

10 August 2017

University of Sydney Enterprise Bargaining Report update

Managing change

We're pleased to report the university made some concessions in response to CPSU arguments. However in one important area, the university maintains it will not budge.

- » The university has agreed to remove the qualification 'major' in relation to two triggers for a formal change process. Two current triggers that set in motion formal change processes, allowing staff consultation, are "changes to the composition, operation, or size of the university's workforce..." and "restructuring and/or relocation of work units". The university had wanted to insert the word 'major' at the beginning of each condition. We feared this would diminish staff opportunities to provide essential feedback into university change processes, and our arguments prevailed.
- » We argued for the inclusion of changes to workload to trigger a formal change process. The university has not yet responded to this.
- » The university has already agreed to include an informal 'preliminary' staff consultation stage when an idea for change is first coming together, and before a formal draft change plan is established. At this meeting the university wanted to ensure that at this preliminary stage, if staff put forward alternative ideas for change, it did not have to give reasons for rejecting those suggestions.

Bearing in mind that such suggestions for alternative changes could be included in staff responses to a draft change plan, the unions agreed to this.

- » The university confirmed formal change processes would apply to all staff potentially directly affected by the proposed change, including fixed-term and casual staff.
- » The CPSU requested job retraining be included as a potential measure to address the negative effects of change. The university agreed.
- » The university agreed post-restructure change evaluations would be considered against both the rationale of the original change program and the outcomes of that program.

Most of this represents some improvements won against the university's position prior to this meeting. However, the CPSU has been arguing changes to budgets affecting work units should be discussed with staff as part of a preliminary discussion before they are put into effect.

The university continues to stridently reject this request, even though the CPSU has made some significant concessions with regard to its original position on this. We argue that if a budget change means a work unit cannot sustain its current staffing levels, then staff are only able to provide feedback on the shape of the change, not whether the change should or should not go ahead.



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While maintaining its position, the university simultaneously claims its change processes do allow staff consultation on whether a change is to occur or not.

Clearly this makes the university's position in this area disingenuous.

Pay equity

- » The CPSU presented our clauses designed to promote gender pay equity – something that has never featured in our agreement before. The university agreed with our arguments. This is a major, historically significant development and the CPSU hopes our work here will set a precedent for the rest of the tertiary education sector, as it will be the first time that such a clause is present in a university enterprise agreement.

Flexible working hours arrangements

- » Previously the university has agreed with the CPSU that the ability to accumulate and expend accumulated flexi hours via flexibility in staff arrival and departure times outside of 'core hours' is subject to general agreement with a supervisor on attendance patterns, and that permission need not be sought each time a staff member wishes to exercise such flexibility.
- » The unions suggested some wording that sought to clarify this in areas where there is currently some ambiguity. The university agreed in principle and will collate these suggestions for further review.

Safety, dignity and respect (bullying)

- » The university refused to concede agreement with the unions was required in order to change the bullying policy. It did, however, accept the CPSU's suggestion that before any change to policy, it would need to consult with the unions when the decision to make a change was made, and regarding the final form of that change.
- » The CPSU argued measures to protect the safety of staff making bullying and harassment claims are not present in the current enterprise agreement, or policy, or procedures document. The university agreed to the words suggested by the CPSU. It also committed to including the need to take 'reasonable practical steps' in the agreement to address a finding of bullying.

Internal advertising of staff vacancies

- » The university agreed to the union's position that all staff vacancies from HEO10 down should be advertised internally first.
- » The university agreed to consider the CPSU's additional request that internal position advertising should remain open for six business days rather than five to guarantee staff a weekend to assist them to put their applications together and properly prepare.

Parental leave

- » Currently there is an inequity in terms of maternity leave where a staff members' fixed-term contract ends while on maternity leave.



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- Currently, if a fixed-term contract ends after the woman is 20 weeks' pregnant, she will be paid out 14 weeks' maternity leave.
- However if the baby is born and the woman is actually taking maternity leave when the contract expires, paid leave stops as soon as the contract expires.
- » The university has offered to change this to ensure that women already on maternity leave have access to 14 weeks' payment if their contract expires.

Casual claims

- » The university will not extend the right to paid sick and parental leave to casuals and will not agree to increase casual superannuation contributions. However, we may have a breakthrough as it has agreed to consider a CPSU fall-back position – where a casual meets the time-frame for conversion to ongoing or fixed-term employment but is not converted for other operational reasons, limited paid sick leave and parental leave allocations may then be made available.
- » However, the university does seem to be genuine regarding reducing levels of casual employment. At the moment, under the enterprise agreement staff can only be employed on a fixed-term contract (rather than on a continuing basis) for one of 14 reasons –
 - The university wanted to introduce a 15th reason – that being, to avoid employing

staff as a casual. While at face value this is a good development, we fear that it might lead to abuse – someone who would normally be employed in an ongoing capacity as they did not meet the criteria to be employed on a fixed-term basis might now be employed on a fixed-term basis – all the hiring manager would need to argue is that they originally intended to employ the staff member on a casual basis. This requires further discussion and qualification before we can consider agreeing to it.

Environmental sustainability

- » The university rejected the CPSU's attempts to bring measures of this nature into the enterprise agreement. However, it committed to two union members being appointed to the Emissions Reduction Working Group and has undertaken to add environmental issues as a standing item to the JCC agenda.

Workplace consultation

- » Under the current agreement a Management and Staff Consultative Committee (MSCC) between the unions and university management representatives meets every three months to discuss issues of concern. Under the next agreement, this will be called a Joint Consultative Committee. The CPSU has requested that our member representatives be increased from one to two in the next iteration of this.





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- » The university has also agreed in principle to LCCs (Local Consultative Committees) that will aim to achieve the same sorts of things within individual work units. There is still disagreement between the unions and the university regarding whether any particular units will be listed in the agreement as having an LCC, and who determines the terms of reference. More work needs to be done on this.

*To help your Professional Staff Union achieve better outcomes, ask your Colleagues to **JOIN** the CPSU NSW.*

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.

