



## **Bargaining summary: Meeting 35, March 14**

In the wake of last week's strike, the NTEU bargaining team reiterated our desire to finalise an agreement as soon as possible. The meeting addressed the following issues:

### **Professional staff package**

Recently the NTEU provided management a list of outstanding items for Professional Staff and combined issues. In the last meeting, management provided a response to these issues, which they want to be treated as a package. While we had seen the response at the last meeting it had only just been tabled and the parties agreed to put it on the agenda this week for detailed discussion. Our response today was predicated on an improvement to the salary offer.

We previously reported reaching agreement on dispute resolution, the Professional Staff Development Fund, and Work from Home provisions. On professional staff vacancies, we continued to argue that professional staff need priority advertising at HEO 8.

### Filling Vacant Positions

We're disappointed that management are rejecting our suggested improvements for rapidly filling professional staff vacancies, which are often used as tacit restructure mechanisms, but we are prepared to acquiesce to them in the interests of finalising an agreement, as management has agreed to significant improvements to the provisions managing professional staff over-work, which can be used to deal with this situation.

### Professional Staff Reclassification Process

On professional staff reclassification, we have protected staff's salary increments and pay rises in the event of a position being downgraded. Under the existing system some managers were seeking to freeze a staff member's salary until the Agreement rate caught up to them.

### Service Increments

At the moment, HEO increments are recognised by some of the better managers when a professional staff member changes jobs at the same level. We have now guaranteed that they must be recognised where the new job is similar to the old one, while not limiting staff's ability to negotiate if the jobs are unrelated.

### Renewal of Fixed-Term Contracts

Management has now agreed to remove a loophole where staff were not eligible to be automatically appointed to a renewed fixed-term position on the grounds that they had not been through a competitive process. Fixed-term staff are now eligible for further contracts after 2 years even if they were appointed on nomination. This will allow far more fixed term staff to be provided further employment when the work continues.

### Surveillance

We're disappointed that management is not prepared to agree to our claim on workplace surveillance. As this is protected under NSW Surveillance Laws, and in the interests of finalising, we have indicated that as long as there is an acceptable final package, we would be willing to drop this claim.

### Superannuation

Unisuper has served the majority of staff very well over the years. The NTEU is seeking to protect the fund. We have not agreed on the words of the clause, but all parties believe that we will get agreement shortly.

### Change management

On managing change, if everything else can be resolved, we have indicated that we are willing (regretfully) to drop our multiply adjusted claim for a staff vote on the final change proposal. We have put management on notice that we will be campaigning for this change in the next agreement, unless they demonstrate that they are committed to actually improving the culture of change-management at the university.

We have maintained our proposal that a position must not be abolished if its removal would lead to increases to existing staff workloads. Management came back with a counter-proposal, however we also rejected their proposition that vague and unquantifiable 'increased efficiencies' should be used as an excuse for abolishing positions. Our position is that if efficiencies will be created by a change proposal, they must be demonstrable, and not rely on intensifying workloads. Management appears close to accepting this, pending appropriate drafting.

We have not resolved the issue of limiting the number of change proposals to which a single staff-member can be subject over the life of a single Enterprise Agreement. We are seeking something similar to the already agreed ACU and WSU clauses limiting change that involves redundancy to one proposal per employee over the life of the Agreement.

### Extended Redeployment

Management has rejected calls for extended redeployment for all staff. We have made it clear that we will not go backwards from what was agreed for a period of the last Agreement, which at least provided extended redeployment for Professional Staff at HEO 1-7. This extended period worked very well in the last Agreement, with minimal impact on University functioning. There is no reason management should not reinstate it.

### Metrics and Wall Boards

We have said we are prepared to recommend management's counter-proposal on performance monitoring. The University will no longer be able to use unit-wide service level results as the basis for performance management of individual staff.

