

VCD09/4840

17 July 2009

National Tertiary Education Industry Union (NTEU)
University of New England Branch
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Dear NTEU bargaining team

I refer to your letter dated 15 July 2009 regarding “the status of negotiations for our collective agreement”. Your letter requests a response within 3 working days; this is unreasonable given the significance and complexity of the matters you raised.

I understand the NTEU bargaining team consists of Dr John Kellett, lead NTEU negotiator, Dr Kelvin McQueen, Ms Claire Girvin, Mr Mark Cooper, Ms Suzanne Whale and Mr Mark Dolahenty, Senior Industrial Officer, NTEU Sydney office.

Your letter claims that “the parties have not progressed a number of key conditions as well as we might have, due to the continued refusal of Management to provide the NTEU with essential information...” The information referred to is provided to the University’s Council, myself and senior executives on a quarterly basis. The University has provided this same information to the NTEU and will continue to do so on a quarterly basis.

I understand bargaining has progressed in a constructive and professional manner but I note that in terms of a commitment to complete the bargaining process promptly the NTEU reduced the number of days for bargaining from 2 days per fortnight per Agreement to 2 days per month per Agreement. The University and CPSU voiced their displeasure at the reduction and discussed options to increase the number of bargaining days, but in the end, the University and CPSU had no choice but to agree to the NTEU position to bargain on a monthly as opposed to a fortnightly basis.

I have been advised by the UNE bargaining team that the Position Classification clause was agreed by the NTEU on 4 May 2009 and the Commitments (Intellectual Freedom) clause was agreed by the NTEU on 9 February 2009. The NTEU has now attached different versions of these agreed clauses in its letter to me without having previously advised the UNE bargaining team that the NTEU had changed its position and withdrawn its prior agreement to these clauses. I am also advised that the NTEU agreed to the Medical Retirements clause on 1 June 2009, but has now changed its position some weeks later and advised that agreement no longer exists as the NTEU has further claims.

Reducing the number of bargaining days and advising that an agreed position is no longer agreed due to making further claims may explain why bargaining has not concluded to date. This contradicts the claim by the NTEU of the University withholding information that does not directly impact upon negotiations.

I understand that about 25 proposed clauses remain as not agreed in the bargaining process to date (from over a hundred clauses plus a number of Schedules that would together form both proposed agreements). This includes the 13 proposed clauses sent to the University by the NTEU on or after 2 July 2009 and 5 proposed clauses sent to the University by the CPSU on or after 6 July 2009. Disagreement ranges from a single sentence to a number of paragraphs within proposed clauses. I note that there appears to be only two Universities in Australia that have signed new agreements with unions that extend beyond 2009 (excluding memorandums of understanding) which suggests that the negotiations are well advanced in terms of the sector.

This strengthens my view that bargaining at this University has been conducted in good faith and has been constructive and productive. The University is willing to increase the number of days that it bargains with both the NTEU and CPSU at any time in order to finalise the agreements. Unfortunately, the NTEU has not accepted this offer to date. I am aware that the NTEU, via its national office in Melbourne, has planned a national day of industrial action during September. I ask local NTEU members to take into account the considerable progress made during bargaining, as we are well advanced in bargaining compared to most other Universities, and remind staff that the threat of or participation in industrial action by the NTEU will not lead to the University changing its position in bargaining.

In relation to Academic Workloads it is not accurate to say, as the NTEU has, that in-principle agreement has been reached to retain the EFTSL model nor to say that the NTEU threat of industrial action forced the University to change its position to retain the EFTSL model. The University has proposed a without prejudice draft academic workload clause that provides an individual Head of School with the option to utilise, after consultation with academic staff, either an EFTSL or an hours model to measure academic workloads. This takes into account the different nature and demands that all Schools face at the University.

It is not necessary for me to respond to each clause mentioned by the NTEU in its letter, but I can confirm, as previously advised by the University at bargaining, that the University will shortly provide 'Without Prejudice Final Settlement Offers' to both the NTEU and CPSU for two new Agreements.

Subject to the approval of the University's Council, such documents will contain an offer of pay rises of 4% per annum for four years commencing on 30 June 2009 and there after on 30 June 2010, 2011 and 2012. This pay offer will be subject to various outstanding clauses being agreed by both the NTEU and CPSU.

As the NTEU and CPSU are already aware bargaining is not just about pay rises and improvements in entitlements and conditions for staff but from the University's perspective, it is also about finding productivity improvements to enable the University to be managed more efficiently and flexibly to promptly meet its operational requirements

and to pay for any increased staffing costs. This is essential to help promote growth in student and staff numbers and therefore enhance the sustainability of the University.

If you wish to discuss this matter further please do not hesitate to contact Frank Strbik, Manager Workplace Relations on (02) 6773 2383.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Pettigrew', with a long horizontal flourish extending to the right.

***Professor Alan Pettigrew
Vice-Chancellor and CEO
University of New England***