

University of Newcastle – Enterprise bargaining update

The tenth meeting of the Enterprise Bargaining teams was held on 7 March 2018. We were fortunate to welcome Phoebe Dangerfield to the bargaining team as our Industrial Officer. Phoebe has a long history of industrial work with TAFE, and a number of universities including Macquarie University, which is also bargaining. After reviewing progress to date she feels confident we can conclude the UoN negotiation in just a few more meetings, given that we have only a handful of professional staff matters outstanding.

Pay rises

We are very conscious it is almost a year since professional staff last had a pay increase and that costs have continued to rise. Salaries are the last item for negotiation. While we are very aware that federal funding changes have placed constraints on the university's budget, we do want staff to gain increases that will keep them ahead of the cost of living over the life of the agreement.

Rights, conditions and entitlements

CPSU negotiators made it clear to the university we wish to conclude sooner rather than later and that we can present drafts for our outstanding claims for discussion in April. Although our Log of Claims was extensive in order to ensure matters could be revisited as necessary in the process, the overriding concern of members is to retain current conditions and gain a real wage increase. We indicated that if the university makes claims on the existing conditions we will be obliged to revisit and press the claims.

Performance concerns, unsatisfactory performance, misconduct, discipline, inquiry officer, committee of inquiry

The university tabled some parts of this group of clauses. We insisted the whole suite of related clauses needs to be tabled together to allow the processes to be examined sequentially. The university agreed to do this for the next meeting.

The university's revised drafts took note of several of the objections we had raised last time. We had been particularly concerned that **Performance Concerns** was to be deleted as a separate clause. There was considerable discussion about where this should be placed, with eventual consensus that it could become a requirement in the regular PRD discussions between supervisor and employee. The university will adjust the wording of the PRD clause for next meeting. This left the **Unsatisfactory Performance** clause to begin at a point where concerns of underperformance amount to "a persistent and/or serious failure" to perform against "the nature and purpose of the position, and the classification" and to provide opportunities and a timeframe for the staff member to respond, if appropriate demonstrate mitigating circumstances, and undertake a program of improvement. Failure to show improvement against the agreed plan would result in a review by the PVC/Director and a recommendation to the DVC/COO for disciplinary action. Appeal would be to an Independent Reviewer. There was much discussion about the processes for review and referral and in particular the appeal.



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The university's draft clause on **Misconduct and Serious Misconduct** follows a similar but somewhat more formal path of investigation, with an eventual determination by the DVC/COO and the possibility of a review by an **Independent Reviewer**. For Serious Misconduct the outcome can be termination of employment. CPSU expressed concern that the review would be conducted by an individual rather than as at present a tripartite **Committee of Inquiry**. The university is adamant about this change and it may detain the negotiation for a while.

Suspension without pay

The university's draft persists with a proposed ability to suspend a staff member without pay pending an investigation. We indicated that we will resist this part of the proposal strenuously and agreed to address our concerns in writing for the university's consideration.

Resignation/termination

The university proposed that the required minimum notice for resignation be two weeks for staff employed at HEW one to seven, and 4 weeks for HEW eight to 10. This is a slight change from the existing clause and was agreed.

Other clauses tabled

Redeployment/Redundancy, Secondment and Career Development are listed for discussion at the next EB meeting. A separate meeting is also to be arranged for Academic Workload and some other issues affecting academics only – CPSU will maintain scrutiny of the discussion to identify

matters that may inadvertently affect professional staff.

Union rights

We also want to improve the formal recognition of your delegates and their ability to represent you in any meeting with the university, and we want clearer access to promote the CPSU NSW to new staff during induction to ensure your colleagues are aware of the work the union does and encourage them to join. You can also play your part in this by talking to new staff about the union.

Next meeting

Our next meeting on 14 March 2018 will deal further with the university's claims on Performance Conduct and Discipline, and the processes for review. The conversation to date has been reasonable and respectful, the university has adjusted its position on several points and we continue to seek consensus.

Become involved

Please take the time to read through your current agreement to identify opportunities for improvement and contact your bargaining representatives to discuss any concerns you have. We will be calling General Meetings or conducting further surveys as necessary when the issues under discussion require further direction from you. At the end of the negotiation you will be asked to vote on the package and we want that to be an informed and deliberate vote by staff whose working lives are covered by the agreement. Ask your colleagues to stand with you by joining CPSU NSW [HERE](#).





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Please note:

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

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