

27 September 2016 – EA Bargaining Meeting

Another consolidation meeting was held on 27 September to further discuss previously tabled items. Agreement in principle was reached on a range of issues at this meeting, including:

- Position classification and reclassification (professional and general staff)
- Recruitment and selection
- Personnel files (to be renamed 'employment records')
- Workplace rehabilitation
- Workplace bullying
- Occupational health and safety / health and safety representative allowance
- Probation (academic) – subject to minor redrafting.

The negotiating parties are also close to in-principle agreement on the change management clause, subject to further discussion about what constitutes 'suitable alternative employment' for staff being redeployed as the result of organisational change.

Agreement is yet to be reached on the following issues:

Annual leave

The NTEU remains apart from Curtin on the issue of how much excess leave staff can accumulate before they will be directed to clear it. The Curtin proposition is six weeks (30 days) and the NTEU proposes eight weeks (40 days).

Curtin's proposal is in line with the higher education award determined by the independent Fair Work Commission, which defines excess leave as 30 days.

Our position is based on the principle that taking leave is important to individual health and wellbeing, while being mindful that staff should be able to accumulate a reasonable balance of leave to accommodate personal circumstances and issues of timing. We believe that, in normal circumstances, six weeks should be sufficient for this; however, we will still provide the flexibility for individual staff to accrue additional leave for a special purpose, such as an extended overseas holiday, where this is agreed with the local manager.

During bargaining, Curtin representatives questioned some seemingly contradictory messages from the NTEU around annual leave. On the one hand, the NTEU does not readily support the 'cashing out' of annual leave because they think it is important that staff take a break from the workplace – they are proposing that only staff who have physically taken at least 20 days' annual leave in the previous 12 months should be able to cash out leave. On the other hand, their proposal that staff be able to accumulate 40 days' excess leave would allow staff to work for 2.5 years or more without taking leave.

Academic issues

The Provost, Professor John Cordery, attended the meeting for these discussions.

Academic roles:

The Curtin proposal is for the existing academic roles and workload clause to be split into two separate clauses, dealing with roles and workload separately. There has been significant discussion around the bargaining table as to how academic roles should be described, with the NTEU concerned that the proposed role descriptions incorporate a performance expectation. Curtin is considering this and looking at how alternative wording may ease the concerns raised.

Academic workload:

Traditional approaches to academic workload have been framed around the typical teaching semester structure, with research focused in periods outside these semester periods. While it is Curtin's expectation that this will remain the situation at our University for many years to come, there are many changes happening in the global higher education sector that could challenge this traditional model over time. This workload design is also not always the best approach for achieving optimal research outcomes.

Future job security and job opportunities are going to be dependent on our ability to meet the product and delivery demands of students, research funders and industry. We are not proposing a significant change to workload design in the short-term with our workload clause, nor an increase in teaching workloads, but we do want to position Curtin to be able to respond to future opportunities and challenges. It shouldn't be the case that staff can't work in the way that they would prefer or that we can't respond effectively to a competitive challenge because our enterprise agreement doesn't allow this.

Curtin's proposal is for the workload clause to be more principle-based, rather than taking the 'one size fits all' approach that is the feature of the current agreement. The restrictive parameters currently in place around academic teaching commitments (ie teaching restricted to a maximum number of weeks rather than a maximum number of hours) are proposed to be removed to allow for the design of work to fit a variety of circumstances. For instance, it could be more advantageous for teaching and research outcomes for an individual to teach for, say, one day per week for 46 weeks per year (with research and other activities undertaken on the remaining four days per week) than to teach for two days per week for 24 weeks per year.

As a demonstration of good faith that our proposal to remove teaching period restrictions is not about increasing teaching loads, we are proposing that the teaching load of academics be reduced from 75% to 70%.

Our proposed workload clause includes some modifications to the 'maximum teaching delivery hours' to provide a larger spread of information. In compiling the table, a rounding of calculated hours has occurred (to make the table linear in its movement through each percentage level of teaching activity). The rounding has caused there to be an increase in some of the maximum hours. This was not the intention when the table was compiled and Curtin will revisit the table to rectify and ensure there are no increases.

Redeployment and redundancy

The definition of redundancy is long-established within law, shaped by many years of litigation, and is also contained within the Fair Work Act. However, the NTEU is proposing a new definition for Curtin as it believes the current definition doesn't go far enough to protect staff against the possibility of what it refers to as a 'sham' redundancy (ie minor changes to a job being used to trigger a redundancy). While proposing this change, the NTEU has also noted that this type of circumstance has not occurred at Curtin, nor is it seen as a problem here.

We have no interest in deviating from the basic principles of existing legal precedent, especially since the NTEU hasn't identified a problem at our University. However, we have agreed to give further consideration to whether minor tweaking of the current definition can provide some improvement, without moving away from the principles of established law.

Dispute resolution

We have worked through some sensible changes to dispute resolution processes and timelines at the bargaining table. Curtin remains concerned, however, that the current dispute resolution process effectively halts normal business operations until the issue is resolved, which can be extremely disruptive to individuals and to areas. We would like to amend this so that we can continue on sensibly with business activities while disputes are being resolved, so long as this doesn't exacerbate the issue or, as the NTEU describes it, prevent "putting the genie back in the bottle" if a dispute resolution finds against the University. The NTEU wants stronger assurances that the issue of dispute will not be exacerbated by ongoing business activities and will propose alternative wording around this.

Personal leave (domestic and family violence)

Curtin provides staff with 14 days personal leave each year, which accrues if it is unused. By comparison, the modern award offers 10 days and the University of Western Australia offers 12.5 days; we believe this makes ours a generous and attractive scheme.

Earlier this year, Curtin released policy changes to recognise the significance of domestic violence as an issue and to clarify the range of leave entitlements and other broad support available to staff to help them deal with these difficult circumstances:

[http://policies.curtin.edu.au/findapolicy/docs/Family and Domestic Violence Leave and Support Procedures.pdf](http://policies.curtin.edu.au/findapolicy/docs/Family_and_Domestic_Violence_Leave_and_Support_Procedures.pdf)

We are proposing that changes to the personal leave clause make it clear that personal leave is available to all staff to help them deal with matters emanating from domestic violence.

There is still disagreement on this issue at the bargaining table. The NTEU remains firm on its desire to create a specific category of domestic violence leave, in addition to personal leave, while we retain our position that our current leave provisions are sufficient to address staff needs and this special category of leave is not required.

Curtin is strongly committed to supporting staff experiencing domestic violence in every way possible, in line with our values and signature behaviours. We are currently seeking accreditation with the *White Ribbon Workplace* program which recognises workplaces that are taking active steps to prevent and respond to violence against women.

Unsatisfactory work performance

There is agreement in principle on the substance of this clause, although we continue to disagree about the need for an internal review committee: Curtin wants to remove this as it duplicates the right of appeal already available to staff through the Fair Work Commission, while the NTEU wants to retain it.