



THE UNIVERSITY OF
SYDNEY

Outline of the University's EA proposal

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Introduction

The University will shortly commence bargaining for our next enterprise agreement (**EA**).

We want to be clear and transparent throughout this process about what we are seeking to achieve in the next EA.

The purpose of this document is to help you understand what the University is proposing, and why.

We will communicate with you throughout bargaining to ensure you are informed about progress and key issues.

Context

The University needs a responsible, sustainable and fair EA to support us to continue to invest in research and education excellence and attract and retain the best staff. We value our staff and are proud that through our EA and other means the University has been able to provide sector-leading benefits, conditions, and high levels of salary and entitlements.

The Australian higher education sector faces a historically significant challenge resulting from decades of decreased government funding, rising costs and more recently the uncertainty resulting from the impact of the global pandemic.

Our new EA is an important factor in protecting and providing for our ongoing financial sustainability, as well as supporting our world-class for research and education.

For our new EA we are not seeking to make wholesale changes to the terms and conditions for our staff and we maintain sector-leading conditions and benefits. We will focus on a limited number of areas to achieve a responsible salary outcome and the flexibility necessary to support us and to provide a sustainable foundation for the future.

Our approach involves significantly less change than is being sought at other universities. What we are proposing is also already in place across most universities, including many other Group of Eight universities.

The former Vice-Chancellor Stephen Garton spoke to staff earlier in the year about the University's financial position. We are relieved at the positive short-term results for Semester 1 and the outlook for Semester 2. But we can't be complacent, and we cannot continue the cost-savings measures implemented to date by living in austerity indefinitely or by simply operating as we have in the past.

Our costs continue to rise and there remains significant uncertainty about the opening of international borders, with it now almost certain that they will not open in 2021 and significant uncertainty into 2022 (and possibly beyond).

Principles

The University will be adopting a principles-based approach and will be proposing and considering claims based upon whether they:

- reflect sustainable terms, conditions and practices enabling us to grow and continue to invest in our future, our staff and our students;

- enhance our ability to respond to changing environments and uncertainties and align with student demands (including arising from the consequences of COVID-19);
- are fair and reasonable;
- support the efficient performance and allocation of work and minimise restrictions; and
- increase overall job sustainability and security.

What does the University propose?

The University is proposing limited substantive changes to achieve the critical things the University needs for the future.

If we can achieve a sustainable salary outcome and provide flexibility in workload allocation, the University will continue all key benefits and provide improved staff flexibility and leave entitlements.

Where discussed and agreed, we want the EA provisions to be more straight forward and easier for staff and supervisors to understand and apply. The University will not enter into a new EA unless it is responsible, fair, flexible and future focussed.

A summary of key proposals by the University are set out below. The proposals form a package and the University's preparedness to adopt a particular clause depends on the remainder of the package.

The University will provide more details as bargaining progresses.

1. Period of new Agreement

The Agreement would be for a period of 3 years from the commencement of the Agreement.

2. More beneficial leave provisions

The University currently provides very generous parental leave provisions, which significantly exceed community standards. We propose to further improve those leave provisions to support diversity in our workforce in the next EA.

In addition, the University is proposing to increase the entitlement to compassionate leave from 2 to 5 days or greater access to personal leave where compassionate leave has been exhausted.

3. More beneficial access to incremental progression

The current EA provides that staff are entitled to incremental progression where they have 12 months' paid service. This means that the period to get incremental progression takes longer than 12 months if staff take unpaid leave. The University is proposing that periods of unpaid leave of 3 months or less will count for the purpose of reaching the 12 months' paid service, and that all periods of unpaid parental leave will count. This will make it easier for staff to gain access to incremental progression.

4. Other improvements

The University is also proposing to include some other more beneficial entitlements, including:

- the current EA requires staff to have 12 months' service before they can request a flexible work arrangement. The University understands that staff may need to seek flexibility earlier than reaching that point. The University is proposing to remove the 12 month requirement to broaden access to the right to request flexible work arrangements; and
- greater capacity for flexi-time arrangements, to support individuals and work areas and assist in facilitating working from home;
- the model individual flexibility arrangements provisions (which provide scope for more flexible terms for an individual whilst being better off overall).
- The University commits to genuinely considering any other proposals put in bargaining to improve the experience of our staff.

5. Fair salary outcomes

Unlike many Universities dealing with COVID-19, our University has not paused or cut wage increases or frozen incremental progression and promotions. Staff received a 2.1% increase in the first pay period in July 2021. The University will continue to review its position and consider potential for further fair and responsible increases, taking into account those matters and:

- (a) volatility and financial challenges;
- (b) any improvements in the overall outcome of bargaining; and
- (c) benchmarking salaries in other Go8 institutions.

6. Academic work and employment security

The work that our academics do drives our research and teaching excellence. There are various aspects of the EA that are relevant to the work that our academics perform and the way in which it is allocated. Those provisions need to support high quality research, improved and increased teaching delivery and more diverse career paths for our staff.

A mix of staffing is necessary to assist in providing career paths, manage workloads and provide a sustainable employment model.

Academic work allocation

The University has, for some time now, had a very traditional model of academic workload allocation on the basis of a "40:40:20" model for all teaching and research academics. This one size fits all approach is no longer suited to the diversity of our academic staff, or enables those academic career paths that we believe the University needs to support our ambitions for education and research in the future. This model is more rigid than any other university in Australia.

We are proposing some improvements in approach to the allocation of academic work in the new EA. A more flexible approach will allow us to:

- (a) be more equitable in teaching allocation;
- (b) better align our staff to teaching demands;
- (c) assist our staff who excel at teaching to develop their capabilities and career paths, and be respected for their excellence in teaching, which is essential to our mission;
- (d) likewise, for staff who excel in research or who are required to be research-only due to project commitments, to provide increased flexibility; and
- (e) assist our staff who seek to specialise and excel in providing high quality research and teaching support.

