

## NSW Local Government (State) Award: *WorkChoices Impact Analysis*

Clause	Allowable/not allowable	What's lost	
1	ARRANGEMENT	Allowable (machinery)	<u>Allowable</u> ✓
2	STATEMENT OF INTENT	Probably allowable as machinery/incidental	<u>Allowable</u> ?
3	ANTI-DISCRIMINATION	Not allowable	<u>Not allowable</u> X
4	DEFINITIONS	Allowable - incidental/machinery	<u>Allowable</u> ✓
5	SKILL DESCRIPTORS	Skills based career paths are non-allowable but...	<u>Unenforceable</u> from date of legislation, subject to Award Review Task Force X
6	RATES OF PAY	(i) General increases not allowable	(i) <u>Low pay increases</u> administered through "Fair Pay" Commission X
		(ii) Skills based career paths are Not allowable	(ii) <u>Unenforceable</u> from date of legislation, subject to review by Award Review Task Force X
		(iii) Actual rates not allowable	(ii) Actual rates must be <u>converted</u> to minimum rates X
		(iv) Workers Comp clause Not allowable	(iv) <u>Not allowable</u> X
7	SALARY SYSTEM	Skills based progression is Not allowable.	<u>Unenforceable</u> X
8	USE OF SKILLS	Partially allowable as machinery/incidental clause	Must be <u>reviewed</u> by Award Review Task Force. Skills based career pathing <u>unenforceable</u> from date of legislation. ? ✓
9	PAYMENT FOR RELIEF DUTIES/WORK	Partially allowable	Skills based career paths, <u>unenforceable</u> from date of legislation, subject to Award Review Task Force X
10	PAYMENT OF EMPLOYEES	Payroll deductions not allowable	<u>Unenforceable</u> X
11	SALARY SACRIFICE	Not allowable as stand alone clause	<u>Not allowable</u> as stand alone clause X
12	SUPERANNUATION FUND CONTRIBUTIONS	Not allowable	<u>Not allowable</u> , covered by Superannuation Guarantee but subject to Choice. X
13	ALLOWANCES, ADDITIONAL PAYMENTS AND EXPENSES.	Partially allowable	Accreditation and training for use of community languages and first aid, <u>not allowable</u> ✓ X
14	MOTOR VEHICLE LEASEBACK	Not allowable	<u>Not allowable</u> X
15	RESIDENCE	Not allowable	<u>Not allowable</u> X
16	HOURS OF WORK	Allowable... but	May provide for ordinary hours to be <u>averaged</u> over 52 weeks resulting in loss of overtime ✓ X
17	OVERTIME	Allowable	Allowable subject t to impact of <u>variations</u> to ordinary hours ✓ X
18	HOLIDAYS	Union Members Picnic Day prohibited.	<u>Prohibited</u> . X
		Other holidays allowable	<u>Allowable</u> ✓
19	LEAVE PROVISIONS	Long Service Leave not allowable	<u>Reduced</u> to State Act entitlements X
		Union Training Leave prohibited	<u>Prohibited</u> X

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		Union Conference Leave prohibited	<u>Prohibited</u>	X
		Annual leave and personal/carers leave	<u>Not allowable</u> , significant reduction in entitlements	X
		Paid Maternity Leave	<u>Not allowable</u>	X
20	FLEXIBILITY FOR WORK AND FAMILY RESPONSIBILITIES	Not allowable	<u>Not allowable</u>	X
21	PART-TIME EMPLOYMENT	Consultative Committee consultation not allowable	<u>Partially allowable</u>	✓ X
22	CASUAL EMPLOYMENT	Restriction on employment of casuals not allowable	<u>Partially allowable</u>	X ✓
23	JOB SHARE EMPLOYMENT	Not allowable unless expressed as part-time employment	<u>Partially allowable</u>	X ✓
24	JUNIOR AND TRAINEE EMPLOYMENT	Actual rates	<u>Not allowable</u>	X
		Automatic progression	<u>Not allowable</u>	X
		Union consultation	<u>Not allowable</u>	X
		Additionality	<u>Not allowable</u>	X
25	TRAINING AND DEVELOPMENT	Not allowable with exception of machinery provisions.	<u>Not allowable/partially allowable</u>	X ✓
26	PERFORMANCE EVALUATION AND REWARD	Partially allowable	<u>Partially allowable</u>	✓ X
27	CONSULTATIVE COMMITTEES	Not allowable/prohibited	<u>Not allowable/ Prohibited</u>	X
28	APPOINTMENT AND PROMOTION	Not allowable	<u>Not allowable</u>	X
29	TERM CONTRACTS	Not Allowable/Prohibited	<u>Not allowable</u> , restriction on use of contracts <u>prohibited</u>	X
30	GRIEVANCE AND DISPUTE PROCEDURES	Significant amendments to procedures, mandatory involvement of Unions prohibited	<u>Amended/prohibited</u>	X
31	DISCIPLINARY PROCEDURES	Not allowable	<u>Not allowable</u>	X
32	OCCUPATIONAL HEALTH AND SAFETY	Not allowable	<u>Not allowable</u>	X
33	TERMINATION OF EMPLOYMENT	Not allowable	<u>Not allowable</u>	X
34	WORKPLACE CHANGE AND REDUNDANCY	Right to union consultation	<u>Not allowable</u>	X
		Severance pay only in cases of "genuine redundancy"	<u>Entitlements reduced</u>	X
35	COMPETITIVE TENDERING	Not allowable	<u>Not allowable</u>	X
36	COUNCIL AGREEMENTS	Not allowable	<u>Not allowable</u>	X
37	AWARD IMPLEMENTATION COMMITTEE	Not allowable	<u>Not allowable</u>	X
38	SAVINGS AND TRANSITIONAL	Allowable as machinery clause	<u>Allowable</u>	✓
39	LEAVE RESERVED	Not allowable	<u>Not allowable</u>	X
40	AREA, INCIDENCE AND DURATION	Allowable (machinery)	<u>Allowable</u>	✓
<i>Part B</i>				
	CLAUSE 6- RATES OF PAY	See (6) above.	<u>Significantly reduced</u>	X
	SCHEDULE 1 - ACCOMMODATION STANDARDS FOR EMPLOYEES CAMPING OUT	Not allowable	<u>Not allowable</u>	X



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