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## Faculty Collective Bargaining in Australia

Stuart Andrews

*Australian Higher Education Industrial Association*

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# Collective Bargaining in Australian Universities

Stuart Andrews

Executive Director, AHEIA

New York, 17 April 2018

# Round 7: 2016-2018

## Western Australia

- Collaboration between the 4 public universities
  - Seeking transformative changes to their EAs
  - “*Simple, Contemporary and Fair*” provisions
  - University management setting the agenda
  - Joint Statement to staff from 4 VCs



26 April 2016

## Joint Statement – embracing future opportunities

The university sector in Western Australia has reached a critical juncture in shaping the way our universities, and indeed our State, will operate and perform in the future.

...

Our desire is for agreements that are: *simple*, *contemporary* and *fair*. We are jointly committed to a common set of principles for change that will support the jobs and careers in our changing sector and our collective future as universities.

*Simple* agreements will be written in plain language that is easy for everyone to understand and apply, only containing content that is needed.

*Contemporary* agreements will ensure our people enjoy conditions that are fitting of a modern Australian organisation and that enable us to evolve as changing circumstances demand. They will protect core academic values while providing flexibility to create a workforce that enables the expansion of our sector to embrace the opportunities that the future presents.

*Fair* agreements will contain terms and conditions that are consistent with the standards of the communities we serve and in line with with the broader economy and the expectations of the taxpayers, students and our other stakeholders.

We accept with enthusiasm the opportunity to work with you to jointly build a platform for our future mutual success.

*Simple. Contemporary. Fair.* Embracing future challenges and opportunities. That is our shared commitment.

Jointly signed,

**Steve Chapman**  
Vice Chancellor  
ECU

**Paul Johnson**  
Vice Chancellor  
University of WA

**Eva Leinonen**  
Vice Chancellor  
Murdoch University

**Deborah Terry**  
Vice Chancellor  
Curtin University



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Association<sup>3</sup>

# The Management Agenda

## The Big 8 Items

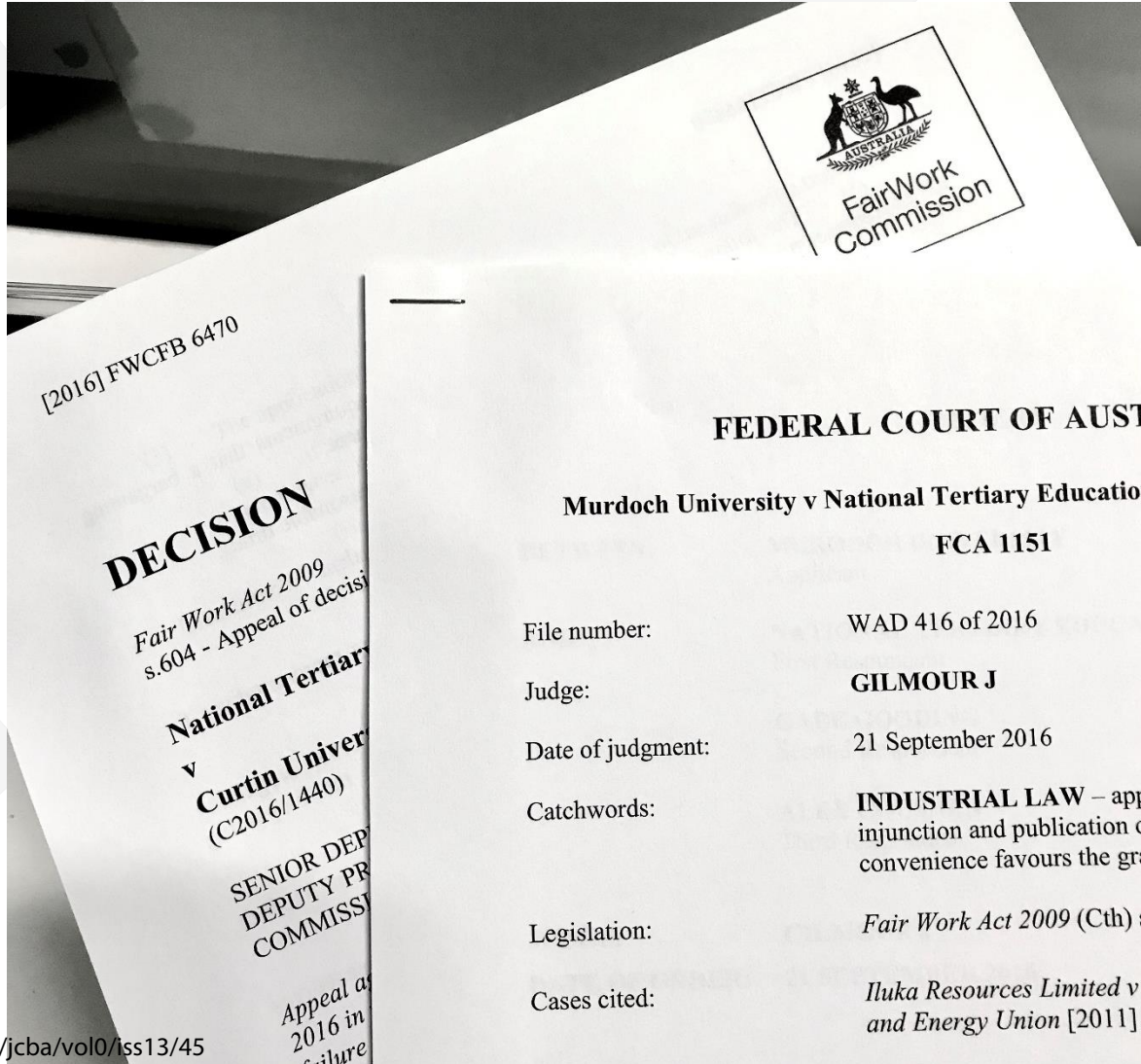
- Sustainable salary outcomes
- Increased fixed-term employment flexibility
- Streamlined academic workload regulation
- Streamlined dispute settlement procedures
- Streamlined change consultation requirements
- Streamlined misconduct procedures
- Streamlined unsatisfactory performance procedures
- Streamlined redundancy procedures

