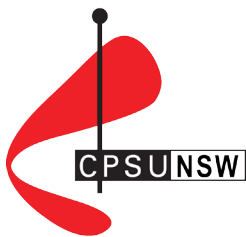


UNIVERSITY OF SYDNEY

BARGAINING REPORT

31 July 2017



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BARGAINING REPORT – MEETING OF 27 JULY 2017

This meeting represented a mix of the university giving some ground on important matters while digging its heels in in other important areas. The university continues to reject some areas where the CPSU feels we have provided significant compromise.

Some ground may be made in future meetings by carefully redrafting some current clauses to better reflect agreed intentions and reduce management misunderstanding of those agreed intentions. However, in the important areas of managing change and flexible working hours arrangements, there remain some sticking points. Further CPSU consideration is also required in some other areas of current negotiation. Again, some of these issues may be solved via improved drafting of clauses.

Flexible working hours arrangements

Further discussion occurred in some key areas with the university giving some ground to the CPSU's arguments and digging its heels in in other areas.

- The university has agreed to insert the CPSU's suggested changes which attempt to guarantee timely staff access to accumulated flexi hours.

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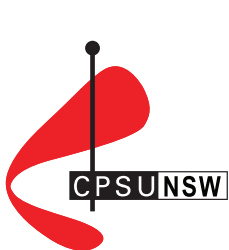
JULY 2017

- » Where a staff member has more than seven hours flexi accumulated, the university has agreed staff “must be permitted to take accrued flexible time off as a whole day in the next four-week cycle”.
- The CPSU was also very concerned some managers are demanding permission be sought each time a staff member wished to work beyond seven hours in any day. The CPSU has long argued that Schedule 4, Clause 12 currently means that there should be agreement on a ‘pattern of hours’ worked, not agreement for each time flexibility is invoked by staff.
 - » The university confirmed this agreement between supervisor and staff member was a one-off to establish a general pattern of hours and that approval was not required for individual occasions, nor would it seek this in the next agreement.
- The unions conceded a maximum six-hour span for core-hours. However, we are concerned the university has added that this would ‘normally’ be the case, rather than accepting it as a guarantee. The university argued this was to allow for peak periods. Unions argued there were better ways of dealing with this, and that some managers may use this as an excuse to place blanket restrictions on access to flexible work practices without proper justification.
- The CPSU sees a need to alter the current agreement conditions that *staff may work flexible hours outside their **number** and span of ordinary hours...if agreed to by their Supervisor.*

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- » Taking staff working a 35-hour week as our example (this is the case for most professional staff), as the **number** of ordinary hours is effectively seven hours per day, this is again seen as potentially indicating that staff need to seek permission every time they work more than seven hours in any day.
- » As the university provided it intended that such approval need only be granted once, and with regard to a 'pattern of hours', we believe that these issues have potential to be corrected via clearer drafting of the clauses.

Managing change

- The current triggers for a formal change plan appear to have been made more difficult to achieve via the university requiring a formal change plan be in place only for 'major' change. The unions requested the university define 'major' to guide managers and reduce instances of dispute over the term, but efforts at the bargaining table were not successful.
 - » The unions consider reducing the number of change management processes at the university will lead to increasing reliance on ad-hoc, non-consulted change and will be to the detriment of the university. We will work towards an acceptable definition of 'major' or demand it be removed if this cannot be agreed.
- At last week's meeting, the university accepted union calls for a preliminary informal consultation stage to provide some staff input into the formative process of change consideration, prior to the production of a formal draft change plan. This is designed to ensure it is not only very senior staff – who are often removed from the day-to-day operational issues faced by staff – who have input in shaping change at this point.
- The unions were concerned that the university's version of this was too easy for managers to avoid, and argued the preliminary stage should occur as a norm rather than an exception. While the unions accept some of the university's caveats in this area, we argued that the stage taking place only "if it is appropriate to do so" (a condition made without further qualification) should be removed.

