

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**

31 July 2013

EB BULLETIN # 6

This bulletin covers two sessions of bargaining, both of which were concerned primarily with the clauses on **Performance and Conduct**. The discussion raised a number of issues affecting academics and teachers, but here we will deal comprehensively with those matters that are of concern to professional staff. The CPSU is the only union representing solely the professional staff and speaking for you at the negotiating table.

16 July 2013 Bargaining Session

Process Flowcharts

The session on 16 July considered flowcharts for the processes involved. The CPSU had requested the University to provide these as an overview of their proposed structure and the inter-relatedness of their clauses. The advantage of this is to remove discussion away from textual detail to a broader consideration of the principles and objectives of the processes. Once those are agreed it should be possible to ensure the text appropriately reflects the agreed intentions. The documents tabled were discussed at length. Concern was voiced over the apparent assumption that performance concerns would lead to discipline, with potentially serious consequences for minor transgressions. The CPSU stressed the need to focus on strategies of support and development, and an attempt to resolve issues locally without escalation.

Clear Criteria and Appropriate Processes

The CPSU sees a difficulty in the conflation of performance and conduct in the processes. We concede that the discussions with the local supervisor can and should be wide-ranging, but when those issues move into processes of formal assessment and review there should be clear objective criteria against which to measure performance and conduct, and a clear understanding of which processes are appropriate.

We put the view that performance relates to the execution of role duties and responsibilities as expressed in the Position Description and the Classification Descriptors for your HEW level, it should be assessed against those criteria and dealt with in performance review processes. Conduct (and therefore Misconduct) should be assessed against different criteria, e.g. the Code of Conduct and the legal framework, and dealt with in those appropriate processes. There is an inherent difficulty in the University's proposal to deal with "behaviours" as part of "performance".

Leading, Optimizing and Lifting Performance

The University describes three main strategies in consideration of performance: Leading, Optimizing, and Lifting. Leading performance proposes initiatives for acknowledgement of excellence, to encourage and reward, but the nature of those initiatives is not yet known. CPSU considers that these would connect most appropriately with concepts of opportunity and development. Optimizing performance is in essence the alignment of individual and unit endeavours with the strategic goals of NeW Directions, through regular discussion between supervisors and staff. Lifting performance contains a concept of "Underperformance" that includes consideration of behaviours, and gives rise to some of the problems noted above.

We have some way to go with this discussion, but all parties acknowledge that we have started our bargaining with the hard issues and that these would have been time-consuming now or later. The majority of other clauses will most likely be much less contentious. Despite the current differences the negotiation overall is being conducted in good faith and there is a sense of progress towards an Agreement.

Serious Misconduct

The meeting went on to consider the University's draft on Serious Misconduct, a total rewrite of the current clause 14. The most alarming feature of this was the University's desire to be able to suspend staff indefinitely without pay and without notifying the allegations. The University also wishes to delete the Committee of Inquiry process and replace it with a single Inquiry Officer. This is not something the CPSU can accept. The current clause requires early notification of the allegations, if suspension occurs it must be with pay, and review of the allegations is entrusted to an independent tripartite committee.

Suspension Without Pay

The University can not unilaterally impose suspension without pay – that power has to be granted to them in an industrial instrument, such as an Enterprise Agreement. Unfortunately the NTEU long ago ceded that power to the University in respect of academics and teachers, but the CPSU has held out, and continues to be absolutely firm about this on behalf of general and professional staff. Why would we allow our members to be sent into a limbo of unpaid employment, with no income and no ability to access social services, and no reason given for that action, while an internal investigation takes place to determine whether allegations will be laid?

The University acknowledges that our attitude is different from the NTEU and discussion will continue.

30 July 2013 Bargaining Session

This session was occupied largely by a presentation by representatives of the global HR consultancy firm Lee Hecht Harrison, who have been “embedded” in the HR unit at UoN for the last several months, working on processes to implement NeW Directions. Consultant Peter Watson spoke at length on the alignment of the Performance Framework with the University’s strategic plan. He explained that their investigations had not found any particular fault with the process outlined in the current agreement nor any serious failing in the IT tools that support it – the deficiency has been in the implementation and operation of the process. The University focus on renewal of the Performance and Development Framework has been on its daily operation in the workplace.

This is an observation that the CPSU made to the University at the very commencement of negotiation on this topic many weeks ago, so it was gratifying to have it confirmed.

The consultants are proposing that the interaction between supervisors and staff for discussion of performance must become an ongoing process throughout the year, not just a tick and flick at a point in time. Discussion after the presentation focused on the need to allocate manageable workloads to appropriate supervisors, the clarity required for different job roles and acknowledgment of the diversity of professional staff roles in particular, and concepts of self-leadership, encouragement and reward.

Next Meetings

The University has agreed that sessions may be extended to 3 hours where the agenda requires more time, and that at each session the parties will plan the agenda (in broad terms) for the following three sessions. Several matters have been tabled and deferred pending discussion of the Performance clauses. These will now be scheduled and dealt with so as to make progress across a wider field.

13 August : Aboriginal and Torres Strait Islander Employment (our CPSU rep will be Mark Smith from IT, briefed by Lillian Eastwood from Wollotuka), Classification Structure and Review (CPSU clause already tabled), Domestic Violence (in response to clauses tabled by CPSU and NTEU, University’s clause proposes using current allocation of Personal Leave). The session will also include a presentation on the University Budget, setting the scene for discussion of pay outcomes in following sessions.)

26 August : discussion will return to Performance Framework for an hour, with focus again on the flowcharts and the principles underpinning them, followed by the linked issue of Professional Development (CPSU clause already tabled).

10 September : Discussion on matters contained in Part D Managing Change (including Organisational Change, Redeployment and Redundancy) and Part H Employment Arrangements (including Categories of Employment and Hours of Work) in the current Agreement.

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

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