

NTEU pushing backing against non-union deals

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New NTEU national secretary Damien Cahill says the union is seeking to replicate recent flagship deals but is disappointed some universities are offering agreements directly to staff, while the head of the Australian Higher Education Industrial Association suggests more non-union deals might be on the way.

Cahill says that after the pandemic exacerbated "already widespread job insecurity" in the sector and led to "extreme" workload pressures, the union has secured some "excellent" deals that deliver strong pay rises, tackle workloads and provide "amazing results" on decasualisation.

Speaking to *Workplace Express* this week, Cahill — elected as national secretary in September last year after Matt McGowan decided not to run again after 30 years at the NTEU (see [Related Article](#)) — says the union intends to "conclude bargaining or get as many agreements on the ground as possible by June, when much of the new legislation in relation to enterprise bargaining takes effect".

But he says he is disappointed that some universities are instead offering deals directly to staff and "believe[s] the employers' association, which represents many universities in our sector, the Australian Higher Education Industrial Association, has been spreading misinformation about the new legislation and about the NTEU's intentions in a desperate attempt to retain relevance in our sector".

At Southern Cross University, negotiations also divided the NTEU and the CPSU, with the NTEU refusing to support it and the CPSU getting behind what it described as a fair offer containing many improvements for professional staff.

Universities commit to "decasualisation"

Cahill says decasualisation provisions secured at Australian Catholic University and Western Sydney University are "high end and simultaneously guarantee a reduction in the proportion of casuals employed by the university and the conversion of the work that was done by those casuals into ongoing jobs".

Describing them as "real breakthrough agreements", he says the provisions will lead to secure jobs for hundreds of previously casually-employed staff and are the "sort of thing that should be replicated right around the university sector by any management who is serious about recognising the problem of insecure employment and having meaningful measures to address it".

The decasualisation term in the Western Sydney University academic staff [agreement](#) commits to creating a program to "transition the work undertaken by casual employees to ongoing academic positions" and provides a timeline for the university to create and fill 150 full-time-equivalent continuing academic positions by the end of June 2025.

The FWC approved the deal FWC in December after it won endorsement from 95% of voting academic staff.

In addition to a 2% increase that took effect in April last year, the agreement provides pay rises of 2.6% backdated to October last year, 3.35% from October this year, 2.9% in October next year and a further 2.6% from March 2025, when the deal nominally expires.

The same pay rises are enshrined in a newly-approved Western Sydney University [professional staff deal](#) negotiated by the NTEU and the CPSU, that won support from a 97% majority.

The professional staff deal provides a further \$1000 pay increase backdated to October last year for level 1 to 5 employees, or \$500 for those at level 5 and 6.

30 days paid gender affirmation leave at University of Tasmania

The FWC has also approved union-negotiated agreements at the University of Tasmania after staff supported it by an 88% majority, and at the Australian Catholic University following a 96% vote in favour.

The [ACU deal](#), approved this month, includes the same one-off increases of \$1000 or \$500 for professional staff, while also extending the \$1000 to academic staff.

Great news - today Fair Work approved ACU's new EBA! I am so grateful for the hard work of the [@NTEU](#) [@NTEUVictoria](#) bargaining team at ACU for fighting for better conditions and pay, and am proud to be an NTEU member [#joinyourunion](#) pic.twitter.com/qtgyDfNuWe

— Benjamin Moffitt (@bjmoffitt) [February 2, 2023](#)

On top of a 2.2% increase last July and a second salary instalment of 2.8% from the start of this year, it further offers both academic and professional staff 3.75% from January 1 next year, 3% from January 2025 and 2.8% from the end of June 2025.

The NTEU- and CPSU-negotiated ACU agreement says casual employment "is appropriate in limited circumstances", and sets limitations on when the university will engage staff on a casual basis, such as where it is "not practicable to make a fixed-term appointment".

The ACU deal also provides up to 20 days a year of paid gender affirmation leave for full-time employees and on a pro-rate base for part time staff after the University of Tasmania agreement became a flagship for the sector (see [Related Article](#)), providing up to 30 days a year of paid leave for continuing or fixed term employees "transitioning from one gender to another (or is otherwise defining their gender)".

UTAS members wanted inclusive, supportive work environments for transgender, gender diverse & non-binary staff. Strong activism resulted in enforceable rights in the Staff Agreement. This will allow paid time off work to undertake processes to affirm their gender. [#unionwin](#) pic.twitter.com/1PskeulXy9

— NTEU Tas Division (@nteu_tas) [February 8, 2023](#)

The NTEU, CPSU and HSU negotiated [University of Tasmania deal](#), approved late last month, also provides pay rises of 4.6% from July last year, 3% in July this year, 3.5% in July 2024 and 3.4% in June 2025, ahead of its nominal expiry in July of that year.

Queensland University of Technology — one of five universities in the state to be hit with industrial action late last year — has meanwhile struck a deal offering 14.1% and boosting the number of continuing positions for academics.

Cahill says the NTEU is also "very close to reaching agreement at a number of other universities", where it is "looking at very good pay rises for our members, and very good measures that address insecure work, workloads and paid gender affirmation leave".

