

# 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**

13 September 2013

## EB BULLETIN # 8

The CPSU is the only union representing solely the professional staff and speaking for you at the negotiating table. This bulletin covers professional staff issues from the bargaining session on 10 September 2013. Dr Michael Netherton continued to chair, and the University's team was led by Professor Andrew Parfitt (DVC-A). The meeting allocated discussion in the first hour to Categories of Employment (Part H) and Managing Change (Part D), and in the second hour to Performance and Conduct (Part B). These are seen as some of the more difficult areas for negotiation. In the event Parts H and D consumed more time and some Part B issues are held over.

### Categories of Employment

University began with a statement that funding pressure and the need to remain competitive in the sector will require the University to maintain an appropriate balance of ongoing, fixed term and casual staff. The ratio of academic to professional staff will also be a consideration. Funding for staffing, the largest cost area for the University, is affected by its vulnerability to the economic environment, and staffing is also the area most subject to change in organisational restructuring. This should not be taken as code for increased casualisation or job loss. The University is seeking a sustainable balance that will underpin the workforce strategies of NeW Directions.

CPSU pointed out that the Categories of Employment have implications for entitlements, such as superannuation, and for other considerations, such as career progression, job security and opportunity. While allowing the University's arguments about economic concerns in the operating environment, the professional staff nevertheless need and deserve the highest possible level of security and certainty. We have asked the University to report on staff numbers per category, and we will need to ascertain that the categories are being correctly applied, and that casual staffing is not being used as an alternative to a more secure form of employment. Areas of current particular concern are service desk and hubs. Some temporary staffing, such as backfill for maternity leave, is acceptable, but continuing positions need to be acknowledged and categorised as such. Role clarity will assist in determining the appropriate category and in assessing claims for conversion to continuing employment.

NTEU tabled a draft clause amending the provisions for conversion to continuing employment. University responded that conversions must be consistent with organisational need and planned structural change. NTEU noted that discussions occurring in the Academic Workload Working Group will have a bearing, and CPSU requested that advanced separate discussions affecting the process and/or resources of EB or limiting outcomes for the other parties be brought into the plenary session of bargaining.

### Managing Change

NTEU also tabled a draft clause on Redundancy which sought increased transparency from the University on the criteria and grounds for redundancy, with assessment and review as part of the process. A claim for 52 weeks redeployment for all detached staff was rejected by the University as excessive and inflexible, and they also noted it is the position, not the person, that is made redundant in accord with organisational needs. Individual performance issues are not factors in redundancy but are dealt with in other processes.

CPSU noted that Redeployment is preferred to Separation on Redundancy, and this is covered in other clauses under Organisational Change that trigger processes in Managing Change, Redundancy, Redeployment and Job Redesign. CPSU tabled a draft clause on Managing Change, the substantive additions to the existing clause being restoration of the balance in representation by the Union and a process addressing concerns about outsourcing and labour hire. The clear principle is that for a job to become redundant its work must not in future be done by anyone. The University had some difficulty with this. They presented a scenario in which 20 staff might be performing a particular function that on review is found only to require 10 staff. CPSU reps did not see this as contrary to the principle, but reiterated that it would be necessary to ensure the changes were genuinely required, not targeting individuals, consultation would occur with affected parties and placement would be on merit. CPSU affirmed we wish to avoid the lengthy and irregular process that marred the change in 2010-11 in International Office, where a formal consultation process in conformity with the Enterprise Agreement was finally undertaken only after repeated protest by the CPSU.

The discussion on Part D Managing Change will continue at the next session.

### **Performance and Conduct.**

The meeting agreed to defer consideration of the Performance Development Framework and associated processes such as Misconduct to a later meeting.

A number of clauses on less contentious matters were prepared by the University and made available prior to the meeting. Little particular change was being sought in any of these clauses. It was agreed to review them briefly to assess the level of agreement. The outcome was:

- ⊕ Probation : three separate clauses currently apply to Academics, Teachers, and Professional Staff. University proposes some small changes, but CPSU and NTEU see a need for additional protections. For redrafting and further discussion.
- ⊕ Promotion : clause applies only to Academics. University's proposed clause will be redrafted. CPSU has a separate clause for Classification Review for Professional Staff.
- ⊕ Staff Supervision : clause applies only to Teachers. AGREED.   
Discussion to follow on application to all staff.
- ⊕ Managing Workload : University proposes to continue the current Professional Staff clause. CPSU has logged extra claims which will be drawn up in a draft clause for next session.
- ⊕ Performance of Duties : no change to existing clause. AGREED.
- ⊕ Classification Structure and Review : CPSU has tabled an improved clause for Professional Staff, currently under discussion. The University's proposed clause will be redrafted.
- ⊕ Incremental Progression : after a minor wording change that does not affect entitlements of Professional Staff the existing clause was AGREED.
- ⊕ Staff Reports : Professional Staff clause to be applied to all staff. AGREED.

### **Next Meetings**

23 September : Continuation of Part H Employment Arrangements;  
and Defence Force Leave; and Superannuation.

8 October : Continuation of Part H Employment Arrangements;  
and Part B Performance and Conduct;  
including Probation, Workload, Promotion and Classification.

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](mailto:Sue.Freeman@newcastle.edu.au) and/or [rhunter@psa.asn.au](mailto:rhunter@psa.asn.au).  
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Yours in Union

*Sue Freeman*

CPSU Branch President  
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