

THE **campus backbone**

CPSU - UNE Branch



Members' bargaining report 12

16 July 2009

Fair Work Act

The *Fair Work Act 2009* commenced on 1 July 2009.

The ACTU has called this “an historic step forward for the rights of working Australians and their families”, that will “provide workers with a raft of stronger rights and protections in the current economic downturn, and in better times ahead”.

The new laws are the result of an unprecedented campaign by Australian workers based firmly on the Australian belief of a fair go, who demanded the return of their rights at work after those rights were stripped away by the Howard Government's 'WorkChoices' laws. Amongst other things the new laws will mean:

- Genuine rights for workers to collectively bargain and be represented by their union.
- Unfair dismissal for all workers, including about 4 million workers who had no protection under WorkChoices.
- A robust new safety net of awards and national standards, along with a fair and transparent process for setting minimum wages.
- An industrial umpire with teeth to safeguard workers' rights.

What happened at bargaining?

When we last met the university on 6 & 7 July 2009 the University responded positively to the CPSU claim to make higher duties allowance (HDA) more equitable. The new clause will provide better access for part time staff and allow staff that are defined as “deputies” to access HDA after 10 days. Previously they were excluded from HDA.

Your CPSU bargaining team agreed to maintain the On Call allowance at 30% of an employee's HEO level.

Progress was also made on Dispute resolution, Unsatisfactory Performance & Misconduct and Workplace Change,

University makes salary offer

The University has made a salary offer of 4% per annum. This will be “dependent” on a number of outstanding issues being resolved. The University will write to the CPSU on Monday 20 July to formalise its offer.

Sick leave

Unfortunately the University still seeks to cut back sick leave entitlements. We believe there is no reason to get rid of a **BEST PRACTICE** sick leave provision. Members have strongly supported this position.

GENERAL STAFF DO NOT ABUSE UNCAPPED SICK LEAVE, TAKING AN AVERAGE 4.6 DAYS A YEAR.

University concerns about a small number of long term illnesses should be addressed as an employee health and welfare issue, with such staff being assisted to return to work as soon as possible after severe illness

WHERE ARE WE UP TO WITH BARGAINING?

What have members endorsed?	Does it meet our claim?	What has been agreed to in principle?	Does it meet our claim?	What's not agreed?	WHY?
Commitments	YES	Classification	YES	Superannuation	UNE to respond to CPSU claim to increase payment for fixed term employees
Increments	YES	Probation	YES	Dispute resolution	One outstanding issue from CPSU clause (i.e. what we can lodge a dispute over).
OH&S	YES	Medical retirement	YES	Salary increase	UNE offer is 4%per annum
Accident make up pay	YES	Consultation	YES	Family & Community leave	UNE to respond to CPSU claim. The outstanding issue is over what you can take FACs leave for.
Public Holidays	YES	Overtime	MOST	Indigenous employment	Almost resolved
Christmas break	YES	Workloads	MOST	Unsatisfactory performance	Almost resolved
University shutdown	YES	Annual leave	MOST	Misconduct	Almost resolved
Documentation	YES	Long Service leave	MOST	Parental leave	Parties close to agreement. There are approx six outstanding issues
Rosters	YES	Terms of engagement	YES	Conversion for fixed term staff	UNE to respond to CPSU clause
Meal & Tea breaks	YES	Salary packaging	YES	Sick Leave	CPSU REJECTS UNE CLAIM TO REMOVE UNCAPPED LEAVE
Termination	YES	Hours of work	YES	Reimbursement of course fees	UNE want in policy. CPSU to consider
Resignation	YES	On call allowance	YES	Workplace Change	There are two outstanding issues: (i) transfer rights and (ii) The limit on the right to return to UNE if you were made redundant.
Jury/Witness Leave	YES	Higher duties allowance	YES	Union rights	UNE to respond to CPSU clause
Ten hour breaks	YES			Contracting Out	UNE to respond to CPSU clause
Call back	YES			Primary place of employment	UNE to respond to CPSU clause
Modes of employment	YES				
Abandonment of employment	YES				

What's next?

General Staff bargaining is scheduled for 29 July & 10 August. The CPSU will be tabling a flexibility clause and an improved fixed term severance clause. Fixed term general staff were completely ripped off coming into a single agreement and now receive less severance pay than academics.