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ACTU “Change the Rules” campaign continues to grow

The ACTU recently launched its “Change the Rules” campaign, with ACTU Secretary Sally McManus calling on unions to demand the Government fix the “broken rules” that are encouraging wage theft by employers and forcing Australians into insecure employment and poverty.

In her opening address at the ACTU NextGen 2017 Conference, McManus said, “The rules that were meant to protect our rights are now not strong enough. They need to be rewritten. When profits are up 40 per cent but wages have grown by less than two per cent we need to talk.”

Murdoch University – what members need to know

The CPSU NSW is gravely concerned the Fair Work Commission approved the termination of Murdoch University’s enterprise agreement,

leaving hundreds of employees with an uncertain future. While the unjust and broken laws which allow this action to be approved are challenged through collective union action, there are strategies CPSU NSW members can implement to ensure their protections are maintained.

For Murdoch University, the primary driving factor in the Fair Work Commission’s decision to approve the termination of their agreement, related to Murdoch’s claims that it wanted “to improve ... performance, to increase ... productivity and efficiency” [284].

While not seeking to reduce the entitlements for employees, it was the onerous processes, committees, and review committees that were the major barrier and driving cause for the application. These lengthy processes were set out in Misconduct, Managing Organisational Change, Grievance Resolution (in addition to Dispute Settling), and overly complex Managing Change, and Redundancy and Redeployment. For example, the Vice Chancellor is involved a minimum of two or three times in Misconduct and Unsatisfactory Performance respectively, along with review committees, referrals to the HR Director, separate investigator and detailed preliminary requirements. Murdoch argued Redundancy and Redeployment were time-consuming, involved multiple referrals to the Vice Chancellor during the process and the appeal panel committee.



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It is important to have strong processes to protect Professional Staff interests. However, where these processes become overly bureaucratic, some taking months and even years to go through, it provides the ammunition for other universities to follow Murdoch's example. It is more than possible to have strong protections for Professional Staff while having a streamlined and efficient process.

A common thread in the concerns raised by Murdoch University seems to be how often the Vice Chancellor is required to get involved in the direct management of employees. Where there are multiple senior managers overseeing levels of middle management and supervisors, the involvement of the Vice Chancellor and senior management seems to have caused enough of a nuisance to push the university into terminating their Agreement.

A key aspect of why the Commission appears to agree to the application to terminate the agreement comes from a wide range of commitments and negotiating positions Murdoch University took. The Commissioner says at paragraph [283] that *"it is relevant to bear in mind the context is that Murdoch has not been seeking to reduce the salaries or monetary allowances in the Agreement nor has it sought to reduce entitlements such as leave, overtime payments or severance payments. Rather Murdoch has offered a limited increase in salaries for all employees and has sought to change the clauses it views as interfering with or limiting how it manages the workplace ..."*

Murdoch University was offering one per cent a year for three years. [262] The NTEU had countered with 1.25 per cent a year for two years followed by two per cent a year for two years. The Commissioner also pointedly discarded events occurring at other universities as being *"of no relevance to the situation here"*. [282]

The application was also made after 27 meetings, ongoing industrial action, social media campaigns, applications to the Commission and to the courts including Murdoch successfully claiming the NTEU *"had, on 27 April 2016, not met the good faith bargaining requirements" due to "the Enterprise Bargaining Update [that] was misleading"*. [256]

The CPSU NSW does not consider all of these procedures are unnecessary, or a waste of time and resources. However, there is a strong argument that onerous procedures with committee after committee can cause more distress for Professional Staff who often just want it over and done with.

For many CPSU NSW members, it is the level of respect shown by management that has a key impact on how these processes are accepted by employees. For misconduct/performance-related issues, knowing where one stands without the added stress of ongoing uncertainty is important. If management was doing the wrong thing, it would be addressed both during, and after, the process through unfair dismissal. The CPSU NSW has been successful in getting employees reinstated into other areas in the university as a large employer.



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For your Professional Staff enterprise agreement, members do not want to give up their hard-won entitlements and move to the basic Modern Award provisions. However, holding onto overly detailed, resource-intensive, time-consuming and drawn-out processes gives universities the opportunity to demonstrate grounds to make similar applications.

Why have a separate enterprise agreement?

Because of fundamental differences between Professional Staff and academics; in NSW academics are 'members' of the academy and their membership is what forms the organisation itself along with students and graduates. Professional Staff are employed to support them.

Professional Staff are paid by the hour, with overtime, penalty rates for evenings and weekend, shift penalties for rostered work and must be in attendance when working. Ongoing academics are paid yearly (with nominal weekly hours), have no overtime, no penalty rates, no weekend or evening shift allowances and can work where-ever and whenever for the same rate.

Having separate enterprise agreements means Professional Staff negotiate for themselves and their colleagues regarding conditions that are relevant to them. It means only Professional Staff get to vote on the conditions for Professional Staff.

Can Professional Staff and academics support each other while negotiating separate agreements?

Most definitely yes! Both in the workplace and in negotiations the CPSU NSW has seen both groups supporting each other while negotiating pay, conditions and the relegation of employment specific for their respective needs. CPSU NSW members, Professional Staff, have placed bans on doing academics' work while academics go on strike; have signed petitions supporting academics; and attended rallies and lunch-time protests in support of academics and students, all while having their own enterprise agreement, negotiated for and by Professional Staff.

Help protect Professional Staff pay and conditions. Ensure employment regulation is negotiated by Professional Staff, for Professional Staff. JOIN the CPSU NSW and demand a separate enterprise agreement at your university.