A rigid approach to workload allocation contributes to longer term insecure employment (that is, a greater need for sessionals).

The proposed approach for the new EA will be to allocate academic work based on the needs of the University and an academic's skills, competence, expertise, outputs and interests. There will continue to be consultation with staff about their planned allocation, to ensure that both the University's needs and the academics' needs are taken into account.

The University is also proposing to include time allocations for training and career development and for development reviews in allocation of academic workload.

Education Focused roles

In addition to a more flexible workload allocation model for teaching and research staff, the use of Education Focused roles is important in allowing the University to meet its teaching demands, provide career opportunities for academics with a primary interest in teaching to engage in that work. It also assists in ensuring teaching demands can be met whilst providing greater research opportunities for our teaching and research staff. The current EA included an arbitrary cap on the number of Education Focused roles which ceases 6 months after the nominal expiry date of 30 June 2021. A further cap would not be adopted.

With the concerns raised about challenges with workload for continuing academic staff and with reliance upon sessional staff. Education focused roles are a crucial part of seeking to address these issues. The roles can help manage overall teaching workload and reduce reliance upon casual staff. EF staff can also currently seek to convert to a teaching and research role if they develop and agree to undertake an annual research plan. This is proposed to change to requiring the staff member to demonstrate research ability to meet the research requirements of a teaching and research role before being converted to a teaching and research role.

Academic Fellows

The current EA also provides for Academic Fellows to assist in providing career paths and more secure employment for existing casual academic staff in the sector. The University will retain this form of employment and it will be available to be offered by the University, however, a minimum number will not be included.

Job Security and employment opportunities (Casuals)

The University acknowledges that job security is important to our staff.

The University prefers to employ staff on a continuing basis, but the nature and uncertainty in our industry and some structural limitations means that it is necessary for the University to engage staff on a fixed-term and casual basis. The current EA limits the University's ability to employ fixed term staff, which means that where we don't have sufficient certainty that the work will be ongoing, we are required to use casual staff. The University will be discussing in bargaining measures to provide more flexibility to employ fixed term staff in order to decrease reliance on casual staff.

The University is also prepared to consider including a new form of periodic employment. This form of employment would enable a professional or academic staff member to be appointed on a fixed term or continuing basis (rather than as a sessional or casual basis) and perform work for one or more discrete teaching periods within each year. The employment will include non-work periods (eg between the relevant teaching periods), and salary is paid for the work

periods and may be annualised across the year. Priority would be given to inviting expressions of interest in such employment to existing sessional and casual staff.

Professional Practitioners

The University will be seeking a new mode of employment for professional practitioners, particularly University Clinician Educators. These are staff who hold a professional registration (e.g. dentist, medical professional, nurse etc) and are engaged to support the delivery of professional accredited programs. The current nature of academic and professional employment at the University is not well suited to employment of these individuals. A detailed proposal in relation to these staff will be provided in the bargaining process.

7. Simpler/Clearer provisions

The EA is long and is complex and ideally it would be shorter and simpler and easier to understand for staff/supervisors and managers. However, we are also aware that staff and unions can be anxious about any wording changes. Where the University has a specific proposal for change it will provide a draft clause and in doing so seek to provide a clearer, simple clause for negotiation. The University proposes to work collaboratively with the bargaining representatives/unions to work through any simplification and drafting that could be adopted on other clauses, particularly if they are unclear.

8. Other changes

There are some other proposals that the University will be putting forward where there is an operational need for change, where the wording in the current EA clearly requires further clarity, or where more flexibility could be provided for staff and the University. These proposed changes are:

- allowing staff to cash out annual leave if they wish to do so;
- allowing for a 2 hour minimum engagement for staff who are students at other Universities;
- capacity for a casual staff member to request and the University to agree to a minimum engagement of less than 3 hours to meet the staff member's personal circumstances;
- to ensure more equitable redundancy payments, calculating payments based on the average fraction worked over the whole employment;
- providing a one off buy-out payment for cessation of annual leave loading for HEO10 staff and above and Academic staff above Level C Step 3 given their seniority and that the rationale for annual leave loading does not apply to their employment (i.e. lost opportunity for paid overtime whilst on leave);
- to avoid protracted disputes, the University proposes to adopt a more streamlined disputes clause and status quo provisions apply whilst internal disputes processes being conducted;
- amending the schedule in the EA providing terms, conditions and definitions specifically for staff employed in Veterinary Science;
- removing the requirement to advertise for professional staff positions internally before advertising a role externally;
- removing the requirement to maintain 31 FTE Funding Contingent Continuous Language positions;
- continuing with allocating at least \$2m on professional staff development each year, which must be used in that year;
- removing ambiguity in some definitions and provisions in relation to shift work, overtime payments and on-call entitlements for professional staff;
- other changes as negotiated in bargaining; and
- any changes in response to claims by the unions.

Updating/Compliance Issues

The new EA must comply with various legislative requirements, some of which have changed during the current EA. Some provisions will therefore need to be updated for compliance reasons.

For example, the University is currently considering some changes that have been made to superannuation legislation and also changes to the Fair Work Act in relation to casuals and conversion, and any changes that should be made to the next EA to take into account those legislative changes.

The proposals form a package and the University's preparedness to agree a clause depends upon the remaining elements of the package being agreed.

Further information

The University will now commence bargaining with the NTEU and the CPSU (and any other nominated bargaining representative).

The University has separately issued a Notice of Employee Representational Rights (NERR) on 31 May 2021, which sets out your rights in relation to the appointment of a bargaining representative if you wish to do so.