

# **UNIVERSITY OF SOUTH AUSTRALIA**

## **ENTERPRISE BARGAINING PROTOCOLS 2021**

### **1. OVERVIEW**

To facilitate a positive and constructive bargaining process and ensure proper negotiations are conducted between the parties with the intention of making an agreement in accordance with the provisions of Federal legislation, the parties agree to negotiate by applying the following protocols.

### **2. PRINCIPLES**

- 2.1 A bargaining unit comprising representatives nominated by the Vice Chancellor for the University of South Australia (the University), the NTEU and the CPSU (union/unions), shall be established to negotiate the agreement.
- 2.2 The parties are committed to an expeditious bargaining process.
- 2.3 At all times during the negotiations, parties will act with appropriate courtesy, honesty, mutual respect, professionalism and dignity.

### **3. PROCESS**

- 3.1 The parties recognise the application of Federal jurisdiction in relation to the negotiating process.
- 3.2 The parties agree to attempt to resolve conflict or concerns through dialogue and agreement.
- 3.3 All discussions and correspondence generated during negotiations are on a 'without prejudice' basis. No agreement is to be implied or assumed unless confirmed in writing from a party with the necessary authority to agree on behalf of the organisation that are parties to the negotiations.

### **4. GOOD FAITH**

- 4.1 The parties will at all times negotiate in good faith in accordance with the requirements of section 228 of the *Fair Work Act 2009*.
- 4.2 The parties agree that intimidation and coercion are not acceptable. The parties give assurances to act quickly to investigate and if necessary prevent or bring to an end any unacceptable behaviour by one party toward another or others.

### **5. BARGAINING**

- 5.1 The parties will meet according to an agreed schedule for the purposes of bargaining. The meetings will provide an opportunity for the parties to discuss proposals relating to the bargaining, provide explanations of proposals relating to the bargaining, or where such proposals are opposed, and provide explanations which the relevant party considers support the proposals or opposition to it.
- 5.2 The parties must consider and respond to proposals made by each other, within a reasonable timeframe.

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- 5.3 Where a proposal is not accepted, the party not accepting the proposal will offer an explanation for that non-acceptance.
- 5.4 Where there are areas of disagreement, the parties will work together to identify the barriers to agreement and will give further consideration to their respective positions in the light of any alternative options put forward.
- 5.5 The parties should attempt to reach an agreed settlement of any differences arising from the enterprise bargaining. To assist this, the parties should not behave in ways that undermine the bargaining for the enterprise agreement.
- 5.6 With agreement of all parties and where appropriate, the University Finance Office will endeavour to cost proposals put forward.

### **6. NEGOTIATION PROCEDURES**

- 6.1 The bargaining unit will meet fortnightly for 3 hours, with extra time potentially being allocated for specific matters noting that at times, there may be variations to frequency of meetings by agreement between the parties. Key issues will be identified by each party to be discussed during the earlier stages of the negotiation schedule. Sub-groups or specific members of the bargaining unit will meet as necessary to progress other matters arising out of the bargaining unit meetings. Bargaining meetings will be conducted during standard business operating hours.

- 6.2 The bargaining unit shall comprise of members from the University and each union:

- a) NTEU:

- Gabe Gooding, National Assistant Secretary
- SA Division Secretary
- UniSA Branch President
- Kathy Harrington, Industrial Officer
- Michael Piotto, Casual Academic Teacher/Professional staff member (UniSA JUS)
- Cecile Dutreix, Field Education Coordinator (UniSAJUS)
- Anna Strzelecki, Aboriginal Student Engagement Officer (UniSA SEU)

And any other members of NTEU Bargaining Team as advised by NTEU in writing to the other parties.

- b) CPSU:

- Ted Szarek, Senior Industrial Officer
- Andrew Beck, CPSU Staff Representative

- c) University of South Australia:

- Jane Booth, Executive Director, People Talent and Culture
- Professor Joanne Cys, Executive Dean, UniSA Creative
- Mark Gladigau, Associate Director, Workplace Strategy

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- Anne-Marie Edmonds, Manager: Employee Relations

- 6.3 The University will provide Executive Officer support to the bargaining unit in the form of recording the agreed actions at the end of each negotiation meeting.
- 6.4 Each party, with prior notification of the other parties, may call on non-negotiating representatives to provide expertise on a matter being negotiated.
- 6.5 Each party will endeavour to ensure that representatives are consistently present at each meeting. This will facilitate progress by assisting the development of an effective working relationship and understanding of issues within the bargaining unit.
- 6.6 Agendas for the upcoming meeting shall be set at the end of each meeting, with the provision to include items to the agenda between meetings, following discussion between the lead negotiators of both unions and the Executive Director: People, Talent and Culture. Agendas will be distributed one week prior to each meeting.
- 6.7 All proposals shall be made and responded to in writing. Drafting proposals will be exchanged in Word format using tracked changes unless otherwise agreed.
- 6.8 Areas of agreement both “in principle” agreement and final agreement shall be recorded.
- 6.9 Areas of disagreement are to be recorded and negotiations to progress. Matters of disagreement will be scheduled as agenda items in an orderly process.
- 6.10 Negotiations are deemed to conclude when an agreement is reached by the parties on a new enterprise agreement.

