

## **LOG OF CLAIMS**

### **2022 POLICE INDUSTRIAL AGREEMENT**

The union acknowledges government has a Wages Policy; however it is not accepted that the policy stands as an absolute bar to the parties' agreement to a salary increase above an arbitrary policy limit (or awarding of a salary increase if the issue proceeds to arbitration). Provided the salary increases and/or improved conditions of employment are soundly based, the quantum is a matter of judgement by the parties.

There is a combination of circumstances, which we submit justify the increases and changes sought to salary and conditions, as fair and reasonable in the circumstances. These are summarised as follows.

- The irreversible long-term impact on earnings and superannuation of the restrictive flat rate previous Wages Policy.
- current and forecast cost of living increases more than policy prescribed salary increases.
- the Premier's commitment to public sector workers to deliver real wage growth.
- The increased understanding of mental health associated with policing and the need for a greater focus on work/life balance.
- Travel Allowance rates that are over a decade out of date.
- Inequity in employment conditions within the same workforce.
- The accepted uniqueness of Police Officers and their work when compared to other public sector workers including:
  - Limited access to the WAIRC with no ability to dispute transfers, demotion, suspension or dismissal;
  - Legally obligated to obey all lawful instructions and inability to refuse dangerous work; and
  - Obligation to provide assistance even if off-duty and can be recalled to work at anytime.

The following outlines the Union's claim towards a replacement Industrial Agreement and is presented as a total package. In the event some identified items are removed from consideration the Union reserves the right to adjust the remaining elements to achieve a fair and reasonable outcome for Members.

## **Term**

- Two Year, nominally expiring 30 June 2024

## **Salary**

- 5% increase for each year of the Agreement.

Police officers have suffered a cut to real wages over the past five years because of the previous Wages Policy. Recent CPI figures evidence the stark difference between wage outcomes and cost of living pressures that have affected officers. In 2021 the Premier committed to a Wages Policy that would deliver above CPI wage increases, but the current Policy parameters of up to 2.75% per year do not meet that commitment. A 5% increase per year is a fair and reasonable claim in all the circumstances.

## **Hours of Duty**

- Amend Overtime arrangements to have all overtime paid at the rate of double time.

The increasing use of overtime to provide base level policing services highlights resourcing shortfalls, which shifts the burden of service delivery to individual officers daily. Until such time as sufficient FTE are deployed to meet demands, it is unreasonable to undervalue the additional hours worked by officers to meet WAPF shortfalls. Double time rates of pay for all overtime worked is an equitable recognition that all contributions beyond rostered duty are valued the same.

- Establish and document expectations on Commissioned Officers and Officers in Charge for their respective availability and hours of duty.

These cohorts are having their duty hours controlled/dictated by the employer more and more often, effectively constraining their ability to self-manage their time and give any priority to a work/life balance. Current remuneration settings for both cohorts no longer reflect the increased work demands on their time, so an agreed documentation of expectations will assist all parties to understand the conditions of employment for those cohorts.

- Introduce Overtime payments for Commissioned Officers and Officers in Charge when responding to critical incidents, emergencies, and national disasters.

The utilisation and duty requirements for these cohorts have shifted significantly in recent years. The ability self-manage hours continues to be impacted by WAPF Policy and growing demands for a policing response to situations. Consequently, these scenarios cause excessive hours of duty for these cohorts without the ability to claim remuneration or self-manage their rest time.

- Payment of overtime to Country Officers in Charge when tasked outside their sub-district on any of the five rostered days of the week.

The WAPF “hubbing” model in Regional WA, and shortfall in officer numbers to meet demand, has seen the increased use of Country OICs for tasking into neighbouring sub-districts instead of utilising local officers. The ability of OICs to manage their hours is severely impacted by these WAPF dictated demands on their time. The current remuneration arrangements do not adequately compensate for this unavoidable increase in duty times. Payment of overtime in those circumstances provides fair compensation for the impost on their autonomy.

- Provide certainty through longer term posting periods for rosters.

The use of weekly posting periods is an imbalance that works as a detriment to officers and their families. Recent reversion to eight hour roster patterns and weekly roster posting in the metropolitan area is a regressive move that disadvantages officers who are provided no more than five days’ notice of the following week’s work pattern. Longer term roster posting enables greater certainty of shift types and weekly leave days, which supports planning and delivery of work/life balance and should be supported by a model employer.

- Define a “weekend” to be Midnight Friday to Midnight Sunday.

Current provisions prescribe four weekends off duty in any 12 week cycle, where practicable. It is counterproductive to work/life balance and wellbeing for a “weekend” to commence on a Saturday morning, at the cessation of a Friday night shift, effectively eroding the “weekend” period. The full and intended restorative benefits of a weekend off duty can only be realised with the introduction of a full uninterrupted weekend period, not a period of less than 48 hours. The matter is further compounded for those officers impacted by the reversion to eight hour roster patterns, a change which has removed up to 46 weekly leave days from them. A defined “weekend” would ensure they are not further disadvantaged.