Management is still refusing to commit in the agreement to not using wall-boards. They have stated that they do not use them and have no intention of doing so. Management indicated that it was not willing to move on both this claim and the Metrics claim. As the bargaining team had been informed

that the metrics claim was the more important claim we indicated that we were willing to stop pursuing this matter.

### ***Aboriginal and Torres Strait Islander employment***

We argued for a change to the structure of the clause so that improvements to conditions for First Nations staff would be explicitly tied to the goal of increasing the proportion of First Nations employees. We argued that the university should have a target of population parity, which will be measured on an EFT-basis. The university will work with the JCC to implement and devise programs to achieve parity, guided by the Aboriginal employment strategy. Satisfactory implementation of these programs will constitute the meeting of the target. We argued that management's record in Indigenous employment gives no grounds for us to be confident that it has any commitment to increasing First Nations jobs unless they are explicitly required to by the agreement. It's not enough for them to express good intentions. Good progress is being made to resolve this impasse, but we are not quite there yet.

### ***Casual and fixed-term conversions***

We responded to management's clause, which conceded our main demands, adding a requirement that management will not restructure or re-allocate work to avoid their conversion obligations. While management have not seen fit to adopt all our proposals, they have agreed to put further limitations on how applications for conversions can be rejected. For example, they can now only reject an application for financial reasons when the work will no longer be performed by casual, fixed-term or contingent staff. We have also placed further limitations on how management can reject conversion requests on the grounds that a position has changed or is changing. What has been agreed is different to our proposed clause, but it is a good improvement to our conversion rights.

### ***Casual Pay for All Hours Worked***

We have made good progress on a clause guaranteeing that casuals will be paid for all hours they're required to work. This is very good news, since it has been a significant demand of our enterprise bargaining negotiations so far. We are seeking to remove any loopholes where casuals are required to do work but not explicitly "directed" to do. The clause still needs some drafting and negotiating between the parties, which we ran out of time for at today's meeting, but it is looking like we will get to an acceptable resolution.

### ***Casual sick pay***

We reiterated that some movement on sick pay for casuals is necessary.

### ***Edging towards a settlement?***

The last session of the day involved a discussion about how an overall agreement could be finalised. In this we noted positive progress had been made on the issues of Aboriginal Employment Strategy and payment for all hours worked by casuals. We also outlined key concerns and ideas on how the existing impasses could potentially be solved in the following areas:

- Pay. We made it very clear that given USyd's financial performance, management needs to do better than the very modest deals done at other unionised universities such as ACU, WSU and UTS.

- Casuals. In addition to the achievements already settled, we highlighted the need for sick leave for casuals. Covid showed why this was necessary – and in the middle of the crisis management showed it could make this work. As a learning organisation, we are optimistic the Uni will come to the party on this matter in the final deal.
- 40/40/20. We reiterated that while we can't accept more management control in this realm of our working lives, we are open to exploring how the flexibilities that are already allowed for in the current agreement can work better. Issues of transparency and accountability are important – for example, staff who help out with extra teaching in one period are currently vulnerable to such goodwill being abused if a future manager refuses to take this extra workload into account later.
- Education Focused Roles (EFRs). This is a very difficult, but very important, issue. Management wants to increase the proportion of EFRs from 10 to 25% of the non-casual academic teaching workforce, with EFRs having to carry a minimum 70% teaching load. The NTEU wants the cap at 20% and has serious concerns about a 70% teaching load, believing that there needs to be extra time for education innovation, research and GLE. Especially important for the union is control of workloads to keep these jobs both attractive and sustainable. Other ideas suggested included forming a joint union-management committee to oversee the development of this workforce and clear principles for workload control (eg a maximum number of units EFR's should be required to teach.)

While a number of key matters remain unresolved, their number is shrinking. We remain committed to advancing the interests of our members and settling an agreement that both sides can be proud of. We are hopeful that the progress of today will continue in bargaining next week. If not we will have to consider other options to advance the interests of our members. An update on prospects for agreement or the need for further industrial action will be discussed at our important members' meeting on 23 March 2023.