to accessing family violence leave, including onerous evidence requirements.</p> <p>Add further supports to what the Employer can provide, including IT screening and creating a safety plan.</p>	52
Gendered Violence	Insert new clause to address Gendered Violence in the workplace.	New
Gender Equality	Review Gender Equality clause in light of new <i>Gender Equality Act</i> changes/regulations, as well as changes to the Fair Work Act.	28
Inclusive workplaces		
Expand protected attributes	Update VPS Agreement to include breastfeeding/chestfeeding, gender identity, and intersex status in the Anti-Discrimination clause	7
Gender Affirmation Leave	<p>Redraft current Transitioning Leave clause to change language to 'gender affirmation'</p> <p>Change application of clause to be more practical and inclusive of all gender affirming experiences</p>	58
Public Holidays	Broaden reasons to substitute public holidays.	50

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TITLE	CLAIM	REF
Performance and progression	<p>Make progression automatic, unless there are formal performance or misconduct issues.</p> <p>Where that is not agreed:</p> <ul style="list-style-type: none"> • Clarify that requirement is to “meet” expectations/goals, not “exceed” them, as stated in VPS Common Policy. • Review clause for clarity and applicability to aligned structures. • Fix operation of progression eligibility clauses to not unduly disadvantage those who are promoted or take up a period of higher duties at different points in the cycle • Include ability for 360 degree feedback <p>Increase Top of Band payment to 2%</p>	29
Study Leave	<p>Review clause for relevance to how courses are run, e.g. in-person vs online</p> <p>Include wording to say that study leave will not be unreasonably withheld.</p>	69
Short courses	<p>Create an obligation that short courses will be provided where requested</p>	New
Emergency management	<p>Roll over current emergency management provisions clause and add timeframes.</p>	71
Secondments	<p>Add secondment guidelines, including that secondment should not impact an employee’s permanent employment.</p>	New
Redeployment	<p>Include enforceable redeployment principles into Agreement.</p> <p>Allow for redeployment period to be extended in particular circumstances.</p>	Sch A / New
Labour hire	<p>Add new clause to address use of labour hire in VPS and restrict it undermining ongoing, direct employment.</p> <p>Amend LSL clause to allow recognised service for people working in the VPS on labour hire contracts.</p>	New
Use of consultants	<p>Restrict use of private consultants and the reinforce the integrity of the public service by investing in public servants.</p>	New
Skill recognition	<p>Allow employers to consider a person’s previous VPS classification increment upon returning to the VPS or engaging in a new fixed-term contract.</p>	27.6
Use of data and AI in the workplace	<p>Introduce new clause around data, algorithms and the use of AI. This clause must address:</p> <ul style="list-style-type: none"> - Transparent access to data and algorithms used to assess and surveil workers, including their performance and work output. 	New

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	<ul style="list-style-type: none"> - Privacy protections for workers’ data including Privacy Impact Statements. - Protections around the introduction and use of AI and accountability mechanisms, and - Specific consultation processes for the implementation of new technology or data systems, or changes to existing tech and systems. 	
Union encouragement	<p>Add union encouragement clause – including induction materials and information sharing between employer and union</p> <p>Ensure explicit right for HSRs and union delegates to attend industrial relations training</p>	New
Safe workplaces		
Psychological Health	Ensure the Agreement is in line with the current WorkSafe Psychological Health legislation, either by amending current clauses or adding a new general psychological health clause.	
Sexual Harassment	<p>Include the positive duty onus on the employer to prevent sexual harassment.</p> <p>Implement guidance from Respect@Work report.</p> <p>Outline a consistent approach for workplace risk assessments following reports of sexual harassment, gendered violence, and bullying.</p>	<p>7</p> <p>New</p> <p>New</p>
Bullying	Allow VPS employees to utilise the bullying jurisdiction at the Fair Work Commission.	74
Inherent Requirements	<p>Standalone clause dealing with incapacity and inherent requirements processes.</p> <p>Include requirement for injured or ill workers to be redeployed where they can’t meet the inherent requirements of their substantive position.</p>	New
Infectious Diseases	Paid special leave available for agreed nationally notifiable diseases, including Covid-19.	48
Dangerous Medical Conditions	Employee to be placed on special paid leave where employer stands them down under this clause.	49
Accident Make-up Pay	Require superannuation to be paid on WorkCover payments in the first 52 weeks.	73
Health and Safety Representatives	Clarify facilities available to HSRs and require that they be given paid time release, and not have to use their accrued TIL to perform HSR functions.	74
Right to representation	Explicit right for CPSU to represent members in all industrial and employment matters.	New

