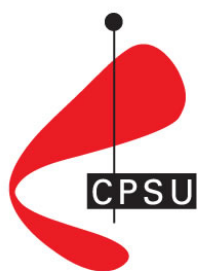


# SYDNEY UNIVERSITY

## BARGAINING REPORT

22 June 2017



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## BARGAINING REPORT SUMMARY

Discussion on Managing Change was deferred to next meeting.

A key issue in this meeting was that the university distributed its responses to CPSU claims tabled at previous meetings only late in the afternoon on the day prior to this meeting. We were therefore not able to properly consider the university's positions, nor provide a considered response to them. We made an issue of this, and the university has undertaken to provide us with at least three days' notice in future. These issues will now be held over to the next meeting for proper response.

The following issues were discussed:

### **Flexible working hours arrangements**

- The university has rejected some of the key elements of the CPSU claim. It has also significantly re-arranged the information currently provided by Schedule 4, clauses 11-16, removing much of it. The CPSU is deeply worried by the university's suggested changes and believe its intention is to drastically reduce staff options for flexibility as staffing resources fall and professional staff workload continues to rise across the university.

The CPSU will fight these moves.

### **Safety, dignity and respect at work**

- While the unions argued for strengthening the anti-bullying processes within the



## BARGAINING REPORT SUMMARY

agreement, the university has concluded its current processes, which exist in policy rather than the agreement, are appropriate and has indicated an intention to stick to this. It has agreed to commit, in words at least, to eliminating workplace bullying and has provided examples of what, in law, is and is not bullying.

### Leave and parental leave

- The university refused to increase the amount of compassionate leave granted, but agreed to slightly extend the triggers for accessing such leave.
- The definition of 'immediate family' was slightly improved after CPSU input.
- Partners will have shared access to a portion of maternity leave as 'primary carer leave'.
- The university has resisted CPSU calls for an anniversary-date related reset of the requirement to provide medical certificates after having five periods of sick leave without producing notification documentation.
- Additional matters pertaining to parental leave are included below in the 'Further Details' section

### Casual conversion

- The university has agreed to reduce the conversion qualification period from 24 months of continuous service for professional staff, back to 12 months of continuous service before they are eligible to apply for conversion to ongoing employment. However some other CPSU claims are being resisted by the university – see detailed analysis for further information.

### FURTHER DETAILS:

#### Flexible working hours arrangements

The university has completely reworked the flexible working hours arrangements.

The CPSU submits that the intention of the flexible working hours arrangements currently in the Enterprise Agreement is outlined by the following in Schedule 4, clause 12:

*As far as is practicable, the pattern of hours worked to accrue time and take flexible time off, will be agree between each staff member and their supervisor.*

The word practicable aligns closely with 'possible' or 'feasible' and therefore provides



strong emphasis on the need to reach a workable agreement with staff in terms of the pattern of their worked hours.

All of this has been jettisoned by the university in its currently tabled clause, which consistently reduces input from staff and increases the authority of the supervisor, while our proposed clauses were pushing in precisely the opposite direction because the current clauses are already heavily skewed in the university's favour.

Where previously *patterns* of hours worked were to be agreed, and regulatory mechanisms ensured that such agreement must be genuinely sought, under the university's proposed flexi scheme, you need to ask your supervisor each and every time you need to work beyond your ordinary hours, even by a minute. Such flexibility!

This is not a flexibility scheme, it is a mire of inflexibility that will prove as unworkable as it will be unpopular. It compares unfavourably with the flex schemes of other NSW universities and seems set to enable heavy workloads when it suits management and inflexibility for staff at all other times, including when they wish to have access to their flex leave.

You have to hand it to the university – it sure knows how to manufacture significant problems out of problem-free situations!

The CPSU believes flexible working hours clauses should provide flexibility to staff of the university and we will not be shifted on this belief.

Finally, the university has rejected the CPSU's suggested clauses allowing for a staff say in the way flexible working hours local arrangements are created and amended, again ensuring the university has blanket control of this area in an environment of falling staffing resources and rising workloads.

These changes should be of significant concern to those members currently working on a flexible working hours arrangement.

## **Leave and parental leave**

The CPSU argued for an increase in compassionate leave allowance from two days to five days, and for the leave to be accessible in the event of the death or serious illness of a close friend, colleague or pet.

- The university has rejected the increase in compassionate leave quantum, arguing that two days is given in the Fair Work Act, and that staff have a personal leave pool that can be accessed for this. While the university would not grant the leave for the death of a pet, they have agreed to consider inserting 'colleague' and 'close friend' into the current clauses.



