

# THE campus backbone

CPSU - University Of Newcastle



Enterprise Bargaining Update No. 20

12 August 2010

## Enterprise Bargaining 2010

Meetings held on 11<sup>th</sup> and 12<sup>th</sup> August in the Chancellery

Although we have now hit the difficult end of the negotiation, with some matters on which there is substantial difference remaining under discussion, and a contentious pay offer on the table at last, there is nevertheless a sense that progress, and in some senses significant progress, is being made.

### Incapacity

(formerly named "Ill Health") The CPSU pointed out that the University had attempted three reductions of conditions in its draft and that our members had very real concerns. The ability of staff to return to work on a part time basis is protected under provisions for reasonable adjustment that may include permanent modification of the duties. Issues around a report from a single medical expert (rather than a panel of 3) were also debated. It was agreed that this clause can not override the Workers Compensation Act. The University agreed to redraft the clause.

### Dispute Resolution

CPSU was determined to gain acknowledgement of the right of the union to raise a dispute. The University draft seemed only to contemplate a dispute raised by a staff member. The clause was adjusted to address our concern – a major outcome for the protection of your rights under the agreement. We also inserted a provision that no action to exacerbate the dispute would be taken by either party. The University will draft text in relation to protections for staff on expiring fixed term contracts – our claim is that their contracts should continue pending resolution of a dispute.

### Parental Leave

Discussion about the form and structure of the clause, and its interface with the Federal provisions for Parental Leave. The University agreed to redraft to address specific issues of eligibility and entitlement.

### Salary

**Dr Sue Gould DVC(S) and Prof Bill Hogarth PVC (SciIT) attended this part of the meeting. There was lengthy but inconclusive discussion of the University's current and future financial position. Dr Gould offered to arrange a briefing of the group by the Chief Financial Officer Craig Wallis to answer specific questions raised in the discussion. CPSU put forward the claim that staff have already contributed in very substantial ways to the success of the University through emergency measures that assisted in turning around the financial problems of five years ago through redundancies, change management, workload intensification and student over-enrolment with no commensurate increase in general staff. We advised the DVC that our members are not at all happy with 1.5% last March as their only pay increase since May 2009, and she agreed to carry that message to the VC. We anticipate that a revised offer will come to the next EB session on 25 August.**

### Misconduct and Serious Misconduct

CPSU elaborated our concerns over the definition of "serious misconduct" and the University's reliance on the Fair Work Act. We also noted a real issue with the "suspension without pay" concept. The University agreed to redraft its clause.

### Staff Development

Some time was spent ensuring the elements of the CPSU claim had been addressed in the agreement, noting that various elements have been met in a number of separate clauses. A prefatory statement of principle valuing staff and supporting their development was agreed for inclusion. There was strong discussion on provision of data in respect of allocation and use of funds and it was finally agreed that a breakdown of development and training expenditure (by HEW, or by other factors) could be provided on request to the GSCC. The matter was left with the CPSU to consider our position.

### Higher Duties Allowance

A major outcome in this clause, following a strong argument put by CPSU, is that HDA must be reviewed after 2 years. At this point consideration must be given to whether the higher duties have become part of the ongoing role, and whether reclassification is appropriate.

### **Redeployment and Redundancy**

Our sticking point here is the quantum in the calculation of redundancy pay. Our Log of Claims asks for improvement and the University continues to resist this.

### **Induction**

While not willing to allow the union to attend staff inductions, the University has agreed to provide new staff members with information and relevant links.

### **Consultation**

Consideration was given the composition of the GSCC so as to clearly express the inclusion of the Union. CPSU suggested modelling the discussion of Union Rights on the concept of "Working Together". The University to redraft with this in mind.

### **Representation**

The clause was amended to ensure that performance of responsibilities as a representative is regarded as duty and reasonable time will be allowed.

### **Secondment**

Details of a secondment, including return arrangements, will be subject to written offer and acceptance.

### **Compensation for Loss of Property**

The responsibilities of employer and employee are stated, with reference also to the Workers Compensation Act.

### **Apprentices and Traineeships**

The basis for the current percentages in rates to be examined by the CPSU with a view to updating as necessary.

### **Overtime**

Subject to the University's consideration of a CPSU claim for appropriate Sunday and Public Holiday rates, the clause is otherwise agreed.

### **Allowances**

Again, the current value of the rates needs to be examined, and a determination made of when and how they will be varied in the life of the agreement. The LHMU flagged a claim for "High Voltage" allowance for electricians. For further discussion.

## **OUR NEXT ENTERPRISE BARGAINING SESSION WITH THE UNIVERSITY IS SCHEDULED FOR 25 AUGUST 2010.**

**Following our recent practice, we will be holding a General Meeting very shortly after, to bring you up to date with any revised offers from the University, and to receive your direction for the further negotiation.**

**WATCH FOR THE FORMAL NOTICE OF MEETING.**

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