Understanding the ACU Staff Enterprise Agreement, 2010 – 2013

An Overview

Pauline Croxon
Manager Employment Relations
Understanding the Enterprise Agreement

This session will cover:

• The links between the Strategic Plan and the Enterprise Agreement,
• How the new Agreement was made,
• The major changes between the old EA and new EA,
• Changes that are yet to come during the life of the new EA, and
• Time for Questions

NB: This session does not cover Academic Career Pathways and Academic Workloads matters
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Summary

• The new Enterprise Agreement has been designed to support the University’s Strategic Plan, 2009 – 2011 and the associated People and Culture Plan, in particular:

  ➢ KRA 4.2 “The University will establish an appropriate staff profile and ensure that staff are productive and satisfied”, and

  ➢ Strategy 2.2.1.4: “The University will develop and introduce different academic career paths”
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How was the Agreement made?

• The ACU Staff Enterprise Agreement, 2005 – 2008 (the old EA) reached its nominal expiry date on 30 November 2008, however it continued to be in effect until replaced.

• Logs of Claims were received from the NTEU and CPSU in late 2008 and clarification documents were received in 2009.

• On 26 November 2009 the University commenced the enterprise bargaining process by issuing the Notice of Employee Representational Rights as per the required by the Fair Work Act.
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How was the Agreement made?

• Negotiations for the new EA and the associated Common Understandings began in February 2010 and the drafting was finalised on 23 December 2010

• During the negotiations, the University publicised its offer documents including their links to the Strategic Plan, and sought feedback from staff

• The “Access Period” began on 3 February 2011 and presentations about the new EA were held on all campuses during the week commencing 7 February

• The (electronic) Ballot opened on 11 February and closed on 15 February
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How was the Agreement made?

• Overall 840 staff voted which is a response rate of 45%
• There were 805 votes in favour and 35 against which means an overall vote of 98.5% in favour of the new EA
• The Agreement was lodged with Fair Work Australia on 23 February 2011
• Due to the objections of both unions to a part of the Redundancy & Redeployment clause (which had been carried over from the old EA), VP Lawler required submissions to be lodged
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How was the Agreement made?

• On 17 June 2011 VP Lawler advised that he accepted the Undertaking lodged by ACU and he approved the new EA which took effect on 24 June 2011

• The EA linked HR Policies and procedures are being progressively updated and posted onto the HR website

• The first salary increase of 4.5% commenced on 1 October
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Section 1 - Agreement Arrangements

Old EA

• Covers academic staff A to E and general staff HEW 1 to 9

• Nominal Expiry date of 3 years (30 November 2008)

• Awards do not have effect

• Provided for AWAs

New EA

• Covers academic staff A to E and general staff HEW 1 to 9

• Nominal Expiry date 30 June 2013

• Awards do not have effect

• Provides for Individual Flexibility Arrangements (annualised salary, annual leave loading, purchased leave, salary packaging)

• New Intellectual Freedom clause

• Updated Dispute Settlement Procedure - for the EA and NES matters + reference to Fair Work Australia if unresolved
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Section 1 - Agreement Arrangements

The New EA contains updated **Definitions** for

- “Consultation” - particularly for Change Management
- “General Staff” – who may also be referred to as Professional staff
- “Immediate Family” (taken from the Fair Work Act)
- “Misconduct/Serious Misconduct”
- “Significant Effects” for Change Management purposes (taken from the modern Awards), and
- “Staff Representative” which includes a union nominee but not a solicitor or barrister
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Section 2 – Remunerating Work at ACU

Old EA
• Guaranteed & conditional salary increases (up to 24.6% from 2004 - 2008)
• Superannuation – UniSuper default + 3% minimum
• Meal Allowance for Overtime

New EA
• Guaranteed salary increases (21.65% from 2009 - 2013)
• Junior rates removed
• Superannuation – greater flexibility + 9% minimum
• Rates for cadets & trainees
• First Aid + Meal Allowances
• Casual loading increases from 23% to 24% to 25%
On 7 January 2012 the academic salaries will be restructured as follows:

- **Academic Level A** - Currently 8 Steps - Remains 8 Steps
- **Academic Level B** - Currently 6 Steps - Remains 6 Steps, where Increment 1 through to Increment 6 will be salary improved as the former Level C Increment 1 will become the new Level B Increment 6.
- **Academic Level C** - Currently 6 Steps - Reduced to 4 Steps, where Increment 3 becomes Increment 1 and entry into Level C. All staff currently on Increment 1 or Increment 2 will be salary advanced accordingly.
- **Academic Level D** - Currently 4 Steps - Remains 4 Steps
On 7 January 2012 the general staff salaries will be restructured as follows:

