

31 August 2017

FWC terminates Murdoch University's Enterprise Agreement

On Tuesday the Fair Work Commission (FWC) issued its decision approving the application by Murdoch University to terminate its enterprise agreement. This is a significant development in the trend by the FWC supporting employers' attacks against their employees.

Why did this happen?

Primarily because the rules are broken in a way that encourages a litigious approach to strip power from employees and their bargaining position. After decades of enterprise bargaining in this sector, where agreement after agreement have seen improvements to wage and conditions, this should never have happened.

The FWC decision makes an interesting read in its rationale for approving the application to terminate the enterprise agreement. The following factors were some of the key drivers in the FWC's decision.

- » Murdoch University claimed it is facing significant financial strain with growing operating deficits forecast for the next few years
- » So called 'productivity' was seen by the FWC and Murdoch University to be reduced due to 'onerous' clauses such as academic misconduct committees, academic performance committees, review panels for academic redundancies, lengthy change management procedures, and high levels of annual leave accruals (40 days) before directing employees to take their leave with six months' notice for academics

- » Bargaining was considered to have been going for a long time with 28 meetings and ongoing industrial action
- » Murdoch University successfully ran a case against the NTEU for publishing a member update that was misleading, with the FWC finding it was a breach of good faith bargaining (CPSU in WA and United Voice were not part of these negotiations)
- » FWC cited a six-month commitment by the university to maintain salaries, superannuation, leave entitlements, redundancy payments, severance payment for fixed-term employees.

There are some key differences between professional staff employment and academic conditions. Professional staff have overtime, penalty rates for evenings and weekends, allowances for shift workers, and compensation for each hour of work performed. These all help manage workloads for professional staff so things like lengthy workload clauses with committees are not a high priority.

If Murdoch had been operating under separate enterprise agreements for professional staff and academics, it is very possible the Professional Staff Agreement would have been in position to be signed before this trouble occurred over what would have been the Academic Enterprise Agreement.

Until recently, while a new enterprise agreement was under negotiations, the existing enterprise agreement was always considered to stay in place until a new agreement was finalised and accepted by a majority of staff who vote. At Murdoch



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University management was intent on bringing about a range of reductions in staff conditions.

FWC's decision to terminate the existing enterprise agreement changes everything in the negotiation process. The deadline of six months made by the university as an undertaking means staff will move onto the National Employment Standards and the Higher Education General Staff Modern Award if an agreement is not made within that time. This has changed the employment relationship massively in favour of the university. For NSW universities, the mere threat of this will help shift the goal posts in favour of the employers.

What does this mean for professional staff in NSW?

It is important that:

- » Professional staff **JOIN the CPSU NSW (PSA), the Professional Staff Union** to ensure you have a strong voice to fight for professional staff issues
- » Current enterprise agreement negotiations are not unnecessarily delayed through claims that we reasonably believe will not succeed
- » Staff support the CPSU NSW claims for **separate enterprise agreements for professional staff** so that only professional staff can negotiate and vote on their pay and conditions, and so that we are not embroiled in academic industrial matters unless we choose to be so.

Talk to your colleagues, family, friends and neighbours about why the rules are broken, and **why we need to Change the Rules** to prevent employers taking power from employees who negotiate wages and conditions in enterprise agreements.

Employees should not be held to ransom over pay rises and conditions that were built over years and years of bargaining for enterprise agreements. The 'safety net' of the Higher Education General Staff Modern Award comes from a very low base and this should not be seen as the acceptable alternative.

Please note, CPSU NSW members are also members of the Public Service Association of NSW. The PSA is the Associated Body for, and resources and manages, the CPSU NSW, the Professional Staff Union.

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