



Employee Consultative Group – Draft Terms of Reference



INTRODUCTION

Clause 5.1 of the Commonwealth Members of Parliament Staff Enterprise Agreement 2020-2023 (Enterprise Agreement) provides for the establishment of an Employee Consultative Group (ECG) to be 'consulted on workplace issues pertaining to employees generally (as opposed to issues relating to individual employees or individual offices).'

AGREEMENT

The ECG agrees to use its best endeavours to consult, communicate, negotiate and advance matters brought before it promptly.

ROLE OF THE ECG

1. The role of the ECG is to:

- a. provide a forum for staff employed under the Enterprise Agreement to raise matters of interest about the workplace or their employment;
- b. consult with staff employed under the Enterprise Agreement on workplace and employment matters which may be raised by the ECG, by staff employed under the Enterprise Agreement and their representatives, by the Minister, by the Department of Finance (the Department) or by other relevant organisations;
- c. convey to the Minister, in their management role of the *Members of Parliament Staff 1984 Act* (MOP(S) Act) employment framework, the views of MOP(S) Act employees on workplace and employment matters;
- d. prepare advice and recommendations to the Minister on workplace and employment matters affecting staff employed under the Enterprise Agreement;
- e. be promptly consulted by the Department on proposed changes to, or establishment of, guidelines or policies in relation to the Enterprise Agreement, where the proposed change affects employees; and
- f. be promptly consulted by the Department on the operation and

application of the Enterprise Agreement.

2. The Department undertakes to include views and recommendations of the ECG in relevant briefings to the Minister and to report back to the ECG at each meeting.

ECG COMPOSITION

3. The ECG is comprised of:
 - a. employee representatives from all political parties on a proportional basis to party staff numbers, to be selected by employees covered by the Enterprise Agreement;
 - b. employer representatives, including a nominee of the Minister and/or representatives of the Department; and
 - c. a representative of each union covered by the Enterprise Agreement.

ECG REPRESENTATION

4. Consistent with arrangements with the Work Health and Safety Committee, work groups for MOP(S) Act employees will be based on party lines, with a number of ECG representatives and “reserve representative positions” (Reserves) being allocated to work groups proportionate to the number of employee positions in each work group.
5. Each work group is responsible for election its representatives. Finance is able to assist employees of Independent Senators and Members and Minority Parties during the nomination and election process for ECG representatives and Reserves.
6. In addition, Reserves from each work group may attend meetings as a substitute employee representative if an ECG representative for their workgroup is unavailable. It is the responsibility of an ECG representative to arrange for a Reserve to attend any meetings they are unable to. Where a Reserve attends a meeting in place of an ECG representative at the ECG representative’s request, they are counted as a MOP(S) Act employee representative for their work group for the duration of the meeting. ECG representatives who will be absent from a meeting are asked to advise the Department prior to the meeting of any substitution arrangements they have made, to ensure that relevant information is provided to the substitute employee representative.
7. Where a general election or other circumstance occurs that changes the numbers of MOP(S) Act employee positions in a party or grouping, to the extent that the number of ECG representatives and reserves allocated to each work group is no longer proportionate to the total number of employee positions in a work group, work groups will be restructured to restore proportionality.
8. In the current (47th) Parliament, the total number of ECG representatives and Reserves to be elected is as follows:

Work Group	ECG Representatives	Reserves
Australian Labor Party	5	3
Liberal Party of Australia	3	2
The Nationals	1	1
Australian Greens	1	1
Representative for staff of Independent Parliamentarians and Minority Parties	1	1

9. Consistent with the arrangements for the current WHSC, there may be one representative on the ECG from each union covering MOP(S) Act employees.
10. There will be no more than five management representatives at any meeting of the ECG, including a nominee of the Special Minister of State and/or representatives from Finance.

TERMS OF OFFICE

11. MOP(S) Act employees and union representatives on the ECG will serve until, in the event of a Federal election, the selection of new employee representatives, (based on any revised party proportional basis) is finalised.
12. If a MOP(S) Act employee representative ceases to be employed under the Enterprise Agreement, the representative will cease membership of the ECG. The representative may be replaced by an employee from the reserve list.

OPERATIONS OF THE ECG

13. Meetings will be held on a regular basis as agreed by the ECG, with generally four meetings per calendar year, unless otherwise agreed by the ECG. The ECG will schedule additional meetings at its discretion.
14. A formal meeting of the ECG is only constituted when there is attendance from at least one member from each of the following groups:
 - (a) employee representatives;
 - (b) union representatives; and
 - (c) employer representatives
15. The date of each meeting will be proposed during the previous meeting.

Finance will provide secretariat support and chair each meeting.

16. MOP(S) Act employees or their representatives may attend meetings of the ECG as observers. At the request of the ECG, observers may be asked to contribute or provide information about specific issues. Observers may be requested to leave the meeting during discussions of a confidential nature.
17. Finance will generally call for agenda items at least two weeks before the meeting. Agenda items and any relevant papers should be provided to Finance so that they may be distributed to members as early as possible prior to the meeting. Finance should generally distribute to members any relevant documents at least one week prior to the meeting.
18. Finance will endeavour to distribute the draft minutes to the members within ten working days, and provide ECG members with five working days to provide comments or suggested changes. The minutes will then be finalised and posted on the MaPS website, unless a significant disagreement with the minutes has been notified.

