

AHEIA Senior WR seminar

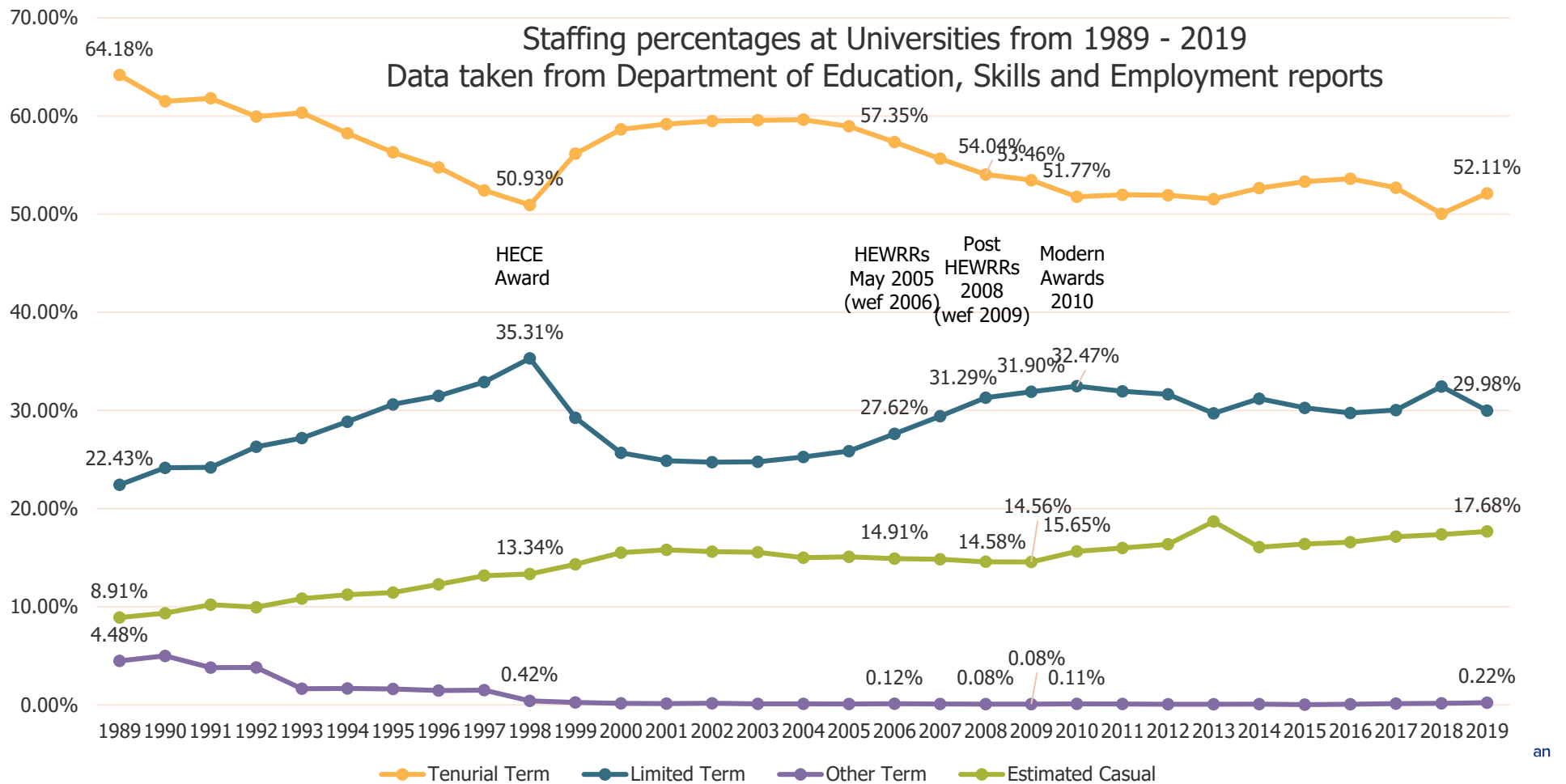
Fixed Term Employment in the HE Sector

July 2022

OVERVIEW

- 1. Background – before the HECE Award
- 2. Introduction of the HECE Award
- 3. The HECE “Big 7”
- 4. Post HECE innovations – university EB categories
- 5. Severance and other issues
- 6. Case studies
- 7. Looking to the Future

1. Background – before the HECE Award



2. Introduction of the HECE Award

- Protracted case run during the mid-90s
- Significant resistance from the university sector (led by AHEIA)
- Decisions handed down by Full Bench
- Parties were directed to confer to agree orders giving effect to the decisions
- Parties unable to agree on these
- Full Bench eventually drafted its own Award

3. The HECE “Big 7”

1. Specific task or project

Actually 2 quite different categories

2. Research

Generally, but not always, academic

3. “Replacement Employee”

2 sub-types – replacing employee on leave or while filling a vacancy

3. The HECE “Big 7” (cont’d)

4. Recent professional practice required

5. Pre-retirement contract

6. Fixed-term contract employment subsidiary to studentship

7. Apprenticeship or Traineeship

4. Post HECE innovations – university EB categories

Universities have tinkered with categories in bargaining

Up 18 categories were added at one university (impractical)

Main new categories are:

- New/Disestablished Organisational Unit (very common)
- Unanticipated increase/decrease in enrolments
- Head of School/Faculty or other Senior Appointment
- Post-retirement contract
- “Other” Category

Also note “*Research contingent continuing*” employment

5. Severance and other issues

- The HECE decision added rights to notice of non-renewal and also to severance payments (sometimes)
- Severance for *specific task* and *research only* where employee wishes to continue employment AND:
 - non-renewal after 2nd or subsequent contract, or
 - non-renewal but job done by another employee
- Severance has spread more widely in some universities
- Conversion rights also added to some EAs

6. Case studies

a. Australian Government Wine Science Lectureship Initiative

The Government is funding this lectureship to introduce first year students to Oenology and Wine making. Funding is renewed annually, in the context of an overall program running for 4 years, and each university gets funding for the 2nd and subsequent years, subject to the course attracting sufficient students and being delivered to a satisfactory standard.

Is a fixed term contract available, and if so, what category is appropriate?

6. Case studies

b. Introducing a new 1st year science subject

The Department of Physical Sciences is to commence teaching a new first year subject in Physics for students who will not be taking Physics any further than first year level, but who need a background in Physics as a pre-requisite for other science subjects in the Faculty. The subject is to be taught differently from the conventional 1st year Physics course, covering the subject matter more widely, but not in depth.

Is a fixed term contract available, and if so, what category is appropriate?

6. Case studies

c. Filling a position pending recruitment

The Head of Receivables in Finance (HEO8) has resigned. The position covers a mix of mundane and low-level duties, plus more senior advisory and supervisory duties.

The Head of Finance will split the duties of the position, and recruit a senior (HEO9+) person for the senior advisory and supervisory duties, with lower-level duties redistributed amongst other team members. The new position is to be advertised and filled by way of an extensive external recruitment process.

The HEO8 position is to be filled in the interim.

Is a fixed term contract available, and if so, what category is appropriate?

7. Looking to the Future

New ALP Gov't “*Secure Australian Jobs Plan*”:

- Make secure work an objective of the *Fair Work Act*
- Limit the number of consecutive fixed-term contracts an employer can offer for the same role, with an overall cap of 24 months.
 - exceptions in “limited circumstances”

Will the HECE restrictions stay relevant?

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