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29 November 2021

Dr Laura Willington
President
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Unit 6, 128 Fullarton Road
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Attention: Ms Bernadette Mulholland, Chief Industrial Officer

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WITHOUT PREJUDICE

Dear Dr Willington

**TERMS OF OFFER
SA HEALTH SALARIED MEDICAL OFFICERS ENTERPRISE AGREEMENT: 2021**

I refer to various general and other meetings, discussions, and correspondence concerning negotiations for a new enterprise agreement to replace the current *SA Health Salaried Medical Officers Enterprise Agreement 2017*.

The attached 'Terms of Offer' (Offer) is made as a 'total package offer' for a new *SA Health Salaried Medical Officers Enterprise Agreement 2021* (SMOEA 2021). It has regard to the various claims made by SASMOA, and to the various discussions and negotiations. The Offer is contingent on the finalisation of formal terms of an enterprise agreement, acceptance by a majority of employees who vote during a ballot process, and requisite approval by the South Australian Employment Tribunal (SAET) pursuant to the *Fair Work Act 1994*.

For convenience, the following are key aspects of the Offer:

- Three (3) year agreement from date of approval by (SAET) and negotiations for a new agreement may commence no earlier than 6 months prior to its nominal expiry;
- 4 x 1.5% per annum general increases from the first full pay period commencing on or after 14 April 2021, 14 April 2022, 14 April 2023 and 14 April 2024;
- Increases to Schedule 3 allowances to be operative from the same dates and quantum as per the annual salary increases detailed above;
- Increases to Schedule 4 allowances to be operative from the first full pay period on or after 14 April 2021, at the rate of 6% (i.e. being the totality of 4 x 1.5% annual salary increases);
- Increase the minimum contractual term of Trainee Medical Officers (TMO) to three (3) years;
- Inclusion of a clause confirming TMO will be paid for the hours that are worked;¹
- Inclusion of a respectful behaviour clause within the current Work, Health and Safety provisions;²

¹ This is not to infer that TMO are not presently paid for hours worked.

² This is not to infer that respectful behaviours are not practised.

- Increase Partner's Leave for the birth of a child provision to two (2) weeks (i.e. 10 working days) accessed from the employee's sick leave entitlement;
- Removing the current cap on use of carer's leave from current sick leave entitlement,
- Inclusion of a paid breastfeeding break, similar to what is within the enterprise agreement applicable to public sector salaried employees.

In addition to the above, but not for inclusion in the proposed Salaried Medical Officers Agreement 2021, it is proposed that the Department for Health and Wellbeing and Local Health Networks will issue appropriate notice confirming its commitment to the provision of appropriate Personal Protective Equipment (PPE) to Salaried Medical Officers.

Should you require clarification or wish to discuss any of the matters herein, please contact Simon Johnson, Director, Enterprise Bargaining on 0466 365 133.


Your response to the Terms of Offer would be welcomed at your earliest convenience, preferably by close of business Friday 3 December 2021.

Yours sincerely

Chief Executive, Department of Treasury and Finance

(Declared employer of public employees, *Fair Work (General) Regulations 2009*)

per:



Simon Johnson

**DIRECTOR, ENTERPRISE BARGAINING
INDUSTRIAL RELATIONS AND POLICY BRANCH**

Attachment 1: Terms of Offer: Proposed South Australian Salaried Medical Officers Enterprise Agreement 2021

Terms of Offer for a new SA Health Salaried Medical Officers Enterprise Agreement 2021

This without prejudice Terms of Offer (Offer) is made as a 'total package offer' in full settlement of all claims made for a new *SA Health Salaried Medical Officers Enterprise Agreement 2021* (SMOEA 2021), consequent on the various claims made by the South Australian Salaried Medical Officers Association (SASMOA) and employee representatives, and the discussions and negotiations about a new agreement.

The Department of Treasury and Finance, Industrial Relations and Policy Branch, on behalf of the declared employer, reserves the right to vary, withdraw or correct any unintended aspect of this Offer. The Offer is subject to the finalisation of formal terms of a new SMOEA 2021, acceptance, and requisite approval by the South Australian Employment Tribunal (SAET) pursuant to the *Fair Work Act 1994*.

Except where indicated, the following proposals outline the nature or intended effect of each aspect of the offer on the basis that, where applicable, issues of detail or clarification can be the subject of further discussion in the finalisation of the terms of an enterprise agreement to become the subject of requisite *Fair Work Act 1994* approval processes.

Period of Agreement

It is proposed that a new SMOEA 2021 will come into effect on and from the date of approval by the South Australian Employment Tribunal (SAET) and will be operative on and from the date of approval by the SAET for a nominal period of three (3) years.

Negotiations for a new enterprise agreement will commence no earlier than six months prior to the nominal expiry date of the SMOEA 2021.

Except where otherwise indicated, it is proposed that the operative date of the provisions in the proposed SMOEA 2021 will be the date of approval by the SAET.

Salary and Wage Adjustments

It is proposed to be four annual salary increases comprised of 1.5% per annum operative on and from the first full pay period (ffpp) commencing on or after 14 April in each of 2021, 2022, 2023 and 2024.

Allowances

It is proposed to increase Schedule 3 allowances by the same quantum and the same operative dates as the annual salary increases detailed above.

It is proposed to increase Schedule 4 allowances to be operative from the first full pay period on or after 14 April 2021, at the rate of 6% (i.e. being the totality of 4 x 1.5% annual salary increases).

Trainee Medical Officers (TMO) (Part E of the current agreement)

It is proposed to increase the minimum contractual term of Trainee Medical Officers (TMO), presently addressed by Part E of the current enterprise agreement, to three (3) years.

It is also proposed to include a clause confirming TMO will be paid for the hours that they work.³

³ This is not to infer that TMO are not presently paid for hours worked.

Respectful Behaviour clause

It is proposed to include a 'respectful behaviour' clause/paragraph to be included within the current clause 13 'Work Health and Safety' provision. The wording is to be agreed between the parties.⁴

Partner's Leave for birth of a child

It is proposed to increase Partner's Leave for the birth of a child provision to two (2) weeks (i.e. 10 working days) accessed from the employee's sick leave entitlement.

Combine sick and carer's leave

It is proposed to remove the current cap of 10 days carer's leave being accessed from an employee's sick leave entitlement.

Paid Breastfeeding breaks

It is proposed to include a provision similar to clause 13.6 of the current enterprise agreement applicable to public sector salaried employees in regard to employees who are breastfeeding.

Separate from the Enterprise Agreement

Outside of the enterprise agreement, it is proposed that the Department for Health and Wellbeing (DHW) and Local Health Networks (LHN) will issue appropriate notice confirming its commitment to the provision of appropriate Personal Protective Equipment (PPE) to Salaried Medical Officers.

Interpretation: A reference in this Offer to a payment to be made will be taken to being subject to the payment being effected within a reasonably practicable time after an agreement is approved by SAET or a payment is due.

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⁴ This is not to infer that respectful behaviours are not practised
29/11/2021 Without Prejudice: DTF-IRAP e&oe