



## PARAMEDIC / INTERN / AMBULANCE OFFICER

### What is an EBA?

An 'EBA' is an Enterprise Bargaining Agreement.

You may sometimes hear it referred to as an 'EA' (Enterprise Agreement), and sometimes a 'CA' (Certified Agreement - as this is what it can be referred to once it has been approved, or certified, by the Fair Work Commission). But they are all pretty much the same thing.

The EBA is a single document which governs your workplace conditions. It is a legal document, (hence a 'breach' of Agreement can occur, just like a breach of contract), whose oversight is bestowed upon the Fair Work Commission by Federal legislation (Fair Work Act 2009).

The EBA covers a group of employees and sets out their minimum employment terms and conditions.

The Agreement covers all manner of workplace conditions and outlines the rules for managing things such as pay increases, annual leave entitlements, personal (sick) leave entitlements, hours of work, student/intern/paramedic progression, shift patterns, part time or job share conditions, allowances for things such as travel and meals, overtime arrangements, country relief and career progression. Importantly, it also specifies when and how the organisation can introduce change, and when consultation should occur with the workforce.

### Why is an Enterprise Agreement so important?

The EBA is the best way to ensure rules, procedures and policy are applied fairly, equitably and consistently. It can be used to hold the employer (and the employee and their employee representatives) to account. If a certain issue is not covered by the EBA, and therefore does not have any rules around it, it is generally considered a 'management decision'.

In the event of an issue at work, the wording or 'terms' of the Enterprise Agreement is often the first point of call. In the event of a 'breach' of the Agreement, or should a difference of interpretation arise, either party can formally activate the dispute settling procedure, and ultimately can appeal to the Fair Work Commission to interpret or enforce terms of the Agreement.

### How long does the Bargaining process take?

Our current Agreement expires 30th June 2024.

In the event no Agreement is reached by June 2024, the existing conditions outlined in our current Agreement simply continue to govern conditions.

It is ~~extremely unlikely~~ impossible for negotiations to be completed by 30<sup>th</sup> June.

Your negotiation team initially met with St John briefly, on 11th March 2024 to discuss the 'ground rules' established by the Fair Work Act 2009 (or the principles of 'good faith' bargaining). Certain very important rules of behaviour govern negotiations.

Today's meeting on 25<sup>th</sup> March, each party outlined their 'Log of Claims' (more below).

The Paramedic EBA commenced later than usual due to ongoing ATO and SOC negotiations.

## Who is the negotiating team for the St John?

- Joe Cuthbertson (General Manager Clinical & Operational Excellence)
- Carly Rees (Industrial Relations Manager)
- Kym Lavender (Head of People Services)
- Joel Moore (Head of Metro Ambulance Operations)
- Karen Stewart (Head of Country Ambulance Operations)

## Who are your bargaining representatives for the AEAWA?

- John Thomas (SM)
- Lee Waller (SM)
- Michael Hardwick (AP)
- David Higgins (SM)
- Conrad Fairhead (PSO)
- Callan McLure (AP)
- Kirsty Roberts (ECP)
- Rick Candy (AP)
- Shannan Bradley (AP)
- Paul Davies (CCP)
- David Bryant (AP)
- Gary Davies (CP)

## How does the bargaining process work?

Typically the employer presents an 'Offer' and the employee representative groups present a 'Log of Claims'.

An 'Offer' from the employer typically offers a certain pay rise in exchange for introducing something (usually things such as greater flexibility in how they manage the workforce). Naturally the employer wants to minimise pay raise expenditure and avoid restrictions on how they manage the business.

The 'Log of Claims' from employee representative groups, typically requests a range of improvements to conditions, and their own pay claim. Naturally, employee representatives want to make as few concessions / concede as few existing conditions as possible for the maximum pay raise.

Claims must be allowable or 'permissible matters'.

Permissible matters are those which relate to wages and allowances, annual and sick leave, shift patterns and hours of work. Generally, operational matters cannot be included, so things such as the colour of the uniform, ambulance layout, or the function of the ePCR would not be permissible matters.

The Fair Work Act 2009 sets out the good faith bargaining requirements in section 228. The Act governs the rules of negotiations, and both parties must 'bargain in good faith' and attempt to reach an agreement. That doesn't mean we have to agree on issues, but we must make efforts to reach an agreement.

'Good faith' bargaining means 'giving genuine consideration to the proposals and giving reasons for the responses to those proposals'.

Good faith bargaining requirements aim to ensure that all bargaining representatives act in an appropriate and productive manner. The requirements also seek to facilitate improved communication between bargaining representatives, which is expected to reduce the likelihood of industrial action.