A number of leave clauses grant leave where a staff members' "immediate family" is affected by illness or other misfortune.

The CPSU has requested that the university include 'Aboriginal kinship group' in the agreement definition of 'immediate family'.

- The university has agreed to consider this.

The unions have successfully argued that partners who become the primary care-givers of children after birth or adoption should have greater access to paid partner leave.

- The university has agreed to make 22 weeks of what was previously known as maternity leave available to either the birth mother or the partner under the heading Primary Carer's Leave, provided they are a Sydney University employee of two years standing.

The CPSU seems to have agreement from the university with regard to measures to ensure access to safe work during pregnancy and breastfeeding, and with regard to including information from the Fair Work Act on allowing staff on parental leave access to 'keeping in touch days' should they request that.

• The university did not agree to extend the quantum of paid parental leave in the case of a stillborn child from 14 weeks to 20, as it is at Western Sydney University, nor to ensuring a guaranteed minimum of 12 weeks paid leave from the time that a

child dies if this occurs while the parents are utilising paid parental leave. They did agree to allow a mother to utilise the balance of her paid parental leave in such circumstances.

- The university did not agree to grant 12 weeks' paid leave and 14 weeks' unpaid leave in the case of a miscarriage that occurs after 20 weeks' pregnancy nor to a brief leave for the non-primary caregiver, as is the case at the Australian Catholic University.
- The university did not agree to a small amount of leave with pay for staff who adopt a child or receive a child under a permanent care order where the child is over five years of age, as is the case at the University of NSW.
- Currently, a female staff member who is 20 weeks pregnant at the time her contract expires is entitled to maternity leave unless the duties and responsibilities of the position are no longer required at the cessation of that contract. The CPSU proposed that this proviso would only apply if the university made it clear from the outset that their employment would not extend beyond that single contract but this was rejected.
- The university agreed a staff member returning to work after parental leave



would be entitled to return not only to the same position but at the same campus

- The university did not agree to parental leave without pay counting as service for the purposes of long service leave, as it does at the University of NSW, nor for the purposes of incremental progression, as it does at Western Sydney University and Macquarie.
- The university agreed to allow antenatal medical appointments to be taken as paid personal leave, with notification and supporting evidence.
- The university agreed to pay any maternity leave payable under clause 223 as a lump sum upon expiry of a fixed-term contract

## **Conversion of casuals and fixed-term staff to more permanent forms of employment**

The university has agreed to reduce the conversion qualification period from 24 months for professional staff, back to 12 months of continuous service.

While the university would not agree to notify each casual staff member when their length of service became long enough to apply for conversion to ongoing work, it did agree to the CPSU's request to send an email to all current casual staff twice a year reminding them of the conversion clauses in the Enterprise Agreement.

The university adopted the clauses put forward by the CPSU to prevent managers from manipulating the hours worked by casual staff in order to avoid qualification for conversion to continuing work and have agreed that semester breaks do not represent a break from regular and systematic work.

The university has agreed to allow casual staff who were engaged without a merit-based competitive selection process to qualify for conversion to continuing employment after 24 months' service.

- The CPSU has issues with this. Under other circumstances a casual will be able to apply for conversion after 12 months' service. While the CPSU believes that staff should be appointed on the basis

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*All members of the CPSU in NSW are also members of the Public Service Association. The PSA is the Associated body that manages and resources the CPSU in NSW.*



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6

*JUNE 2017*

of merit and via a competitive selection process, we believe that where a staff member is hired in an inappropriate manner, the responsibility for the error should remain with the hiring manager, and no negative consequences should be visited upon the employed staff member. The university is sympathetic to our point and discussions continue.

- Staff can only apply for conversion once per 12 months. However the CPSU successfully argued that if you are knocked back for conversion because the need for your position is expected to end in the near future, or become a continuing role etc. you can re-apply for conversion to continuing employment if this has not occurred after 26 weeks.

### **Casual employment**

The university has proposed a clause that adopts part of the CPSU's suggested clause about casual employment, in which it will seek to reduce its use of casual or sessional employment and provide annual reports on the number of FTE staff employed on a casual basis each year. However, it has not agreed to adopt a statement acknowledging that ongoing employment provides the greatest security and wellbeing for staff and their families.

The next Bargaining Meeting is scheduled for 29 June 2017.

## **WANT TO HELP?**

**Share this information with a colleague and encourage them to join the union for professional staff and professional staff only, the CPSU.**

**CPSU MEMBERS ARE ALSO MEMBERS OF THE PUBLIC SERVICE ASSOCIATION OF NSW**



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