



Bargaining Summary

Meeting 34, February 28

After 20 months of negotiations there is a high level of agreement on many matters. Major gains have been achieved on new types of leave, workload control (especially for professional staff), job creation and decasualisation (especially for academics). Many aspects of Aboriginal and Torres Strait Islander employment have also been settled. At Tuesday's session, while some progress was made on other issues the following matters remain in dispute:

- Pay
- 40/40/20 and the proportion of non-casual academics in education-focused roles
- A target to increase the proportion of First Nation's people working at the University to be equal to that prevailing in the population at large.

In the shadow of our upcoming strike, we were pleased that management came to the table with an improved clause on casual conversion, dropped their demand for annual leave buyout, and indicated that unit-level metrics will not be used in performance management..

Pay

Management restated the unacceptable pay offer made to staff last week. The NTEU bargaining team made the point that their proposed figure had been communicated to staff in the absence of any financial justification or sense of budgetary context whatsoever. Staff simply have no idea of how they have arrived at their figure, or how it relates to the university's overall finances. We asked for details on how much senior executive salaries were moving. We noted that the increase in the student-staff ratio means that management saved \$260M on their budget, and that this figure should be returned to staff. There is no reason for the NTEU to even consider a salary offer that is lower than any we have accepted elsewhere in the sector.

Indigenous employment targets

As noted above, there is a high level of agreement between the parties on the need to improve the level of Aboriginal and Torres Strait Islander employment. There is also agreement on a comprehensive and far-reaching package of measures to bring about change. The only major difference on this topic concerns the employment target for Aboriginal and Torres Strait Islander employment in the University. The NTEU made it clear that we cannot accept an Indigenous employment outcome that goes backwards with respect to the current agreement. We agree that retention of First Nations staff needs to be dramatically improved, but we reject the proposition that improvements in retention must be made *before* more staff can be recruited, which seems to be the logic of management's position. We also pointed out that the university receives millions of dollars annually through the Indigenous Student Success Program, for which population parity is a KPI. Management needs to take this far more seriously.

Professional staff issues

Management have indicated that they are not prepared to internally advertise professional staff vacancies beyond level 7 before advertising them externally. They are also not prepared to commit

to any limits on workplace surveillance other than what is prescribed legislatively. On performance, they commit that 'the University will not use unit wide service level results as the basis for performance management on an individual basis. Except as otherwise agreed, any issues of unsatisfactory performance will be assessed on a staff member's individual performance'. University is dropping the buy-out of annual leave loading. They still want to increase the capacity for staff to cash out excess annual leave (greater than 40 days), with University approval, subject to taking equivalent period of leave and maintaining at least 2 weeks annual leave accrual. These matters were only discussed briefly with more detail being given to them in the next meeting.

Managing change

On managing change, they have made some minor modifications, but continue to reject our further compromise suggestion for non-binding trials of a more democratic and collegial process in two change processes over the life of the next agreement. It is very disappointing that management are so unwilling to even consider this improvement. That said, they have agreed to proposals to:

- (a) Consult as early as possible in the change process to open up consideration of defining jointly what 'the problem' is before too much detail of a proposed change has been worked out;
- (b) review changes processes 6 -12 months after the final change plan has been settled. This is to ensure lessons are learnt from the change process and to identify things that need to be modified so that any case for modifying the change can be made.

Casual conversion

On conversion, management have finally conceded to some restrictions on the ability to refuse conversion of casual or fixed-term staff to ongoing employment. We have removed the nebulous "future expectations" wording, which acted as a loophole that allowed Management to refuse a large swathe of conversions in the past. The new watered-down clause merely requires that casual and fixed term staff can meet the minimum requirements for the converted role. We have also won an important limitation to the "insufficient revenue" conversion loophole, such that it cannot apply where the work will continue to be done by any fixed term or casual staff member. If the work is still being done by casual or fixed-term staff, management cannot claim they don't have the funding for the role. We have seen many conversion applications refused on a dubious basis during the last agreement, and the new clause will allow us to fight harder for conversions in the new EA. We are still negotiating exact wording, hoping to clarify management's clause slightly, but this is an important improvement in conditions for a workplace where 74% of staff are on insecure contracts on a headcount basis. We will need a dedicated enforcement campaign in order to make the most out of this, something we will need to prioritise after bargaining.

Job-security

On job-security, they are not proposing to renew the extended notice period that existed in the previous agreement, which increased the time during which staff were eligible for redeployment when their position is made redundant. This represents a serious diminution of conditions with respect to the previous agreement.

Academic matters

On 40:40:20, management's position is still unchanged. They still intend to maintain their ability to unilaterally take 10 percent from service and transfer it to teaching.

Sick pay for casuals

Management say this is still under consideration, even though it is problematic in various ways, both administratively and politically. They had nothing further to put to us this week.

Pay for all hours worked

We are getting closer on this question but some issues remain problematic. Management are not willing to pay casuals for all work they are 'expected' to perform, because of the subjectivity of that term. We are exploring wording. On marking, we are continuing to press for a review or appeal mechanism in cases where a casual is not allocated enough hours to complete the work required. If a casual has completed all the hours they have been paid for a task, they should be able to stop working regardless of whether the task is completed. We discussed the question of when 'significant academic judgement' is required. Management will get back to us after further consultation with academic units, probably at the meeting of the 21st.

Summary

As noted in the opening section, the session on Tuesday dealt with a wide range of issues. Management has made some concession on a number of matters – but held firm on its position on others. Significant advances have been made on casual conversion and the prospects for pay for all hours worked by casuals are good. In the context of twenty months bargaining there is agreement on nearly all key issues. The matters over which fundamental differences remain are;

- pay
- the obligation to reach agreement before changing 40/40/20 workload between teaching, research and service
- the size of the education focused workforce
- the target Aboriginal and Torres Strait Islander employment in the University