DRAFT



Work Health and Safety Committee – Draft Terms of Reference



INTRODUCTION

Clause 59.2 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2020-2023* (Enterprise Agreement) provides for the establishment of a Work Health and Safety Committee (WHSC). Consistent with requirements under the *Work Health and Safety Act 2011* (the WHS Act) and the *Work Health and Safety Regulations 2011* (the WHS Regulations).

AGREEMENT

The WHSC agrees to use its best endeavours to consult, communicate, negotiate and advance matters brought before it promptly.

ROLE OF THE WHSC

1. The role of the WHSC is to:
 - a. to facilitate co-operation between the Department of Finance (Finance) and MOP(S) Act employees in instigating, developing and carrying out measures designed to ensure the health and safety of MOP(S) Act employees at work, to the extent practicable given the employment arrangements established by the Members of Parliament (Staff) Act 1984; and
 - b. to assist in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplaces of MOP(S) Act employees; and
 - c. any other functions prescribed by the WHS Regulations or agreed between Finance and MOP(S) Act employees.
2. The Department undertakes to include views and recommendations of the WHSC in relevant briefings to the Minister and to report back to the WHSC at each meeting.

SCOPE

3. Finance's capacity to influence and control MOP(S) Act employment is limited. Examples of matters within Finance's influence and control include some issues relating to building and property maintenance and the fit-out

of Senators and Members' offices. Employees should consult directly with their employing Senator or Member on matters that are under the Senator or Member's influence and control. This may include, for example, matters relating to the direction of work, and the hours and place of work.

4. Matters not directly related to the health and safety of MOP(S) Act employees will not be considered by the Committee, and where relevant will be referred to the Employee Consultative Group (ECG).

WHSC REPRESENTATION

5. Section 51 of the WHS Act requires that work groups be established and a minimum of one Health and Safety Representative (HSR) be elected for each work group. Work groups for MOP(S) Act employees will be based on party lines, with a number of HSR and Deputy HSR positions being allocated to work groups proportionate to the number of employee positions in each work group.
6. Each work group is responsible for electing its representatives. Finance is able to assist employees of Independent Senators and Members during the nomination and election process for HSRs and Deputy HSRs.
7. Each elected HSR is automatically a MOP(S) Act employee representative on the WHS Committee, subject to his or her consent.
8. In addition, Deputy HSRs from each work group may attend the Committee as a substitute employee representative if an HSR for their work group is unavailable. It is the responsibility of an HSR to arrange for a Deputy HSR to attend any meetings that the HSR is unable to. Where a Deputy HSR attends a meeting in place of an HSR at the HSR's request, they are counted as a MOP(S) Act employee representative for their work group for the duration of the meeting. HSRs who will be absent from a Committee meeting are asked to advise the Department prior to the meeting of any substitution arrangements they have made, to ensure that relevant information is provided to the substitute employee representative.
9. Where a general election or other circumstance occurs that changes the numbers of MOP(S) Act employee positions in a party or grouping, to the extent that the number of HSRs and Deputy HSRs allocated to each work group is no longer proportionate to the total number of employee positions in a work group, work groups will be restructured, as contemplated under section 52 of the WHS Act, to restore proportionality.
10. It is a requirement under section 75 of the WHS Act that a Committee be established within two months of a request from either an HSR or five workers at a workplace.

11. In the current (47th) Parliament, the total number of HSRs and Deputy HSRs to be elected is as follows:

Work Group	HSRs	Deputy HSRs
Australian Labor Party	5	3
Liberal Party of Australia	3	2
The Nationals	1	1
Australian Greens	1	1
Representative for staff of Independent Parliamentarians and Minority Parties	1	1

12. Consistent with the arrangements for the current ECG, there may be one representative on the Committee from each union covering MOP(S) Act employees.

13. There will be no more than five management representatives at any meeting of the Committee, including a nominee of the Special Minister of State and/or representatives from Finance.

TERM OF OFFICE

14. In accordance with section 64 of the WHS Act, HSRs will serve terms of three years, unless work groups are restructured earlier to maintain proportionality between the number of MOP(S) Act employee positions in a work group and the number of HSRs representing that workgroup.

15. If an HSR ceases to be employed under the MOP(S) Act, the HSR will cease to be a member of the Committee and a new HSR will be elected by the relevant work group.

OPERATIONS OF THE WHSC

16. Meetings will be held on a regular basis as agreed by the Committee, with a minimum of one meeting every three months as required by section 78 of the WHS Act.

17. Committee meetings will not be held following the dissolution of the Parliament, except by urgent request.

18. A formal meeting of the Committee will only be constituted when there is attendance from at least:

- a. five employee representatives; and
- b. one union representative; and

c. one management representative

19. The date of each meeting will be proposed during the previous meeting. Finance will provide secretariat support and chair each meeting.
20. MOP(S) Act employees, employed under the terms and conditions of the Enterprise Agreement, or their representatives (including union representatives), may attend meetings of the Committee in the capacity of observers, noting they may be requested to provide information about specific issues, or to leave for discussions of a confidential nature.
21. Finance will generally call for agenda items at least two weeks before the meeting. Agenda items and any relevant papers should be provided to Finance so that they may be distributed to members as early as possible prior to the meeting. Finance will distribute the meeting agenda to members at least five working days prior to the meeting.
22. Finance will endeavour to distribute the draft minutes of a meeting to the members within ten working days of the meeting and provide members with five working days to provide comments or suggested changes. The minutes will then be finalised and posted on the Ministerial and Parliamentary Services website, unless a significant disagreement with the minutes has been notified.