- **HEW 2** - Currently 2 Steps - Increased to 3 Steps, where HEW 3 Increment 1 becomes the new HEW 2 Increment 3.
- **HEW 3** - Currently 5 Steps - Reduced to 4 Steps, where Increment 2 becomes Increment 1 and entry into HEW 3. All staff currently on Increment 1 will be salary advanced accordingly.
- **HEW 4** - Currently 3 Steps - Increased to 4 Steps, where HEW 5 Increment 1 becomes the new HEW 4 Increment 4.
- **HEW 5** - Currently 5 Steps - Reduced to 4 Steps, where Increment 2 becomes Increment 1 and entry into HEW 5. All staff currently on Increment 1 will be salary advanced accordingly.

There are no changes to the salary structure for HEW Levels 1, 6, 7, 8 and 9.
There are 3 additional Leave Types in the new EA:

- **Australian Defence Force Reserves Leave** (up to 10 days paid leave per calendar year)
- **Compassionate Leave** (up to 2 days paid leave and up to 2 days unpaid leave for casual/sessional staff per year)
- **Trade Union Training Leave** (up to 7 days paid leave per calendar year)
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Section 3 – Providing for Leave

The following leave types have been updated:

• Civic Service Leave is now called Community Service Leave (up to 5 days paid leave per year)
• Long Service Leave is to be taken in multiples of weeks + now contains cashing out provisions (staff must retain a minimum balance of 9 weeks) + Uni is able to direct LSL to be taken
• Paid Parental Leave enables a parent who is not the mother and who elects to be the primary carer to access the 40 weeks paid parental leave @ 0.6FTE (subject to conditions)
• Personal Leave allows paid sick leave of up to 5 days to be supported by certificates from registered health practitioners
Major changes to Recreation (Annual) Leave include:

- Academic staff are required to have an annual leave plan as part of their workload allocation discussions (or they may be allocated extra load).
- Where a staff member’s balance exceeds 40 days, the University may direct that 10 days be taken and a leave plan agreed.
- Where a staff member’s balance exceeds 40 days, the staff member may request to cash out the leave which is in excess of 40 days (noting that the staff member must retain a minimum balance of 20 days). NB strict conditions apply.
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Section 4 Developing, Rewarding and Managing Performance

• References to the ACU Strategic Plan are updated
• Continued implementation of training and development initiatives from the previous EA
• ACU to develop a fair, transparent, equitable and funded performance related reward & recognition framework
• ACU to explore a common incremental progression date to commence in 2012
• The Managing Performance procedures have been updated & now include a review mechanism
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Section 5 - Working Arrangements

• Work/Life Arrangements for all staff (including job sharing and reversion to part time work) incorporated
• Principles of Academic Availability clause continues
• Academic Career Pathways introduced and Academic Workloads updated to reflect the new Career Pathways
• Academic Workloads Advisory Committee established including mechanisms to manage Workload issues
• Guidance provided for determining reasonable hours of work
• Separate information sessions are scheduled to advise on the ACP and Workload provisions
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Section 5 - Working Arrangements

• Major change for general staff is the removal of the overtime barrier, otherwise the normal working arrangements continue
• All general staff can now be directed to work overtime and receive either payment or TOIL
• General staff who are directed to work overtime must complete and sign the overtime record
• Guidance is provided for determining reasonable overtime or additional hours arrangements (taken from the National Employment Standards)
• The job re-design, role flexibility and skills enhancement requirements for general staff continue
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Section 6 - Employment Matters

• The requirement for a staff member to produce proof of residency and qualifications continues

• The Indigenous Employment Strategy now includes a target of increasing indigenous staffing to 2% of total University staff, with reports to the ACUSCC twice per year

• The MSALs continue – see Schedule 3
There are major changes to the general staff position classification provisions

• The DWM descriptors have been updated to incorporate the AQF definitions (see Schedule 3)

• Position Descriptions should undergo a review of classification in specified circumstances, plus

• A staff member may request a review of her or his position classification
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Section 6 - Employment Matters

• In the first instance, classifications will be undertaken by 2 members of the General Staff Classification Review Panel who have been trained in the DWM and Hay methodologies