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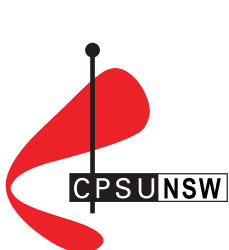


- One of the features of the university's 'final version' of its managing change clause was that when a formal change process has been invoked, a Draft Change Plan needs to include:
 - » *Financial information, if financial imperatives are **cited** in the rationale*
- The CPSU argued this potentially gave scope for the university to 'fudge' significantly. Technically, under this condition financial imperatives only need to be explained if they are **cited** in the rationale presented to staff for the change, not necessarily if they **were** a significant cause of that proposed change.
 - » The university was open to considering a requirement for this to be rectified.
- Along similar lines, the university was open to consider the unions' request that supporting evidence be required in the rationale for change, as well as the provision of that rationale.
- The unions were concerned that, under the current agreement, processes under clause 316 (informal rather than formal change processes where proposed change affects only one staff member) has been invoked in a manner that ignores the 'flow-on' effect on other workers.
 - » The university believes that this is now rectified via including the following change as a trigger for a formal change process: "ongoing reallocation of a significant proportion of duties and responsibilities of staff".

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The university has agreed to come back to the table with an adjusted draft of its clauses after considering the above issues.

- However, we appear to have hit a brick wall with regard to the university's willingness to consider providing any staff input to plans to reduce unit budgets. The CPSU was willing to compromise very substantially by stepping back from our original requirement to make this a trigger for a formal change process – we revised our position so that this only need be an informal conversation under the proposed (and accepted) preliminary stage that will occur under the new agreement.
- The CPSU asked the university whether it considered that the guaranteed staff consultation within the formal managing change processes included consultation on whether change should occur in the first place. The university agreed that it does.
 - » Given that its position is that, where a budget reduction directly causes the requirement for change that would trigger a formal change process, all that they are then consulting about via their change processes is what shape that required change would take, the CPSU believes the university's position on this to be disingenuous.
- The university bargaining team agreed to take this away for consideration, but warned it was unlikely to agree.

Clause 300 – internal advertising of professional staff positions

- The university has attempted to reduce staff advantage over external applicants with regard to professional staff vacancies – currently this applies to all professional staff vacancies.
- In the last circulated university draft the university's position was that simultaneous internal and external advertising can take place for positions at HEO7 and above where the Chief Human Resources Officer (formerly known as the HR Director) accepted that the positions were specialist in nature, or they had been advertised within the previous six months without a successful internal applicant.

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- » The NTEU indicated that it would not accept this unless the relevant HEO level was HEO10.
- » The CPSU is still considering this.

Clauses 290 - professional staff exchange and secondment scheme

- Currently all temporary vacancies of 3-12 months duration must be advertised internally for three days to allow for staff to take up temporary staff development transfers – staff can register to be notified when such opportunities arise.
- The university wishes to alter this to allow the Chief Human Resources Officer to waive the requirement to advertise “in exceptional circumstances”. A discussion on what might represent such exceptional circumstances took place. The unions suggested some changes and requested a regular report back on the operation of this clause via the Management and Staff Consultative Committee. The CPSU will consider this further.

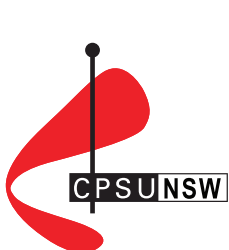
Parental leave

- The university is not willing to change its position on the qualification period for new staff regarding access to parental leave.
- Regarding the requalification period for parental leave after having taken such leave, the university was willing to reduce the period from two years currently, to one year. Additionally it will ‘start the clock’ on this requalification period on a staff member’s return to work (even if part-time) rather

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than the current condition, which is when the full period of the previous leave has been completed. The university argues that as many staff come back to work in a part-time capacity while still taking a portion of that leave, for example one day per week, this would have the effect of adjusting the qualification period to be closer to six months for many staff.

» The unions will consider this.

Casual claims

- The NTEU presented a written argument in favour of extending paid sick-leave and parental leave to casuals and the CPSU argued in favour of this.
- While the university acknowledged the issue of 'presenteeism' – where there is a financial incentive to attend work while sick (and potentially spread that illness) – it is resisting extending such conditions on a cost basis and argues instead that this issue will be reduced by ensuring better conversion of casuals to ongoing or fixed-term status.

» Nevertheless, the university undertook to come back with a considered response.

The next Enterprise Bargaining meeting is currently scheduled for the week beginning 10 August. However, no specific date has yet been confirmed.

Please share this with your colleagues, and ask them to join the CPSU NSW online [HERE](#).

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