

6 October 2017

CPSU NSW takes the University to Fair Work for good faith bargaining orders

On 29 September, CPSU NSW lodged an application with Fair Work against the University for good faith bargaining orders.

This followed extensive correspondence between CPSU NSW and the University (who, chose to hide behind high-paid lawyers from Clayton Utz) in the preceding weeks, where we had put them on notice and unsuccessfully attempted to resolve our concerns without escalation to the Commission.

CPSU NSW's concerns related to two all-staff emails sent by the University which we believed misrepresented the union's enterprise bargaining position to the wider University community.

In the first of these, sent on 4 September, the University claimed that bargaining negotiations had reached an "impasse". They used this as justification for conducting a survey of all staff to gauge support for a non-union enterprise agreement.

Thankfully, that staff survey sent a resounding "NO!" to the University. Nevertheless, given that at the time the email was sent, a number of future bargaining meetings had been planned and several CPSU NSW key claims had not yet been addressed, we strongly asserted that accusations of an impasse were patently untrue.

The second email, sent on 21 September, announced that the University had reached in-principle agreement with the unions (albeit conditionally with CPSU NSW). The email purported to be a joint announcement by the University, the NTEU Branch President, and the CPSU NSW Branch President.

Our concerns here were that:

1. Branch President, Grant Wheeler did not consent to be a party to the email; and
2. the way the email was worded implied that CPSU NSW had agreed to the terms outlined, when in fact, our members had directed our bargaining team to continue to negotiate further improvements (including expanding the extended redeployment offer to HEO levels 8 and 9)

On 5 October, Branch President, Grant Wheeler and your CPSU NSW Industrial Officer and Industrial Manager appeared in the Fair Work Commission. We were joined by one of the University's own lawyers, as well as the NTEU Industrial Officer.

In regards to the University's communication to all staff on 4 September, Commissioner Johns noted that it would have been better for the University to have worded that "in their view" we were at an impasse, and that "in their view" the unions had rejected their offer. Nevertheless, he thought this was more an issue of poor drafting, rather than a sign of intent to mislead.

The better news is that in relation to the all-staff communication on 21 September, Commissioner Johns felt that CPSU NSW had a "legitimate complaint". He put the University's lawyer on the spot to confirm that while they had emailed Grant seeking his consent to be included in the email, Grant had not replied in the affirmative. The University was forced to concede that there was no consent.



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(It should be noted that CPSU NSW was given limited time to respond to this request for consent, and on the basis of the draft email provided by the University, the Branch Committee had already decided that their concerns were solid enough to withhold endorsement. Had we been given enough time to respond, we would have expressly denied consent to be included in the joint announcement).

Commissioner Johns quite firmly told the University that a “decent person” would send an email retraction to all staff outlining words to the effect that “on 21 September an email was sent with Mr Wheeler’s name on it without his consent”.

The University have been directed to send a retraction to all staff, and a public apology to Grant.

The Commissioner then asked whether future bargaining dates had been scheduled. The University told the Commissioner that they believed no further negotiation was needed, and that only drafting remained.

CPSU NSW disputed this, and outlined a number of outstanding substantive issues that required further active negotiation.

CPSU NSW has undertaken to write to the University to list our outstanding substantive claims, and to suggest a schedule of future meetings.

For the time being, it would appear that the matter is settled. CPSU NSW awaits the University’s promised retraction and apology, and looks

forward to continuing enterprise bargaining negotiations.

You can support your Professional Staff Union and **JOIN** the CPSU NSW online at <https://membership.psa.asn.au/Register>

Please note, CPSU NSW members are also members of the Public Service Association of NSW. The PSA is the Associated Body that resources and manages the CPSU NSW

Included with your CPSU NSW membership is:

- » 5% off grocery shopping at Coles and Woolworths through Union Shopper. Purchase \$100 gift cards for \$95. Union Shopper also has a wide range of cheap deals for union members including electrical and white goods, cars, insurance and more. Visit <https://www.unionshopper.com.au/> to see the full range for CPSU NSW members
- » Provident Fund which pays \$3,500 to nominated beneficiary if a union member dies, regardless of cause
- » Free Wills – through our associated law firm McNallys Jones Staff
- » Salary insurance if injured travelling to or from work – this is no longer covered by workers compensation (see Product and Disclosure Statement and Policy [HERE](#))
- » Personal Injury Insurance – permanent disability or death as a result of an accident (doesn’t cover sickness, medical expenses or income insurance). Provides up to \$30,000 if the member dies from an accident, or up to





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\$60,000 if an accident leads to quadriplegia or paraplegia. Bed care if hospitalised of \$50 per day. Subject to terms and conditions, please read the Product Disclosure Statement and Policy [HERE](#).

- » Exclusive deals on home loans, credit cards, personal loans and insurance products from Sydney Credit Union (SCU)
- » A scholarship of \$850 per year for up to three years for children of union members who start university
- » Welfare Rights Centre – provides support on all welfare/social services, including family allowances, sickness benefits, births and deaths, Austudy, unemployment, sole parenting etc.
- » Workers Health Centre – rehabilitation centre and WHS services.

See <http://psa.asn.au/resources/value-added-services/> for the full details and remember, your union membership is fully tax deductible.

To no longer receive any emails, please email cpsu.nsw@psa.asn.au with the subject unsubscribe.

