



6 May 2014

EB BULLETIN # 18

This bulletin covers the bargaining sessions of 9 and 10 April, and 28 and 29 April.

In summary, the CPSU/PSA considers that an agreement for Professional Staff should be possible sooner rather than later. We still have our eyes on late May/early June. The majority of issues are either agreed or require only minimal redrafting to capture the intention. There remain a small number of important matters that CPSU/PSA needs to resolve with UoN. For example, their claim to reduce the Redeployment period and substitute an Outplacement Training Plan is something we will continue to resist – we can see outplacement assistance benefiting some cases, but only as an option chosen by the employee, not mandated by the employer. There is common ground here that we can still explore.

During the 29 April session CPSU/PSA tabled a draft document “Heads of Agreement” for Professional Staff, setting out the status of negotiation on all existing and proposed new clauses for an Agreement. What follows is a summary of how we got to that point.

[9 April: ATSI Employment] With qualified support from our CPSU/PSA indigenous representative, NTEU's indigenous representative proposed a clause, the main points of discussion being the expression of a % indigenous employment target and the exclusion of non-ATSI employment from Wollotuka. UoN noted it already leads the sector in % indigenous employment, through its own commitment. CPSU/PSA's indigenous representative requested the Language Allowance be indexed to the salary increases in the Agreement.

PRD (Performance Review and Development) UoN tabled a revised draft that addresses Union concerns to keep the Performance Concerns process separate and distinct.

Organisational Change The clause remains substantially unchanged, but UoN proposes to avoid full public consultation where only one staff member is affected – CPSU/PSA calls for a prescriptive process as protection from evolutionary change affecting individuals serially. UoN resists disclosure of confidential or commercially sensitive information in a change proposal – CPSU/PSA notes the audit requirements of public funding.

Unsatisfactory Performance

Misconduct / Serious Misconduct The contentious point common to these clauses is referral of a matter to an Inquiry Officer or Committee of Inquiry. UoN wishes to avoid the Committee process and boost the role of the Inquiry Officer. Both Unions oppose the deletion of the Committee, and the CPSU/PSA foreshadowed a proposal to develop a common ground approach to resolve the impasse.

[10 April: Staff Development] In discussion of secondment, CPSU/PSA referred to the UoN strategic plan, which emphasises staff mobility – our draft clause contains a Voluntary Staff Rotation Scheme aimed at providing equitable opportunities for secondment as a development strategy. Both Unions also seek a central Staff Development Fund to remove pressure on local budgets. UoN resists this but will enhance the visibility of Professional Staff opportunities through collection of career development data in PRD.

Status of negotiation – proposed to be tabled by UoN as a means to progress the negotiation. This would have been a comprehensive draft document summarising the basis for agreement and broadly addressing the Unions' primary claims. The NTEU prevented the tabling of this document, on the basis that they still have a number of claims to bring forward and that although bargaining has been underway since May 2013 insufficient time has been allowed for discussion. Some apprehension was expressed by NTEU that the University might be intending to present the document to staff as a non-union agreement – this was denied by UoN. The University representatives withdrew to consider their position and returned to advise that they would not be tabling the document. CPSU representatives regretted the postponed opportunity to review the UoN position on the full range of matters proposed for agreement.

Easter recess – no meetings were scheduled in this week.

In view of the NTEU's concern that some of its claims had not been discussed appropriately it was agreed that the sessions in the week after Easter would provide that opportunity.

[28 April: ATSI Employment] NTEU's indigenous representative presented an amended clause and UoN agreed to review it.

Academic Workload**Scholarly Teaching Fellows**

Teachers Claims NTEU and UoN negotiated extensively on these issues which have no bearing on a Professional Staff Agreement and are not summarised here.

Defence Force Reserves Leave (M. Netherton) - UoN unable to agree to enhance the provision.

Superannuation (M. Netherton) – UoN bound by UniSuper Trust Deed, not able to open up to Self-Managed Super Funds.

29 April: Casual Employment (Academic) NTEU sought information on the UoN Academy proposed in the Strategic Plan and how this will affect casual Academics. CPSU/PSA noted that inappropriate use of Professional Staff casual employment has been exposed recently in restructures and appears to have been seen as the easy option. UoN seeks to establish a pragmatic balance in employment categories that will provide the flexibility to respond to a changing environment. The Unions are intent on enhancing security of employment. There may be a capacity to reach agreement on a mutually concessional basis.

Staff Development Fund / Budget NTEU returned to the issue of a central fund, resisted by UoN, and to its assertion that UoN's finances are in better shape than admitted, also resisted by UoN. This is a recurring argument that once again went unresolved.

Draft "Heads of Agreement" (CPSU/PSA) CPSU/PSA tabled a draft document "Heads of Agreement" for Professional Staff, setting out the status of negotiation on all existing and proposed new clauses for a Professional Staff Agreement. We emphasised that as a summary of the negotiation to date there are no new claims and no surprises in the document. UoN noted that the previous 3½ EB days had been largely concerned with Academic issues and accepted the document as our attempt to progress the negotiation on behalf of Professional Staff, preferring to see it as a preliminary draft Agreement rather than an intermediate memorandum of understanding. NTEU declined to discuss the draft at the meeting and sought an opportunity to respond in writing.

Parental Leave NTEU pressed its claim for wider interpretation of the provision for Primary Carer, resisted by UoN as a prohibitive cost. The current provision is already in advance of the sector entitlement.

Annual Leave (Academic) The contentious point is the University's practice of deeming Academics to have taken annual leave during the Christmas/New Year break. The issue was not resolved.

Key Issues. The University subsequently set out its key claims for further bargaining:

- Categories of Employment – amendments to contingent, fixed term and conversion
- Performance – implementation of PRD as currently being trialled – clarification of "mentor"; process for investigation of a complaint or allegation
- Organisational Change – single person change not to incur full consultation process
- Redeployment – change to the span and operation of the detachment period
- Clarification of status of coverage of senior staff

Next EB Meeting: Tues 13 May at 2 pm - Attempt to progress the draft with a view to finalising negotiation of a Professional Staff Agreement by end May/early June.

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

**WE ARE REACHING A CRITICAL POINT FOR CONVENING A GENERAL MEETING.
PLEASE WATCH FOR NOTICE OF THIS AND DO ALL YOU CAN TO ATTEND.**

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 or ring Sue Freeman on (492)15929

Yours in Union

Sue Freeman

CPSU Branch President and EB Lead Negotiator



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