- Implement the “Right to Disconnect”.

Consistent with an improvement to work/life balance considerations, the introduction of a provision that codifies the sanctity of off-duty periods unless in an emergency, is non-controversial and protects all parties to the Agreement. We suggest a clause based on the Victorian model is a simple and appropriate arrangement.

### **Leave – Rest Days**

- Increase number of Rest Days to a total of five unconditional days.

The addition of two further rest days is fair recompense for the unique and corrosive nature of policing. The additional days would only apply to police officers and not flow to other parts of the public sector. The Arbitrated outcome of P5 of 2020 considered the economic factors at the time, noting more Rest Days could have been awarded if there were brighter economic forecasts. Presently the State is forecast to benefit from an \$8BN operating surplus this financial year. Accordingly, the granting of two further Rest Days is sustainable and reasonable. The conditions placed on granting the rest days act to limit availability of rest days to a number of officers in circumstances beyond their control, which is unfair.

The recent gazetting of Easter Sunday as a public holiday provides an offset for the granting of additional Rest Days to police officers. The current annual leave provisions of police officers include additional leave in lieu of access to public sector holidays and/or penalty payments for those days. There is no benefit afforded to police officers because of this new public holiday. In the absence of a commensurate increase to annual leave entitlements, the granting of a rest day instead is a fair exchange.

- Provide resources to enable access to Rest Days for MFPP officers.

The intent of Rest Days is to provide a short disconnect from the rigours of policing. To give those rest days their fullest effect, it is reasonable to achieve a physical and temporal disconnect from the workplace. This is less likely to be achieved for officers stationed at an MFPP who are unable to leave the location, as well as leaving the second officer unaccompanied if they were to leave the location. WAPF should provide relief staffing to MFPPs to enable officer access to the Rest Days.

### **Allowances – Covert Allowance**

- Amend clause 17(17)(d) to provide for continuation of the covert allowance payment to officers who access of the following leave: Bereavement Leave, TUTA leave, and Rest Days.

Covert allowance remains payable on some periods of leave, yet others have been omitted. Based on equity, it is fair to correct those omissions to provide covert officers with the same recognition as other work groups who receive commuted allowances. The need for Bereavement leave does not distinguish between the conditions of employment for different work groups, so it is inequitable for one group to suffer a financial detriment when accessing this form of leave.

TUTA leave is to support officers in their union roles to be better able to provide member assistance and support. Given the obvious need for anonymity to general policing, officers in covert areas rely on their own network for communications and support, including through the union Branches specific to their intelligence service fields. It is appropriate for covert officer union branch officials to not be disadvantaged, or discouraged, from accessing their entitlement to training days such as forgoing an allowance on those days of training.

Noting the Covert allowance remains payable on periods of sick and carer leave, and the clear connection of Rest days to wellbeing, it is appropriate for officers accessing time off for that intent are not disadvantaged, or discouraged, from accessing their entitlement.

### **Allowances – Travel Allowance rates**

- Replace the current Schedule of rates for Travel allowance with the ATO rates for reimbursement of travel expenses.

The current Travel Allowance Schedule, which is drawn from the *Public Service Award 1992* and determined by a survey conducted by the CSA, is well out of date having not been updated since 2010 and is not reflective of current accommodation and meal costs across the State. The ATO figures are reviewed regularly and provide the most accurate figures applicable to all wage earners in the country.

### **Allowances – Missed Meals (Item F15)**

- Increase to the missed meal rate.

The current rate of \$6.35 is drawn from the Travel Allowance Schedule, which has not been updated since 2010. The current figure is grossly inadequate to replace a spoiled meal. Within the industrial agreement a tiered approach is applied to other meal claim rates dependent on the time of day and circumstances of the claim (e.g. travel allowance or overtime). Where this rate is being applied associated with the purchase of a meal, it should reflect the travel allowance rates for the relevant meal period.

For the claims associated with missing a meal period, there should be an increase to the current \$6.35 to \$25 per claim. The current rate is inadequate compensation for the interruption to the entitled meal period and serves as an inadequate deterrent to the employer when denying the entitled meal period.

### **Allowances – Shift Allowance**

- Increase to shift allowances.

The current framework and methodology of police officer shift penalties were developed 30 years ago. Since that time the use of non-standard hours of work has increased and is more widespread across WAPF, including an increase in weekend work for more work groups. This provision has lagged community standards and is in urgent need of correction.

