

9 August 2016 - EA Bargaining Meeting Update

This meeting discussed the following issues:

Health and safety

Curtin is proposing to remove health and safety references in the agreement that duplicate existing obligations.

Our existing agreement, for example, references the right of all staff to operate in a safe and healthy workplace. While this is a positive statement of Curtin's intent, it neither increases nor decreases our health and safety obligations; these are determined by health and safety legislation that Curtin is required by law to observe.

The existing health and safety clause also references the need for a line manager to manage any workloads that might become excessive due to a staff member taking annual leave. This again duplicates our obligations under health and safety legislation as well as our obligations set out in the workload clauses of the agreement.

Removing these references will not reduce any staff entitlements or rights.

Curtin is, however, proposing a new inclusion in the agreement to directly support compliance with our health and safety obligations. As part of the University's commitment to health and safety, we pay an allowance of approximately \$2,400 per year to staff elected as health and safety representatives. Curtin is the only university in Western Australia to pay this allowance in recognition of the importance of the role and the responsibilities and obligations it brings. Up until now the allowance has been paid on the basis of the staff member being elected to the role, without any link back to the actual performance of these duties. The University is now proposing that payment of this allowance is subject to the minimum requirements of the role being performed.

Resolving disputes

The existing agreement provides a mechanism for resolving workplace disputes but this process is often lengthy or results in the dispute remaining open indefinitely. Curtin has proposed a simpler process that promotes resolution at the local level, with unresolved matters then escalated to the University executive and, where necessary, referred to the Fair Work Commission as the independent umpire.

Curtin's proposal to have a simplified process was largely endorsed by the bargaining representatives. However in considering the drafting of a simplified clause, there remain some matters to resolve including the NTEU's wish to be able to raise a dispute in its own right, irrespective of whether the matter is linked to a member or is of interest to members.

Unsatisfactory performance

Curtin's proposal to create a simplified clause has been largely accepted by the bargaining representatives although drafting is unresolved.

The University has acknowledged, however, that the draft clause it previously tabled did not provide sufficient opportunity for staff to rectify unsatisfactory performance and has undertaken to reconsider this.

Both the NTEU and independent bargaining representative Florian Goessmann provided draft clauses for Curtin to consider. Both drafts present a simplified process; however, the NTEU wants to retain the right for staff to request the convening of an internal review committee where termination of their employment has been recommended. Curtin maintains the view that the review committee duplicates the role of the independent umpire, the Fair Work Commission, and is both expensive and unnecessary.

Misconduct

Discussion on simplifying the misconduct clause followed a similar course to the unsatisfactory performance discussions (described above). In relation to academic misconduct, the NTEU proposed replacing the review committee requirements with specific investigation provisions. Curtin is giving consideration to the NTEU proposals and is yet to reach a conclusion.

Pay and superannuation

It was previously reported that the NTEU had reduced their pay claim from 3.75% to 3% per annum. This was incorrect. While an NTEU representative indicated during bargaining discussions that their pay claim contained a small amount of ambit and suggested that 3% was a more reasonable claim, they have not made any formal change to their bargaining position and the pay claim remains at 3.75% (or, more accurately, 15% flat by October 2020).

Curtin shared the recently released Australian Bureau of Statistics CPI data for Western Australia which shows that CPI for the State last year was 0.5% and only 1.0% nationally. In addition, the Federal Government has announced that Commonwealth Grant Scheme fees for 2017 will be indexed by only 1.5%.

While the NTEU presented views that their pay claim is affordable, Curtin awaits a more comprehensive analysis to questions posed to them about how the proposed increases in superannuation and other employment costs (including annual staff increments built into each salary level) can be funded without the job losses and increases in workload typically associated with increases of this type that are well above CPI and indexation of student fees.