

RECOMMENDATIONS

Recommendation 1

2.57 The committee recommends that the Minister Assisting the Prime Minister for the Public Service take steps to ensure that the APSC issues all agencies with instructions that: the agency must ensure all APS employees may be represented on workplace matters by a person of their choice, including a union representative; and that agencies consult employees on matters that affect them prior to decisions being made.

Recommendation 2

3.40 The committee recommends that the government adjust the annual wage cap contained in the 2015 bargaining policy to a more realistic level, consistent with economy wide outcomes in enterprise bargaining, and facilitate agency access to a portion of the savings accrued through the delays in settlement to allow for improved wage offers that do not come at the expense of cuts to pre-existing rights and conditions.

Recommendation 3

4.20 The committee recommends that the government urgently amend the prohibition on back pay or provide another mechanism such as a payment upon agreements commencing to allow agencies to provide some limited and appropriate financial recompense to employees who have had their wages frozen for the past three years.

Recommendation 4

6.31 The committee recommends that the Minister Assisting the Prime Minister for the Public Service and relevant portfolio Ministers take immediate steps to ensure that agencies affected by machinery of government changes such as the Department of the Prime Minister and Cabinet, the Department of Immigration and Border Protection, the Federal Courts and the Administrative Appeals Tribunal are encouraged to reach enterprise agreements that align employment pay and employment conditions without loss.

Recommendation 5

6.32 The committee recommends that the bargaining policy should be amended to specifically allow for the maintenance of existing negotiated agreement provisions, including in the case of agencies affected by machinery of government changes.

Recommendation 6

6.36 The committee recommends that the bargaining policy should be amended to allow agencies and employee bargaining representatives to agree on improvements and encourage provisions in enterprise agreements that support victims of domestic violence including access to leave.

Recommendation 7

6.39 The committee recommends that the Minister Assisting the Prime Minister for the Public Service and the Minister for Immigration and Border Protection take immediate steps to ensure the Department of Immigration and Border Protection fairly address disparities arising from the integration of Customs and Immigration and the creation of the Australian Border Force and ensures officers of the Department can receive current pay and conditions.

Recommendation 8

6.40 The committee recommends that the Minister Assisting the Prime Minister for the Public Service and the Minister for Immigration and Border Protection take immediate steps sufficient to ensure the Department of Immigration and Border Protection can and will seek to genuinely reach early agreement with employee representatives and put an agreed position to the Fair Work Commission arbitration of a workplace determination.

Recommendation 9

7.26 The committee recommends that the government amend its bargaining policy to allow for the retention of existing rights and conditions in full, including but not limited to removing the prohibition on enhancements and defining previously agreed agreement provisions as enhancements in circumstances such as machinery of government changes.

Recommendation 10

7.27 The committee recommends that the government amend its bargaining policy to allow and encourage the retention of access to family friendly conditions, including hours of work protections, to facilitate and support the employment of those with caring responsibilities.

Recommendation 11

7.28 The committee recommends that the Minister Assisting the Prime Minister for the Public Service and the Minister for Human Services take immediate steps to ensure that the Department of Human Services can and will seek to maintain enterprise agreement provisions that preserve existing family

friendly conditions, provide employee protections for rostering and hours of work, maintain current consultation provisions and provide that ongoing employment remains the preferred type of employment in the Department.

Recommendation 12

7.30 The committee recommends that the government amend its bargaining policy so that it no longer requires the removal of existing agreement content in various areas above the legislated National Employment Standards and the minimum provisions required by the *Fair Work Act 2009*.

Recommendation 13

7.32 The committee recommends that the government amend its bargaining policy to allow for the retention of existing and long-standing consultation and dispute resolution rights.

Recommendation 14

8.25 The committee recommends that the Minister Assisting the Prime Minister for the Public Service take immediate steps to ensure that where decisions with respect to bargaining outcomes rest with the Minister or with the APS Commissioner, the decision maker engages in bargaining and acts in accordance with the good faith bargaining requirements of the *Fair Work Act 2009*.

Recommendation 15

10.13 The committee recommends that the Minister Assisting the Prime Minister for the Public Service takes immediate steps to ensure that the APS Commissioner acts to remove the existing impediments and works with employee representatives and agencies to enable a reasonable conclusion to be reached to the current protracted Commonwealth public sector bargaining.

Recommendation 16

10.14 The committee recommends that the Minister Assisting the Prime Minister for the Public Service take immediate steps to facilitate a discussion with the CPSU about a possible resolution of this extended dispute, with due consideration for the other recommendations in this report.

Recommendation 17

10.33 The committee recommends that the APSC and the CPSU consider a range of approaches for future enterprise bargaining and settle on the best and most productive approach for the APS and other Commonwealth agencies well in advance of the nominal expiry of this round of enterprise agreements.