### **7. RECOGNITION OF SERVICE**

- 7.1 The University acknowledges the significant role of staff in participating in the enterprise bargaining process. Participation in the enterprise bargaining negotiation group supports the University developing a framework in which it delivers services to its stakeholders.
- 7.2 Staff involved in this process may draw on the experience for the purpose of promotion/reclassification. It will be incumbent on the individual to demonstrate the relevance of this activity for these purposes.

### **8. SERVICES AND FACILITIES**

- 8.1 The University will, throughout the bargaining process, provide the Union team(s) with the following services and facilities:
  - a) The unions shall have access to a separate room in close proximity to the bargaining meeting room, subject to availability, during the bargaining process. The unions will provide the Executive Director: People, Talent & Culture with proposed dates and times for the room to be booked.
  - b) The University will provide the unions with reasonable use of the photocopier during meetings of the bargaining unit, with costs to be borne by the University.



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- c) The University will develop a web site for all University staff where information about the bargaining process, agendas, etc will be regularly updated. Links to relevant union websites will be provided on the University website.
  - d) Current arrangements with respect to unions accessing the University internal mail system will remain during the negotiations.
- 8.2 The unions may access the University's video and telephone conferencing facilities, subject to availability, for the purpose of inter-campus communication and meetings relating to bargaining.
- 8.3 The unions will be permitted to post authorised union materials related to bargaining on the University's physical noticeboards located on campus.

### **9. TIME RELEASE FOR UNION STAFF REPRESENTATIVES**

- 9.1 Nominated union staff representatives on the bargaining unit (who are employed by the University on a fixed term or continuing basis) can access up to 8 hours' time release each fortnight during normal working hours on the following basis:
- a) Up to 4 hours to attend bargaining unit meetings to be made up of:
    - 3 hours attendance at each meeting;
    - Up to 30 minutes travel time either side of each meeting as necessary.
  - b) Up to 4 hours (including travel time) for the purpose of attending other meetings associated with bargaining and undertaking other activities directly related to the enterprise bargaining negotiations.
- 9.2 Where a nominated staff representative on the bargaining unit is a current casual employee of the University and is required:
- a) to attend a bargaining unit meeting for the purposes of 9.1 (a); or
  - b) undertake other activities or attend meetings for the purposes of 9.1 (b),

at a time that coincides with the work they are engaged to perform on behalf of the University, the University will support the casual staff member in negotiating time release at the local level by informing the local level of these arrangements. In these circumstances, the casual staff member would be paid time release as follows:

- if a professional casual staff member, at their normal classification rate;
- if an academic casual staff member, at the 'Other Academic Activity' rate;

for the time that they would have been working for the University but instead were undertaking activities in accordance with 9.1, up to the maximums specified in 9.1 (a) or 9.1 (b) whichever is applicable.

If a casual academic staff member can demonstrate at the time of negotiating the paid release that they would have been paid at a higher rate, had they performed the work for the University (e.g. they had to negotiate release from lecturing), than that which they will receive under this clause, then the University will pay the higher rate of pay for that time release.

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- 9.3 The time release arrangements will be reviewed by the parties after 6 months or earlier if agreed following the commencement of negotiations.
- 9.4 Each nominated union staff representative shall present the above time release arrangements to their respective line manager for an initial period of 6 months or earlier if agreed.
- 9.6 The Executive Director: People, Talent and Culture will write to each nominated union representative's cost centre and line manager advising of the time release arrangement, suggesting that agreement be made on which duties/tasks will be funded during absences, and also request that support be given to the participants in the spirit of the negotiations.

### **10. WORKPLACE MEETINGS**

- 10.1 The University expects that the unions will call meetings with members to provide information regarding progress of negotiations. Such meetings will not unduly affect service delivery or performance of the University of South Australia.
- 10.2 The unions will be entitled to hold these meetings in each workplace, subject to a minimum 24 hours written notice to the University, for the purpose of reporting to members on negotiations.
- 10.3 The unions will endeavour to set meeting times that will cause the least disruption to the University of South Australia's operations. Meal/tea breaks shall be used for these meetings where possible.
- 10.4 These meetings may be conducted during working hours and will usually be for no longer than an hour duration (excluding travel time). Local area managers are to be consulted to avoid unreasonable disruption.
- 10.5 Union members will be entitled to attend these union meetings without loss of pay.

### **11. PROVISION OF INFORMATION**

The bargaining representatives agree that the parties will disclose information relevant to enterprise bargaining claims (other than confidential or commercially sensitive information) in a timely manner.

In order to progress negotiations there may be circumstances in which the parties agree that confidential or commercially sensitive information may be provided to the unions where the unions agree to a confidentiality arrangement to not disclose that confidential and sensitive information.

### **12. COMMUNICATIONS**

- 12.1 External communication distributed by either party will not refer to individuals of the bargaining team. Where necessary this will be by way of title/role and not name.

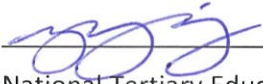
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- 12.2 The University does not condone interference with, or the removal or destruction of official union communication materials appropriately displayed on union noticeboards or otherwise appropriately distributed in the workplace.
- 12.3 The unions accept that the University will distribute communication material to staff. The unions agree not to interfere with, remove or destroy the University's communication materials appropriately distributed in the workplace.

**13. AGREEMENT**

The parties agree to adhere to these protocols throughout the bargaining period.

  
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University of South Australia  
Date: 13/5/21

  
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National Tertiary Education Industry Union  
Date: 13/05/2021

  
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Community and Public Sector Union (SPSF) SA Branch  
Date: 13/05/2021