

# AUSTRALIAN SERVICES UNION

## LOCAL GOVERNMENT & ENERGY DELEGATES CONFERENCE 2020

### EBA MODEL CLAUSE - EMPLOYMENT SECURITY (IN-HOUSE SERVICE PROVISION)

1. The Employer will not use fixed term contract positions, casual positions, labour hire, or independent contractors for the purpose of undermining the employment security or conditions of ongoing Employees.
2. The parties acknowledge the current skills mix and staffing levels at Council and will strive to maintain and expand the workforce, if required, to meet the needs of the community.
3. If any factors result in changes to services or staffing that may impact on job security, genuine and detailed consultation with employees and unions will take place in accordance with Clause X Introduction of Change.
4. In the event of changes that threaten job security, the Council and unions will endeavour to reach agreement on any redundancies. Such agreement will not be unreasonably withheld.
5. Priority will be given to redeployment over redundancies in accordance with Clause X Redeployment and Clause X Redundancy.
6. Council recognises the benefit of maintaining in-house services rather than contracting out services to third parties.
7. Prior to any decision to tender out a service Council will undertake a review. ASU representatives will:
  - a. have input into the review;
  - b. be provided with a copy of any reports and any other relevant information; and
  - c. be given the opportunity to comment on any recommendations arising from the review.
8. If the outcome of the review does not favour the retention of an in-house service, the parties agree to investigate and introduce measures to improve the performance of the service.

If the performance of the service does not improve and it is deemed that market testing a service is necessary, Council will resource the staff to submit an in-house bid.
9. Council will put in any tender specifications the requirement to:
  - a. Comply with employment, industrial and workplace health and safety obligations;
  - b. Provide secure employment and job security;
  - c. Foster and promote cooperative and constructive relationships between employers, employees and unions, including adherence to principles of freedom of association;
  - d. Promote and foster workplace equity and diversity, including antidiscrimination or exploitation of employees and commitment to the principles of equal pay for work of equal value; and
  - e. Maintain employment conditions no worse for employees than if they were employed under Council's enterprise agreement.
10. Council will not outsource any work where there will be a detrimental effect on gender equality or local employment.