The Fair Work Act emphasises that there is an obligation to bargain in good faith. Bargain means to discuss the terms of any transaction. Discuss means to engage in conversation, examine by argument – to debate. At its most fundamental, enterprise bargaining is about communication both before and during formal negotiations. In summary, all parties must have a real intention to negotiate an enterprise agreement otherwise the Commission can issue a 'bargaining order'.

As you can imagine, this process can go on for several months often with small compromises and concessions being made. Each party may present data to argue their case, for example they may discuss which measure is used to determine CPI cost of living increases when bargaining the pay rise component.

Ultimately the final agreement needs to be one which will gain a 'YES' vote; so the all parties will be interested in your willingness to accept or fight any changes.

## How did the AEAWA arrive at our Log of Claims?

The Claims were formulated from the results of a survey which was emailed to all financial members towards the end of last year. The survey links were also posted on Facebook.

Overall, we had **710 responses** to the survey. You can read the results of the survey here: [here](#) and [here](#).

The most common themes were:

- 1) Pay increase (CPI/cost of living increases)
- 2) Increases to allowance
- 3) No loss of conditions
- 4) Reduced shift extensions
- 5) More fairness to progression
- 6) Better rostering processes (especially spare and part time)
- 7) Increased leave allowances and flexibility
- 8) More fairness in relation to recruitment

The AEAWA committee also have sought to address many issues that have arisen for members in between negotiations. Many are issues of fairness and parity.

Our **Log of Claims** represents a significant piece of work by the executive to formulate a comprehensive list of changes which we hope will address issues of pay, fairness, opportunity, work-life balance and fatigue.

The AEAWA executives all work in operational 'on-road' positions on road so we also face the same issues as our members, and understand the common frustrations and most sought improvement to conditions.

## Will there be industrial action?

All parties ultimately want to reach a mutually acceptable agreement, as amicably as possible. And at this early stage it is impossible to predict how negotiations will progress.

Whether or not industrial action will occur depend entirely on the progress of the negotiations and the strength of feeling of our membership on a particular issue of importance. All unions are ultimately only as strong as their membership.

Any action would need to be 'protected industrial action'. This is action that has been authorised by the Fair Work Commission. Even 'work to rule' can be seen as industrial action, and needs prior approval by Fair Work.

Previous industrial action has included the withholding of billing section of case sheets (which slows billing) and the wearing of campaign T-shirts over uniform. This campaign in 2008 resulted in a series of 5% pay increases, totalling a 30% pay increase, the highest increase ever negotiated in the industry at the time.

## How do we stay informed and up to date?

The AEAWA will provide regular updates on both our Facebook group, and our website <https://www.aeawa.com.au/eba/paramedics/> as we move through the bargaining process.

Please speak to a delegate (<https://www.aeawa.com.au/about/delegates/>) or contact us at [info@aeawa.com.au](mailto:info@aeawa.com.au) if you have any specific questions.

Please be aware that any views management express on the merit of the proposed changes may be unavoidably biased.

## What can I do to help?

The best way to get involved is to actively engage with the process.

The EBA negotiations and any changes introduced will ultimately impact all our careers and can drastically alter conditions not just for the next 3 years, but well into the future.

Therefore we need to try and consider the long-term ramifications of any changes. We are protecting the conditions of this career not just for ourselves, but for future generations of paramedics.

One of the core strengths of the AEAWA, is that the entire negotiation committee are financial members, who ALL work any conditions we agree to. As such, we are extremely motivated and impacted by the success or failure of negotiations.

Rest assured we will not settle for anything we feel is a 'bad deal' for our membership.

A well-intentioned but poorly considered concession can have unexpected effects and may be very difficult to undo in future EBAs. It is best to carefully read the material presented and spend time thinking about the detail.

Should senior management begin open discussions (especially on Yammer/Viva Engage) we would generally suggest avoiding these interactions. While St John will be keen to discuss matters directly with the workforce, it may only provide a platform for St John to spread their perspective.

Talk with your work partner and make sure they are a member of one of the employee representative groups. Obviously the AEAWA would like officers to join us as their representative group, but regardless all officers should to be represented. Your interests are better heard and stronger when you are with one of the groups.

We will all need to be patient. Negotiations generally take a long time and there is a temptation to sign away conditions to 'get it over with' and start receiving a pay rise. Conditions once lost may never come back, and so it is critical we evaluate the long-term implications not just on us, but for the ambulance industry and workforce of the future.

While we negotiate, other matters will still arise and need to be dealt with by your representatives, we will communicate as normal on these matters, but please forgive us if our responses to routine emails slow a bit with the added workload.

We endeavour to reply to all enquiries as soon as possible, however if the matter is urgent, we suggest you please call the mobile numbers listed on our website [www.aeawa.com.au](http://www.aeawa.com.au). <https://www.aeawa.com.au/eba/paramedics/>

## I have another question not covered?

Please contact us on [info@aeawa.com.au](mailto:info@aeawa.com.au)