

23 August 2016 – EA Bargaining Meeting Update

The following issues were discussed at the 23 August meeting:

Academic roles and academic workload

There is regular feedback from staff that workload continues to be an issue across the University. Curtin is seeking to separate issues of workload from academic roles in the agreement, allowing greater flexibility for workload to be designed to meet the requirements of schools and individuals rather than taking a 'one size fits all' approach across our University. While we envisage that traditional academic work patterns will remain the cornerstone of our University for many years to come, we want to make sure that, in a rapidly shifting higher education landscape, Curtin is not disadvantaged by enterprise agreement conditions that only reflect traditional ways of operating. There is no agreement yet on these issues.

Academic probation

[Proposed Change - Probation and Confirmation \(Academic Staff\)](#)

[Draft Clause - Probation and Academic Confirmation](#)

The academic probation period is currently 12 months. Curtin is proposing to extend this to three years to provide a better opportunity for academic staff to demonstrate capability in often complex roles before decisions to continue or terminate their employment are made. This proposition has largely been accepted across the bargaining table. The NTEU has not agreed, however, to Curtin's proposed option of extending the probation period, subject to the staff member's agreement, for another 12 months in extenuating circumstances.

Academic classification standards

[Proposed Change - Position Classification Standards \(Academic\)](#)

[Draft Clause - Minimum Standards for Academic Levels \(MSAL\)](#)

The Modern Award for Higher Education Academic Staff contains the Minimum Standards for Academic Levels (MSALs) that have been adopted by the majority of universities across Australia. Curtin has proposed changing from the classification standards currently included in the enterprise agreement to the MSALs, but this is not supported by the NTEU, despite the already wide application of MSALs across the sector.

Intellectual freedom

[Proposed Change - Intellectual Freedom \(removal of clause\)](#)

[Current Clause - Intellectual Freedom](#)

Curtin strongly supports the right of staff to intellectual freedom where it is exercised responsibly, honestly and with respect to the intellectual freedom of others; this commitment is demonstrated through intellectual freedom being the first item in our Code of Conduct. In addition to this, our Academic Board oversees governance of a comprehensive intellectual freedom policy setting out the rights of academic, professional and general staff.

In light of this strong commitment, and the fact that the enterprise agreement only protects the intellectual freedom rights of academic staff, Curtin had proposed removing this limited reference from the agreement.

We are however continuing to consider feedback from bargaining representatives and through various staff feedback forums that, while limited in its scope, the reference in the enterprise agreement is important.

Unsatisfactory performance and misconduct

[Proposed Change - Misconduct / Serious Misconduct](#)

[Draft Clause - Managing Misconduct and/or Serious Misconduct](#)

We have listened to feedback regarding the proposed unsatisfactory performance clause potentially not providing sufficient opportunity for staff to rectify unsatisfactory performance issues. Curtin has proactively responded by now presenting a revised clause that includes further safeguards for staff, including the provision for any outcomes resulting in the termination of employment to be reviewed by the Vice-Chancellor.

In our discussions around unsatisfactory performance and misconduct Curtin is trying to strike a balance between creating simpler, more efficient and effective processes and retaining appropriate commitments to procedural fairness for staff. While a more streamlined approach is broadly supported around the bargaining table, there remains a significant difference in approach regarding the use of review and investigation committees.

Annual leave

To better manage our leave liability and promote the wellbeing of staff, Curtin proposed that staff with more than six weeks accrued leave be asked to create a leave plan to reduce this to four weeks over the following six months, or else they would be directed to take this leave. Similarly, staff with more than eight weeks accrued leave would need to plan to reduce their accrued leave to below six weeks over the following 12 months.

We have since taken on feedback that creating leave plans within these six-month and 12-month clearance periods may create difficulties in teaching and research areas and that periods of seven months and 13 months respectively would work better in practice; and after listening to this Curtin has now tabled a new proposal to reflect these longer timeframes.

The combined union view is that no staff member should have to take leave before they have accrued eight weeks, with the caveat that restrictions be placed on the ability of staff to cash out any accrued leave.

Individual flexibility

[Proposed Change - Individual Flexibility Agreements](#)

[Draft Clause - Individual Flexibility](#)

Curtin tabled a clause that would enable individual staff members to vary the terms of the enterprise agreement, should they wish to do so, in order to establish more flexible working conditions that better suit their personal circumstances. These arrangements, which would align with the flexibility options provided under the Fair Work Act, could only be enacted if the staff member agreed to them and if they resulted in the staff member being better off overall. Despite this, the combined union proposition is to deprive staff of choice through only offering a restricted number of flexibility options to choose from.

Health and safety

Curtin has proposed to link payment of the allowance given to staff health and safety representatives with the corresponding fulfilment of the responsibilities of this role. Discussions around the bargaining table acknowledged that this was a reasonable approach but that completing the requirements of the role was not

always in the control of the representative and a loss of the allowance would be unfair. Curtin has agreed to consider alternative drafting of this clause to acknowledge where representatives are making 'reasonable endeavours' to fulfil their responsibilities.

Personnel files

[Current Clause - Personnel Files](#)

The NTEU tabled a clause detailing the need for employment records to be held securely and for staff members to be able to access and copy any material held in these records. Curtin sees this as unnecessary as these rights are available to staff outside of the agreement but we acknowledge the reasons why bargaining representatives might want these included in the agreement.

Workplace rehabilitation and bullying

Curtin believes these clauses are unnecessary as they are issues of wellbeing already addressed outside of the agreement in multiple pieces of legislation, policy and procedures. The NTEU has agreed to the removal of the bullying clause subject to the creation of a comprehensive bullying policy and Curtin is currently considering how this may intersect with the already established material outside the agreement.