NSW Vice Chancellor salaries remain high

Universities in NSW are regulated by the NSW Government and report annually on their financial performance. The NSW Government requires departments, agencies, state-owned corporations and universities to report the annual salaries for the key leaders in each organisation. For universities the rise of Vice Chancellor salaries continues to grow along with their Deputy VCs, Assistant VCs and other senior managers.



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University	VC income for 2015	VC income for 2016	One-year pay Rise*	Notes
ACU	\$1.23-\$1.24 million	\$1.24-\$1.25 million	8.8%	For 2015 there was also a \$0.1 million bonus
UNSW		\$1.2 million		2015 unknown
USYD	\$1.057 million	\$1.08 million	2.1%	
UTS	\$720,000-\$730,000	\$985,000	25.9% to 36.8%	2014 was \$1.02-\$1.03million
UOW	\$910,000-\$919,000	\$900,000-\$909,999	-1% to -2.3%	
MQU	\$880,000	\$890,000	1.1%	
UON	\$765,455	\$842,839	9.2%	
CSU	\$720,000	\$745,032	3.4%	2016 includes \$76,886 bonus, and allowances/super \$130,760
SCU	\$669,300	\$713,700	6.2%	
UNE	\$720,000-\$730,000	\$552,500 +	Unknown	Reported as <u>above</u> Band 4, actual income unknown
WSU	\$830,000-\$840,000	\$870,000-\$880,000	4.5% to 4.8%	
TAFE NSW	\$305,401-\$430,450	\$313,051-\$441,200	2.5%	Increase capped by the NSW Government Wages Policy

*Rounded to the nearest decimal



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The NSW Government pays its **Senior Executives based on Band 1 to Band 4**. The pay rises are capped by the government's Wages Policy at 2.5 per cent. With TAFE NSW being the largest provider of post-secondary education in the state, the Managing Director is also the lowest paid.

TAFE NSW has by far more students and more staff than any NSW university. It also has a footprint across the whole state with a remit to ensure its regional presence is maintained. The Senior Executive remunerations are set by an evaluation system that measures each position against Work Level Standards and they are paid accordingly.

Unlike the rest of the community and public services regulated by the NSW Government, Vice Chancellors' remuneration is unregulated, its increases uncapped and is seemingly out of control.

Current bargaining round

Negotiations are currently underway at several universities in NSW, including the University of Sydney; Western Sydney University; University of Technology Sydney; University of New England; University of Newcastle.

The first two universities to reach agreement in this bargaining round are Deakin University and the University of Western Australia.

Deakin University – key outcomes

Pay rise of two per cent a year for four years, plus \$1,000 sign-on bonus

University of Western Australia Professional and General Staff Enterprise Agreement – key outcomes

Combination of flat and percentage pay rises as follows: \$1,100 January 2018; 1.25 per cent January 2019; \$1,100 + 0.75 per cent January 2020; 2.6 per cent January 2021

New South Wales Bargaining Updates

University of Sydney

- » Key outcomes so far are Paid Parental Leave for primary carers regardless of gender;
- » Pay offer of 2.1 per cent a year for four years plus \$500 increase for employees up to and including HEO6
- » Redeployment for Professional Staff extended to nine months for the next two years to address the university wide restructures about to commence
- » Primary carer leave of 22 weeks for the non-birth parent, with Maternity Leave remaining at 26 and 36 weeks.
- » Agency staff employed by Sydney Talent (affiliated recruitment operation primarily for students) to be paid the same as university staff. CPSU NSW was alone in raising this issue and it's a major win for Professional Staff who have others working alongside them, doing the same job, on much lower pay and conditions.
- » A range of other improvements including casual and fixed term conversion, ongoing employment for Professional Staff employed on regular externally funded research grants,



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Western Sydney University

The University is offering two per cent a year for the life of the agreement. They have also agreed to increased trade union training leave; increased paid partner leave to six weeks (for newborns or adoption); 10 days dedicated paid leave for domestic violence situations.

University of Technology, Sydney

- » Maternity leave will become Parental Leave, available to the primary carer by choice
- » Five days of paid leave for NAIDOC week for Aboriginal and Torres Strait Islander employees
- » dedicated paid domestic violence leave without strict evidence; only five days provided
- » students on internships will now be paid and covered by the agreement

Charles Sturt University

There haven't been any formal agreements made as yet however CSU has indicated they are willing to have some dedicated paid Domestic Violence Leave, is open to extending 17 per cent superannuation to all fixed term employees. CSU NSW is looking to expand the Span of Hours to 7am-10pm, which cuts penalty rates for working early or late.

University of New England

Bargaining has only recently commenced, so there is no new improvements agreed to be reported at this stage.

University of Newcastle

Bargaining has only recently commenced, so there are no new improvements agreed to be reported at this stage.

Southern Cross University

Bargaining has not commenced at SCU.

Universities in the news

Click links below to read:

- » [Higher Education Cuts: Fears for future of regional universities and student opportunities](#)
- » [The Great university funding fight](#)
- » [University funding legislation set to be rushed through parliament](#)
- » [Students apply to university without fee certainty as Senate stalls higher education reforms](#)
- » [Higher Education changes in doubt as cross bench senators stake their claims](#)
- » [Students claim Armidale's University of New England Indigenous Centre is toxic, culturally unsafe](#)
- » ["Like an episode of Utopia" cultural icons caught in dramatic rebranding exercise by NSW Government](#)

