

COMMUNITY AND PUBLIC SECTOR UNION

STATE PUBLIC SERVICES FEDERATION (SPSF) GROUP - NEW SOUTH WALES STATE BRANCH

UNIVERSITY OF NEWCASTLE

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THE
**PROFESSIONAL
STAFF UNION**

EB BULLETIN # 16

4 March 2014

ENTERPRISE BARGAINING DATES FOR 2014 – March to May

Day/Date	Time
Tuesday 25 February	9:00 am – 12:00 pm
Wednesday March 12	2:00 pm – 5:00 pm
Thursday March 13	2:00 pm – 5:00 pm
Wednesday 26 March	2:00 pm – 5:00 pm
Thursday 27 March	2:00 pm – 5:00 pm
Wednesday 9 April	2:00 pm – 5:00 pm
Thursday 10 April	2:00 pm – 5:00 pm
Monday 28 April	9:00 am – 12:00 pm
Tuesday 29 April	2:00 pm – 5:00 pm
Tuesday 13 May	2:00 pm – 5:00 pm
Wednesday 14 May	2:00 pm – 5:00 pm
Tuesday 27 May	2:00 pm – 5:00 pm
Wednesday 28 May	2:00 pm – 5:00 pm

This bulletin covers the bargaining session of 25 February 2014. Professor Parfitt was unavailable and the University team was led by Sharon Champness (Dir PAWS). Dr Michael Netherton was Chair.

The Agenda proposed by the University focused on matters involving minor changes or (from the University's point of view) no changes. In addition a few final clauses were tabled by the PSA/CPSU and NTEU.

Secure Employment

PSA/CPSU tabled a clause setting out principles aimed at promoting security and stability in employment at the University: appointment on merit to continuing employment; reduction of long term casualization; controls on the use of outsourcing, contractors and consultants; consultation through the Professional Staff Consultative Committee; Staff Development to ensure staff acquire the skills needed to avoid outsourcing; regulation of the transfer of functions and staff to Controlled Entities. NTEU was fully supportive of the PSA/CPSU clause. Discussion focused on whether the University could refuse to release requested data on its contractual arrangements, as "Commercial in Confidence". PSA/CPSU submitted that the University is accountable for its use of public money and that Fair Work requires the provision of all relevant information during consultation. The University noted the positions of the Unions and will respond at a later meeting.

Flexible Working Environment

NTEU tabled Fair Work documentation setting out the recent changes to the NES, extending the categories of staff who may request a flexible arrangement under the Act. <http://www.fairwork.gov.au/factsheets/FWO-Fact-sheet-Requests-for-flexible-working-arrangements-NES.pdf> The University replied that they have a good track record in this and readily acknowledge the need to comply with the NES.

NOTE : The Fair Work reference is currently Clause 55 in the 2010 Agreement. Please do not confuse this with the University's internal arrangements at Clauses 53 and 54.

Information Requests

NTEU asked for progress on information requests from 2013: staff/student ratios at Faculty level; number of academics without PhDs or enrolled to obtain; executive salaries including bonuses, and formula used; University operating surplus; number of staff requesting conversion, and success rate; mechanics and costs for implementation of NeW Directions aspirations; University position on "Performance Concerns". University responded that the budget issues are complex and the University acknowledges there is a need to help staff understand them. Then other issues are taken on notice for a later meeting.

Resignation and Termination – Academic

Does not affect Professional Staff

Hours of Work – Professional

University claims on roster changes were rejected as unnecessary by PSA/CPSU, since the Organisational Change clause already provides for “alteration to hours” and the current clause on rosters already provides mechanisms that cover the situation. University will consider redrafting clause for further discussion.

Shift Penalties – Professional

University proposed minor wording changes that clarify the spans for penalty rates. PSA/CPSU noted that the regular pattern of 12 hour shifts being worked by Security staff should attract penalties determined by the start times.

Work Health and Safety

University raised concerns about possible “double jeopardy” of action under both the WHS Act and the Agreement. PSA/CPSU questioned the degree of exposure to risk, and suggested the applicable process would be determined by the manner in which the complaint was lodged. The clause in the Agreement does not replace the obligations of the Act, but sets out a broad commitment by the University to the health, safety and welfare of staff and should be retained. The University will consider and respond at a later meeting.

Discrimination, Harassment, Bullying, Victimization

The “double jeopardy” concern was raised again. Following discussion of the various scenarios the University requested more time to reflect on “Breach of Agreement” issues. To return to a later meeting.

Long Service Leave

Minor wording changes to clarify the entitlements were agreed by PSA/CPSU. The current arrangements for Leave Plans and Direction to Take Leave are retained. The difference in entitlement between ongoing and casual employees was questioned and the University explained it as an inheritance from NSW State law. Moreover it is difficult to collect the data for casuals with service in excess of 10 years, complicated by the “break in service” rules that changed in 2006. Some casuals may have lost entitlements but the University is not able to calculate this. PSA/CPSU again expressed concern that the University employs long-term “casuals”.

Other matters

A list of 18 matters to which the University proposes no change were referred to the Unions for response prior to next meeting, to indicate whether changes and discussion are required.

NEXT BARGAINING SESSIONS: Wednesday 12 and Thursday 13 February 2.00 pm – 5.00 pm

The agenda will include preliminary discussion of the structure of pay increases in the Agreement – NOT at this stage discussion of the quantum (but it may be hard to maintain the distinction). Many thanks to all those who attended our recent General Meetings in Callaghan and Ourimbah and gave the PSA/CPSU team authority to negotiate broadly to achieve improvements for lower paid staff while maintaining fair outcomes for all Professional Staff.

Read all our previous bulletins here: <http://psa.asn.au/university-of-newcastle/>

If you need more on any of these issues, or have some information or a point of view to communicate, please send an email to:

Sue.Freeman@newcastle.edu.au and/or rhunter@psa.asn.au.

Ring Sue Freeman on (492)15929 or Ron Hunter on 92483370.

Yours in Union

Sue Freeman

PSA/CPSU Branch President
and EB Lead Negotiator



If you are aware of work colleagues who have not yet joined the PSA/CPSU please tell them about the work we are doing on behalf of Professional Staff, share this bulletin with them, and urge them to join the Union and strengthen our voice at the negotiation. Join here: <http://psa.asn.au>