



USYD Bargaining update 26 August 2022

Casual employment

Management claim to want to reduce casualisation and are prepared, 'to a lesser extent,' to provide some extra benefits to casual staff: access to flexible work arrangements from the start of employment; 10 days' paid domestic violence leave; extra academic positions; new education-focussed positions with parity of esteem and career paths; PhD fellowships and professional practitioners. These are all positions with which we can engage.

However, in another sign of their unwillingness to accept the seriousness of the casualisation crisis at the university, management say they want us to 'rationalise' the number of our claims in order to progress bargaining faster. We have told management that the large number of claims is a consequence of the seriousness of the crisis of insecure employment.

Management continued to press for part-year (periodic) employment for academic casual staff on a continuing or fixed-term basis; and a new fixed-term category. NTEU reps are completely opposed to periodic employment, which would see casuals sacrifice their 25% loading without substantive improvement to job security and introduce a whole new category of employment which could easily be used to undermine standard full-time 40/40/20 jobs, thereby degrading the nature of academic work at the university.

Management are also still refusing our changes to make conversion simpler, and say they will not agree to our claim for up to 100 days' paid sick leave. However, they say they will "seriously consider" *some* additional paid sick leave for casuals, without committing to it.

They rejected outright our claim for equal 17% superannuation for casual staff – apparently, casuals have less entitlement than other staff to a decent financial position on retirement. NTEU reps note that while progress is also slow at the University of Newcastle negotiations and their management's position on many issues is also substandard, at least they have recognised this issue and have made an offer of 17% super for casuals.

On wage theft issues, management say they want to define teaching formats more precisely and claim to want to make sure casuals are appropriately paid for all 'approved' work they are 'required' by the university to undertake. However, they have in writing rejected our claim that casuals be paid for every hour spent preparing for tutorials and lectures, stating they do not "agree to the claims to change the basis for payment for tutorials and lectures". We have not heard a verbal explanation for this position and will be following this up in future meetings. We are a long way from achieving our claims aimed at preventing the large amount of unpaid work done by casual staff and ensuring they are paid for every hour worked. We have asked management to tell us what is meant to happen where a casual *cannot* prepare a lecture to the required standard in the allotted time.

Job creation

We welcome management's willingness to discuss job-creation and the fact that they are 'contemplating NTEU members' proposal as a framework'. We are pleased to see that they are no longer insisting that all new roles will be education-focussed. However, the numbers of new jobs, and the mix of EF and TR roles is crucial to us. Management restated its reservations about appointing new teaching and research staff other than through an international competitive process. Management want to know what kinds of probation period we'd be prepared to accept for casuals who are appointed to TR roles. We reminded management that the University of Sydney is responsible for the marginalisation of an entire generation of academics and therefore has a responsibility to redress this. Management have said that they will need to do better than the 150 roles won at WSU, but they will not commit to as many as the 880 that would be required to convert all long-term casual academic employment to continuing, which they dismissed as a mere 'calculation'. We are willing to discuss a mix of teaching-focussed roles (subject to workload control) and balanced academic roles, with the possibility of some being at level A. But exploitation of hundreds of staff is not an acceptable price for the teaching excellence management claim to want to use teaching-focused roles to produce. Management will get back to us about numbers, but clearly are unwilling to talk about exploitation seriously. They are also unwilling to include any component of jobs for long-term Australian (as opposed to Sydney University) casuals, in order to allow more jobs to be created for academic casuals produced by the exploitative model of higher education in this country.

We also insisted on a 'maximum opportunity, minimum number of internal appointments' principle, i.e. that Sydney University casuals would have the right to apply for all positions first, as already agreed at WSU, and that there would be a requirement on management to employ a minimum percentage of long-term Sydney and sector casuals over the life of the agreement, with a reporting requirement on this to be sent to the Joint Consultative Committee in order to ensure compliance.

Sexual harassment

We noted that there are no provisions in the EA for reporting sexual harassment against a third party. Management agreed reluctantly to include provisions of this kind.

Professional staff workloads

Management have agreed to create a panel to resolve cases of overwork. We argued that all activity of this panel should be reported to the JCC so that the effectiveness of the panel can be monitored. We also insisted that no performance or misconduct process could be initiated on the grounds of a staff member not completing their required work after that staff member has made a complaint of being overworked.

Performance management

Management want to avoid over-prescription of A/PPD in the EA, and are unwilling to make changes to performance and development, even though staff have significant problems with the process, which is all about performance and not about development. NTEU reps have been trying to strengthen the development aspects of the process.

Schedule 4 (professional staff working hours, flexitime, overtime, etc.)

On most of the substantive issues, management are prepared to agree to our claims. But we are concerned that management are unwilling to include a provision that staff will not be pressured into particular work arrangements, particularly having staff work flexible hours instead of being given overtime.

Job security

USyd's almost unfettered ability to make people redundant is unacceptable. We aren't just insisting that redundancy can only be implemented when the work, not the role, no longer exists. Our position is that there should be no forced redundancies at the university at all, and we have made a concrete and realistic proposal about how this can be achieved: making the paid redeployment period, in which management offers staff another position, indefinite. Our 12-week redeployment period is significantly shorter than that of many other universities: Newcastle has a 12-month redeployment period for academics and 6 months for general staff. Management have indicated they won't make the redeployment period indefinite – clearly, removing the threat of redundancy and the stress it generates is not part of their agenda. We have replied that we want to know what they *are* prepared to do to increase job-security for staff.

Managing change

Management are continuing to refuse our proposal that change proposals can only be implemented after a vote of affected staff. We argued that this would manifestly improve change management, and cited the disastrous change processes currently underway in RETS and AAPED as examples.

Flexible work, including working from home

We note that management have moved considerably towards our position, and we will need to consult with our members before giving a final response. Crucially, management have agreed to separate working remotely from other forms of flexible working arrangements. The consequence of this is that, generally, most staff should expect to be able to undertake some of their work from home, if they choose. For other flexible working arrangements (eg: moving from full-time to part-time) individual staff will continue to need to apply for changes to be made to suit their specific circumstances.