• The Review Panel comprises equal numbers of University and Union nominees (20 in total)

• The Classification Review Committee will meet up to 4 times per year. Amongst other matters it will consider classification reviews which are referred to it

• The changed process, policy, forms and Position Description documentation have now commenced
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Section 6 - Employment Matters

• The use of fixed-term contracts of employment is restricted to those described in the Agreement
• Notice of renewal or non-renewal of contract continues
• Conversion of fixed-term to a continuing appointment continues (NB the 3 and 5 year service eligibility criteria)
• Severance payments arrangements for the non-renewal of a fixed-term contract have been streamlined and now reflect the NES
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Section 6 - Employment Matters

• The provisions for casual general staff to convert to a continuing appointment continue
• There are new provisions for eligible sessional staff to apply for conversion to regular academic employment (continuing or fixed-term as per the Agreement)
• The University is about to call for Expressions of Interest from eligible sessional staff who may wish to apply for conversion
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Section 6 - Employment Matters

• The provisions for probation (academic and general staff) have been consolidated into one section of the new EA
• If the University decides not to confirm a staff member’s probation, there is a review mechanism available
• The Transfers clause has been updated to provide for consultation to occur prior to a directed transfer
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Section 7 - Discipline, Medical Assessment and Separation

• The Abandonment of Employment clause has been updated to apply to all staff & the timeframe is now 10 days’ absence

• The Resignation clause now provides that:
  ➢ Academic staff are required to provide 3 months’ notice of resignation
  ➢ General staff HEW Levels 8 and 9 are required to provide 4 weeks’ notice of resignation, and
  ➢ General staff HEW Levels 1 to 7 are required to provide 2 weeks’ notice of resignation
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Section 7 - Discipline, Medical Assessment and Separation

• The procedural requirements for Misconduct/Serious Misconduct investigations have been strengthened

• The University and the Unions have agreed on a Panel of Independent Chairs for the purpose of chairing Misconduct Investigation Committees. The Chairpersons are the members of the Higher Education Panel of Fair Work Australia
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Section 7 - Discipline, Medical Assessment and Separation

• If the University has doubt about a staff member’s wellbeing, it may seek information about the staff member’s health (including from the staff member’s doctor)

• Where the University has a reasonable concern about a staff member’s capacity to perform the inherent requirements of the role, it may require the staff member to undertake an independent medical assessment at the University’s expense

• The amount of notice provided to a staff member whose employment is terminated for medical reasons has been reduced to 6 months (or payment in lieu thereof)
The Redundancy, Redeployment and Voluntary Retirement provisions have been substantially updated

- The University has the right to redeploy or transfer staff to a suitable position to avoid a redundancy
- The reasons for redundancy are taken from the Awards
- The notice period has changed from up to 52 weeks based on employment history and age, to:
  - Less than or equal to 5 years of service = 3 weeks per year of service (or payment in lieu)
  - More than 5 years of service = 26 weeks (or payment in lieu)
• A staff member whose position is formally declared to be redundant may choose to either seek redeployment, take Voluntary Redundancy or if eligible, take Voluntary Retirement from the University.

• There is an overall cap of 78 weeks’ salary for all severance payments (including any payment in lieu of notice).
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Section 8 – Consultation and Change Management

• The Principles of informal and formal consultation continue
• A new ACUSCC is currently in the process of being formed (elections will be announced for academic and general staff representatives)
• The terms of reference for the ACUSCC have been updated, and
• The Change Management provisions have been updated to incorporate the new definitions of “Consultation” and “Significant Effects”
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Section 8 – Consultation and Change Management

• The University will progressively load the Agenda and the Standing Items Reports onto the Consultation at ACU website, along with the notes of meetings
• A brief report of each ACUSCC will be written for the following HR Matters, and
• The Change Management Proposal considered by ACUSCC will also be loaded onto the site
• As the policies are updated, staff are welcome to provide feedback at any time to the Director HR
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What Happens Next?

• The Agreement states that the parties will commence the negotiations for a new Enterprise Agreement 3 months prior to the nominal expiry date of 30 June 2013
• The negotiations for a new Agreement will be informed by the ACU Strategic Plan 2012 – 2014
• The University will continue to seek feedback from staff both about the operation of the 2010 – 2013 Agreement and also during the negotiations for its successor Agreement.
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Summary

Thank you for your attendance

Any Questions?