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Mental Health and Workplace Trauma	<p>An additional form of leave for employees who are suffering from direct, vicarious, or cumulative trauma.</p> <p>Improved mental health support including:</p> <ul style="list-style-type: none"> - Easier access to personal leave, - Protections where disclosing health impacts due to workload, bullying or other OHS issues, - Check-ins for employees at high risk of vicarious trauma, - Strategies to address burnout and retention of staff. 	New
Compliance matters		
Termination of Employment	<p>Include wording to ensure employer termination of fixed-term contracts must be in line with the VPS Agreement and the Public Administration Act.</p> <p>Add clause addressing employer’s responsibility to make payment of final pay (incl allowances, entitlements etc) within 14 days of employee’s final work day, or next scheduled fortnightly payroll – inclusive of fixed term employees whose contracts expire</p>	20
Payment of Salaries	<p>Redefine for exceptional circumstances</p> <p>Ensure workers who are on long periods of leave or WorkCover are in receipt of their payslips.</p> <p>Amend overpayment of salary clause to make clear what an employer can and cannot do in the situation of an overpayment.</p> <p>Outline a clear process for where an employee is underpaid.</p>	33
Transfer between VPS Employers	All Employees must be given a copy of their transfer of personnel form.	New

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Schedules

CLAUSE	TITLE	CLAIM
Schedule A	Redeployment	Review for Jobs and Skills Exchange
Schedule B	Salaries - VPS	Amend for negotiated outcome
Schedule C	VPS Aligned Adaptive Structures	-
1	Adaptive Classification Structures	-
2	Legal Officer Adaptive Structure	Review Legal Officer Structure and Classification
3	Allied Health Adaptive Structure	-
4	Science Adaptive Structure	-
5	Department of Health and Human Services – Housing Services Officer and Housing Customer Services Officer Structures	Review subject to proposed new HSO descriptors
6	Department of Justice and Regulation – Custodial Officers Structure	Change to DJCS
7	Department of Justice and Regulation – Sheriff’s Officer Structure	Change to DJCS Review Sheriffs classification
8	Department of Justice and Regulation – Community Corrections Practitioner Structure	Change to DJCS
9	Department of Economic Development, Jobs, Transport and Resources – Fisheries Officers Structure	Change to separate Victorian Fisheries Authority Review Fisheries Officers Structure
10	Court Services Victoria – Court Registrar Structure	Review Court Registrar Structure per Schedule C, clause 10.2
11	Victoria Police – Police Custody Officer Structure	-
Schedule D	Non-VPS Aligned Adaptive Structures	-
1	Department of Health and Human Services – Child Protection Practitioner Structure – Children Youth and Families Stream	-
2	Department of Health and Human Services – Child Protection Practitioner Structure – Child Protection Practitioner Stream	-
3	Department of Health and Human Services – Youth Justice Worker Structure	Move to DJCS. New classification arrangements for Youth justice
4	Victoria Police – Forensic Officer Structure	-
5	Ministerial Chauffeurs Structure	-
Schedule E	Classification Descriptors	-

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CLAUSE	TITLE	CLAIM
1	VPS Non-Executive Career Structure Classification and Value Range Standard Descriptors	-
2	Legal Grade and Value Range Descriptors	-
3	Speech Therapists, Social Workers, Psychologists/Guidance Officers and Related Professions (Allied Health) Grade and Value Range Descriptors	-
4	Science Grade and Value Range Descriptors	-
5	Housing Officer/ Housing Customer Service Officer	Review HSO classification structure to include outcome of Housing Operating Model and Housing capability framework
6	Child Protection Practitioner - Children, Youth and Families Stream - Classifications and Standard Descriptors	-
7	Child Protection Practitioner - Child Protection Practitioner Stream - Classifications and Standard Descriptors	-
8	Youth Justice Custodial Career Structure Classifications and Standard Descriptors	Change to DJCS
9	Custodial Officer Classification Descriptors	-
10	Forensic Officer Work Level Descriptors	-
11	Police Custody Officer Classification Descriptors	-
Schedule F	Supported Wage System	-
1	Supported Wage System	-