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Uni accused of exploiting new IR laws

EXCLUSIVE

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The National Tertiary Education Union has accused the University of Newcastle of trying to "game" new federal workplace laws to cut pay and conditions of workers.

Ahead of a strike this week by NTEU members, the university has sought conciliation of its long-running dispute with the union in the Fair Work Commission. But NTEU national secretary Damien Cahill said the union feared the application was proof management wanted to use new intractable bargaining processes to gut working conditions.

The new laws come into effect from June 6. To access an intractable bargaining determination, disputes must have been previously referred to the FWC.

[The Australian revealed in February that universities were being advised how to avoid getting roped into multi-employer agreements under a leaked "strategy road map" that unions claim is "incontrovertible proof" the universities want to try to push through substandard pay deals.](#)

The Australian Higher Education Industrial Association, which represents 32 universities, engaged former Christian Porter adviser and FWC vice-president Graeme Watson to give a detailed presentation to members on Labor's industrial relations changes in December.

The road map provides detailed advice on how universities can access intractable bargaining processes, including arbitration. It says "having non-agreed matters arbitrated may give you some success in redressing poor clauses down to community standards", including redundancy processes and reviews.

Mr Cahill said the union was "drawing a line in the sand.

"Universities that pursue unprecedented anti-worker tactics in an attempt to cut pay and gut conditions will meet strong resistance," he said. on Monday

"We will fight tooth and nail against any attempt to use workplace laws to sideline workers."

But AHEIA executive director Craig Laughton denied the university was using the application as an attempted trigger to access the new intractable bargaining provisions

"Unequivocally, that is not the case," he said.

"The government is putting greater reliance on trying to get people to the table to talk through issues, which I think is a better approach – particularly if you are thinking about the workers."

He said the union and the university had been negotiating for more than two years and the university was seeking to use the conciliation process to assist the parties to try to reach agreement.

University of Newcastle vice-chancellor Alex Zelinsky said an in-principle agreement had been reached with bargaining representatives from the NTEU and the Community and Public Sector Union.

"While it is pleasing that the CPSU membership voted to endorse the proposed agreement, the membership of the NTEU voted to reject the proposed agreement offer of salary and conditions, including a 13 per cent salary increase backdated to 1 April 2023," he said.

Professor Zelinsky said the written advice from the NTEU following the vote was unclear as to the basis of the rejection, placing the enterprise bargaining process in a difficult state.

"After more than 600 days of bargaining and given the split between the CPSU and NTEU on member endorsement of the proposed agreement, it is now obvious to us it is no longer possible to reach consensus through continued negotiations," he said.

"To this end, the university decided that the best and quickest way to reach resolution is to refer the matter to the Fair Work Commission to finalise our proposed agreements."

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