

AUSTRALIAN UNIVERSITIES JOB PROTECTION FRAMEWORK

EA VARIATIONS - Q&As

PROCESS ISSUES

Q. Is there a single Variation instrument for all universities to use?

A. Yes, it is known as the EAV Schedule, and is based on the national Heads of Agreement document (with some of the HOA wording refined for this purpose). The EAV Schedule and an accompanying explanatory document were provided to all universities on 23 May 2020.

Q. Is any University compelled to seek a variation of its existing enterprise agreement by putting the Variation instrument to a staff vote?

A. No. However, whilst there is no compulsion, the national-level negotiations have been undertaken on the basis that the majority of Universities will want to vary their enterprise agreement by using the Variation instrument. The NTEU National Executive's position is that this is the only Variation instrument that it will support.

Q. Will a University be required to use all the measures available to it under the Variation?

A. No, each University will be able to select which measures it wants to use from the suite of measures available to it as a Category A or Category B University in accordance with the EAV Schedule that will form part of the enterprise agreement.

Q. When will a University need to put the Variation instrument to a staff vote?

A. It is envisaged that each University will be able to put the proposed Variation to a vote of staff in early June, following a 7-day period where staff can consider the proposed variation for voting purposes. It is expected that all variations would be executed on this timeline.

Q. What do other unions have to say about the proposed variations of University enterprise agreements?

A. The other unions involved in the sector have been aware that the national negotiations were taking place. The NSW CPSU has announced that it is opposed to the deal because it involves reductions in rates of pay. It is therefore anticipated that there will be some union campaigning in opposition to the proposed variations when they are being put to a staff vote.

Q. When will the Variation take effect if voted up by staff?

A. The enterprise agreement will be varied by the inclusion of the EAV Schedule upon being formally approved by the Fair Work Commission. The FWC is committed to expediting this process for universities. It is expected that all applications will be approved within 2-3 weeks from the date of lodgement with the FWC.

Q. How long will the variation remain in place?

A. The EAV Schedule will apply until 30 June 2021 unless extended (to not beyond 31 December 2021) or foreshortened by agreement of the University and the NTEU.

Q. What is the Expert Assessment Panel and how will it operate?

A. The Expert Assessment Panel (EAP) is a body being established by the national negotiators for the purpose of providing universities with access to the cost saving measures set out in the EAV Schedule, with the more severe measures to be available to those universities with the most severe financial situations.

Q. What is the COVID-19 Temporary Measures Committee and how will it operate?

A. The COVID-19 Temporary Measures Committee (CTMC) is a joint management-union committee established by the EAV Schedule at each university to oversee the implementation of the Variation and to be the internal dispute-resolution mechanism for disputes. It has 5 working days to consider disputes, before they are referred to an Arbitrator for decision within a further 5 working days.

Q. Does the Arbitrator replace the FWC for decisions on disputes arising from the Variation?

A. Yes. Disputes arising from the Variation will be subject to rapid arbitration by an Arbitrator, who is to be appointed from a national panel of agreed arbitrator. The arbitration decision is to be made within 5 working days and will be final. There will be no recourse to the FWC for disputes arising under the Variation.