It is suggested a different structure is necessary to adequately address the inequities exhibited across the public sector. As a minimum shift allowance payments should be structured the same as other public sector work groups who suffer the same exposure to anti-social working hours of duty (e.g. Nurses).

- Introduce an allowance for working the significant public holidays of Good Friday and Christmas Day.

The payment of a penalty allowance specific to Good Friday and Christmas Day is appropriate. Those days are identified across the community as a day of significance. Consistent with the work/life balance imperative, it is appropriate to recognise the highly unsociable nature of shifts on Good Friday and Christmas Day. A payment of double time for working on those significant days is fair and reasonable consideration.

- Payment of Shift Allowances to Commissioned Officers

There is an increasing practice of Commissioned Officers having their hours of duty directed by WAPF, in effect they are being rostered. This impacts the ability to self-manage their time but also requires them to attend to duty, at the employer's direction, for periods that would otherwise attract a shift penalty. Clause 16(4) enables the payment of shift allowances to Inspectors in the State Command Division. This clause must be amended to enable payment to any Commissioned Officer directed to attend duty that attracts a shift penalty.

### **Allowances – iLevel**

- Introduce a tiered allowance based on iLevel.

Currently all investigators are remunerated the same under the Investigative Skills Allowance, based on occupying a relevant position and not associated with knowledge and skills, years of experience, or the designated iLevel for the investigative functions they fulfill.

The allowance should be for officers undertaking investigations in accordance with the expectations of the Western Australia Police Force under the Investigation Doctrine according to the officer's designated iLevel (i1 to i7). As a benchmark the current Investigative Allowance should be the base level for i4 investigators.

### **Transfers – Cleaning Day**

- Provide an additional paid day to clean when vacating GROH properties.

Currently members do not receive any allocated time to clean their GROH house whilst on transfer, which is unreasonable. Without the ability to thoroughly clean the vacated property members are having to pay a professional cleaner to complete the required cleaning of the GROH address at the member's expense. Members are being further disadvantaged when they are unable to re-attend to any issues noted in the subsequent vacant property report. Additional time to complete a more thorough clean is appropriate.

### **Transfers – Involuntary Intra-town transfer costs**

- Provide reimbursement of out-of-pocket expenses and relocation entitlements pursuant to clause 26 of the IA for change to accommodation within the same sub-district initiated by WAPF.

The lack of GROH owned properties and high concentration of private leases in many regional locations creates an environment where officers become subject to involuntary intra-town transfers at the direction of WAPF. Those officers are burdened financially with incidental costs such as house cleaning, carpet cleaning and pest treatments upon vacating a GROH property, these all being requirements of the tenancy with GROH. Further, the member is subject to incurring these costs twice; once upon the intra-town move and again when they leave the district. The costs associated with an involuntary intra-town move should be compensated by the WAPF.

Officers who are required to relocate within the same sub-district do not have access to the same entitlements as officers relocating to other sub-districts. For example, an officer subject to an involuntary intra-town relocation is not provided paid time to pack and unpack, nor are they provided commercial removalist services for the relocation. The clause must be amended so those provisions apply to all officers irrespective of distance between relocation destinations.

### **Medical – Non-work-related insurance**

- Assist officers with health insurance.

The change in long standing practise of reimbursing medical expenses, after all relevant recovery has been made by the officer, has severely impacted officers and their families. To ameliorate this impost, and in good conscience, the employer should assist officers transition to their narrow reinterpretation of the provisions. Available solutions include:

- WAPF provide the minimum level of universal private health insurance required to satisfy the requirements for full gap reimbursement claims for officers.
- WAPF provide a subsidy towards private health insurance to the level required to satisfy the requirements for full gap reimbursement claims for officers.
- WAPF provide salary sacrifice of private health premiums without passing on the FBT to officers.



## **Medical – Referrals**

- Remove the requirement for GP referrals for first contact practitioner services (e.g., physiotherapy).

There is an added cost to members, and consequently the employer, because of the need to attend a GP appointment to obtain a referral for services from a health practitioner. The referral is only to satisfy the employer. Further, the introduction of provisions at clause 36(3)(c)(iii) of the current Agreement are potentially rendered nugatory if an officer needs to attend a GP in the first instance for the referral anyway.

- Accept claims for services, by any provider, if the officer has been referred by a GP.

The employer's current practise is to decline claims associated with services that haven't been provided by an AHPRA member, despite the services being received on referral from a GP. This narrow approach does not align with community standards, nor does it reflect the clinically and statutorily accepted services of providers who are not covered by AHPRA. For example, members of Exercise and Sports Science Australia (ESSA) have been providing accepted medical treatment to police officers across the country and are recognised by Medicare and Private Health insurers. The arbitrary exclusion of coverage for those services is inequitable and contrary to community standards.

END