# The Union Agenda

## 4 Key Items

- 17% employer superannuation contributions for fixed-term and casual/sessional staff
- 20 days paid Family and Domestic Violence Leave
- Mandated targets for indigenous employment
- Intellectual Freedom provisions

# Union misrepresentation



# FWC & Federal Court

Curtin, ECU & Murdoch take issue with union propaganda

- 3 universities allege breach of Good Faith Bargaining requirements by the NTEU
  - FWC finding of breach; upheld on appeal
  - But no orders issued against NTEU
- Murdoch takes action against the NTEU in Federal Court of Australia
  - Claiming misrepresentation by NTEU and officials
  - Proceedings still pending



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EXCLUSIVE

Aug 29 2017 at 10:30 PM  
Updated Aug 29 2017 at 10:30 PM

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## Murdoch University axes historic union controls in landmark ruling

✉ G+ f t in



Murdoch University argues that it 'cannot afford any delay or additional cost' from its enterprise agreement.



by David Marin Guzman

[2017] FWCA 4472

### DECISION

Fair Work Act 2009  
s.225—Enterprise agreement

**Murdoch University**  
(AG2016/7598)

**MURDOCH UNIVERSITY ENTERPRISE AGREEMENT 2014**  
Educational services

COMMISSIONER WILLIAMS

Application for termination of the Murdoch University Enterprise Agreement 2014.

PERTH, 29 AUGUST 2017



## 'Nuclear option' will have a big fallout in Australian universities

The ending of Murdoch University's agreement with its staff over employment conditions could herald a rougher ride for university staff, says Gavin Moodie

September 14, 2017

By Gavin Moodie  
Twitter: @GavinMoodie



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**National Tertiary Education Union**

**The Murdoch Decision**

- FWC leaves Murdoch with minimum protection
- General Secretary addresses uni staff nationally

**Change the Rules**

- NTEU calls for free education
- ICU Bu it for the long haul
- Strikes at UTS, WSU and USyd
- Minister should abandon budget cuts
- 2017 NTEU Lecturer: Michael Kirby
- Back pay for ANU students
- Go Home On Time Day: 22 Nov
- Challenging the privatised university
- University staff name their say
- YES! NTEU supports marriage equality
- Welcome to Country protocols
- Seeking balance in tertiary degrees