NTEU to use "all means at disposal to oppose non-union deals"

Cahill says the union is, however, "disappointed that some universities have slowed the pace of bargaining or have refused to bargain, and we're extremely disappointed at those managements who have chosen to go to non-union ballots for enterprise agreements and have chosen to try and massively discount the real wages of university staff and also to cut key conditions".

He claims non-union agreements in the sector are "falling short on secure jobs" and he does not believe they are "in keeping with the Federal Government's agenda, about increasing wages, reducing job insecurity and trying to build up our great public institutions, and I also think it's not in step with community standards".

"But it's worth noting that, so far, no non-NTEU negotiated enterprise agreements have been certified by the FWC in this round of bargaining and that all NTEU-negotiated agreements have been," Cahill continues.

He adds that the NTEU "will use all means at our disposal to oppose non-union enterprise agreements, whether that be through the balloting process, or afterwards".

The proposed agreement being voted on tomorrow at Curtin Uni removes several working conditions and is a real wage cut for staff.

Share this video to show solidarity with staff at Curtin Uni, as they VOTE NO to the substandard offer that senior management has put forward. pic.twitter.com/QQgKyBwDPc

— NTEU (@NTEUnion) [February 9, 2023](#)

Academic, professional and general staff at Curtin University will today finish voting on a non-union offer which the NTEU has labelled "insulting", claiming that it offers a "paltry 2.2 per cent annual pay increases over the next five years".

Some 89% of voting academic staff and 75% of professional staff at the University of Newcastle rejected a proposed non-union deal in December that offered 9.5% over three years.

A non-union deal at Charles Darwin University, which contains pay rises of about 8% over three and a half years, according to Cahill, late last month [failed](#) to win FWC approval after the employer allowed fixed term contractors to vote on a day they were not working.

CPSU-backed Southern Cross University deal awaiting approval

A Southern Cross University agreement endorsed by the CPSU but opposed by the NTEU meanwhile offers between about 9% and 10.5% and is now awaiting FWC approval after 88% of participating staff voted it up.

In October last year, the CPSU accused the NTEU in a [member update](#) of making "disparaging comments about the CPSU NSW's stance on bargaining and about the union itself", maintaining that "despite the other union's statements, there have been improvements in accessing benefits such as flextime and disconnection right".

It said that "Importantly, the CPSU NSW has made real progress about getting members off fixed-term contracts and into permanent positions".

AHEIA says universities seeking "certainty" by June 6

Australian Higher Education Industrial Association executive director Craig Laughton told *Workplace Express* that more universities are putting agreements directly to employees and he "would not be surprised if we saw more activity on that front moving forward", ahead of the Federal Government's bargaining-related IR changes coming into effect on June 6.

From this time, the FWC will be able to issue intractable bargaining declarations, while amendments to the supported and cooperative workplace bargaining streams and "removing barriers to the single interest bargaining stream" will also take effect (see [Related Article](#)).

Laughton says he is not aware of any "strategies" encouraging non-union deals and does not know why they are increasing, although it "might be a function of [there being] quite a significant change in union leadership and personnel — a bit of a changing of the guard if you have a look around".

But he says it is "not like our members take lightly taking their vote to the staff" and "clearly it's in everyone's interest when we do get an agreement with the union, and everyone is on the same page".

Laughton says employers want to finalise deals to get "a level of certainty" and "avoid some of the transaction costs of morphing to the new amendments under the [Fair Work] Act".

"The idea that our members are looking at, is that continuing with a single employer enterprise agreement is the best option," he continues, with universities seeking to work with the unions on getting "more of a rollover type approach".

"We understand that unions are very keen on the number in terms of that salary, so let's just try to get the agreements sorted by June 6, when a lot of those changes will come into effect, to get some certainty for both sides" and to "get the money into the pockets of their staff members".

Laughton says he had a "good chat" with Cahill before Christmas "and his approach at that stage was 'We're happy to support the unis with the single enterprise agreements and I think it's a good idea'".

"Harmonise" funding to facilitate secure employment goals: Laughton

Laughton says meanwhile that the university sector is in a "significant state of flux" and while insecure employment is "one of the key things we keep getting beaten up about", casual employment is lower than might be expected, at between about 15% and 16%, and has been trending down for the past eight years.

There is, however, a "genuine demand" for casual work in the sector, he says, such as by retired academics and other industry professionals, and when it comes to casual conversion, universities would be lucky to get about a third "morphing over into the full time roles".

But he says no one wants "treadmill academics" getting caught-up in the regime and "if you think about it, if you are doing research, the last thing you actually want is that researcher to be a walking asset as a casual or fixed term contract - you need to protect your IP".

To encourage more secure employment in the sector, however, Laughton says there needs to be "a harmonisation between funding models and the employment modes".

If funding models run on "two, three and five year cycles", he says "of course, universities will align their employment frameworks" with them, particularly as "many of the smaller universities who live hand to mouth on research funding, cannot afford not to have their employment models aligned with that".

Laughton says there are "very good reasons why the universities want to not have that as a model, but the economic implications of the current funding models really push them towards that, to mitigate their exposures".

While negotiations continue, the NTEU is also maintaining its pursuit of wage theft claims, including at Monash University, where the Federal Court recently stayed its attempt to claw back millions of dollars on behalf of casual and sessional staff while the university pursues a FWC bid to retrospectively vary its agreement (see [Related Article](#)).

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