Links for the articles:  
 'Murdoch University axes historic union controls in landmark ruling' -  
<http://www.afr.com/news/policy/industrial-relations/murdoch-university-axes-historic-union-controls-in-landmark-ruling>  
<https://thekeep.eiu.edu/jcba/vol0/iss13/45>  
 'Nuclear option' will have a big fallout in Australian universities' -  
<https://www.timeshighereducation.com/opinion/nuclear-option-will-have-big-fallout-australian-universities>  
 DOI: 10.58188/1941-8043-1788

# Murdoch EA termination application

Application filed by Murdoch University in December 2016 to terminate the *Murdoch University Enterprise Agreement 2014*

- Unprecedented move by an Australian university
- Union uproar
- “*Murdoch taking the nuclear option*”

# Termination of the Murdoch EA

Fair Work Commission granted Murdoch's application on 29 August 2017 after a 3 week hearing in July

- Quick settlements in WA - Curtin, ECU & UWA
- Other deals settled across the country
- Union propaganda – *“the rules are broken and need to be changed”*



**Murdoch**  
UNIVERSITY

Perth | Singapore | Dubai



# MURDOCH UNIVERSITY

## Enterprise Agreement 2018

# A deal is done at Murdoch

## *Murdoch University Agreement 2018 (pending)*

- New deal rapidly concluded after negotiations recommenced in February 2018
  - New EA – 43 pages plus schedules
  - No committees
  - Simplified processes
  - Pay increases – 5.5% over 5.75 years

JAMES COOK UNIVERSITY AUSTRALIA  
**JAMES COOK UNIVERSITY ENTERPRISE AGREEMENT 2016**

THE UNIVERSITY OF WESTERN AUSTRALIA  
**The University of Western Australia Academic Employees Agreement 2017**

Curtin University  
**Curtin University Academic, Professional and General Staff AGREEMENT 2017-2021**  
we can make better



**LA TROBE UNIVERSITY COLLECTIVE AGREEMENT 2018**

DEAKIN UNIVERSITY  
**DEAKIN UNIVERSITY ENTERPRISE AGREEMENT 2017**  
**SHAPING OUR FUTURE**

Note: This Agreement is to be read together with an undertaking given by the employer. The undertaking is taken to be a term of the agreement. A copy of it can be found at the end of the agreement.



**Swinburne University Academic & General Agreement 2017**

Edith Cowan University  
**Edith Cowan University Enterprise Agreement 2017**

Note: This matter should be read together with an undertaking given by the employer. The undertaking is taken to be a term of this agreement. A copy of these terms can be found at the end of this agreement.

**Central Queensland University Enterprise Agreement**

2017

THE UNIVERSITY OF ADELAIDE  
**ENTERPRISE AGREEMENT 2017-2021**

adelaide.edu.au

and LICIT



**The University of Sydney Enterprise Agreement**

WESTERN SYDNEY UNIVERSITY  
**Western Sydney University Academic Staff Agreement 2017**



Australian Higher Education Industrial Association

# Deals done in 2017-2018

16 universities have concluded deals

- Pay rises of ranging from slightly less than 1% pa to more than 2.25% pa
- Pay increases over 4 to 5.75 years
- Varying degrees of success by universities in achieving transformative change
- Most EAs have nominal expiry date of mid-2021





# Role played by AHEIA

- At the Coalface
  - At the 4 bargaining tables in Western Australia
  - Behind the scenes
- In the Fair Work Commission
  - Good Faith Bargaining proceedings
  - Associated FWC proceedings
- National
  - Fortnightly national member teleconferences
  - Publications and information sharing

# The Academic Pay Landscape

## Academic Staff grades

- 5 levels (A-E)
  - Level A – Associate Lecturer
  - Level B – Lecturer
  - Level C – Senior Lecturer
  - Level D – Associate Professor
  - Level E – Professor
- Growing gap between highest and lowest paying universities

### Academic Level C (top of range) salaries as at 31 January 2018

Source: Published Enterprise Agreement and other published Salary rates.  
 Produced by AHEIA for use of members  
 Salaries correct as of 9 April 2018

Modern Award rate: \$85,232 as at 1 July 2017

