



29 February 2008

Mr John Carter
Secretary
Senate Education, Employment and Workplace Relations Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr Carter

Submission by the National Tertiary Education Industry Union to the Senate Education, Employment and Workplace Relations Committee Inquiry into the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008

Attached is our Submission to the Committee's Inquiry.

NTEU does not seek to appear before the Committee.

This Submission is authorised by Grahame McCulloch, NTEU General Secretary.

Should you or the Committee have any questions about the Submission please contact me at this office or on kmcalpine@nteu.org.au

KEN McALPINE
Senior Industrial Officer (Policy & Strategy)

Submission by the National Tertiary Education Industry Union to the Senate Education, Employment and Workplace Relations Committee Inquiry into the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008

INTRODUCTION

The National Tertiary Education Industry Union (NTEU) represents approximately 25,000 staff in tertiary education institutions around the country. Approximately 17,000 of our members are academic staff employed in universities, and around 8,000 are "general staff", (mainly professional, administrative and technical staff involved in areas such as libraries, research and administration) employed in TAFE, Universities and Adult Education.

NTEU represents the professional and industrial interests of its members.

NTEU appreciates the opportunity to make a submission to the Committee on the Workplace Relations Amendment (Transition to Forward with Fairness) Bill

GENERAL COMMENTS

NTEU supports the Bill and calls upon the Committee to recommend to the Senate that the Bill be passed without delay.

NTEU understands that the ACTU has made a submission to the Committee and the NTEU endorses the policies and approach of the ACTU in this matter.

NTEU does not therefore propose to make an extensive submission to the Committee.

SPECIFIC COMMENTS

The specific concerns of the NTEU are about two issues.

1. Enforceable Procedural Requirements in Certified Agreements Relating to the Making or Content of Australian Workplace Agreements should also apply to Individual Transitional Employment Agreements

As an example of this point, the NTEU has negotiated the inclusion of provisions in its Certified Agreements which require employers to provide certain rights to staff and prospective staff at the time of offering AWAs. Those rights are in summary:

- a. The right to a genuine and informed choice between the AWA and the Collective Agreement
- b. The right to a period of 14 days for current staff to consider the offer.
- c. The right to be given a copy of or a summary certified agreement at the time the AWA is offered.

NTEU is concerned that the abolition of AWAs and their replacement with ITEAs may, simply as a result of changed nomenclature, render such provisions ineffective.

A simple measure to retain these protections would be to include a provision such as:

Any procedural or other requirement imposed on a party to a Certified Agreement (note this necessarily implies pre-WorkChoices) by the terms of that Agreement in relation to an AWA shall be read as imposing the same procedural or other requirement on the party in relation to ITEAs.

It is worth noting the Workplace Authority is currently investigating the University of Wollongong for alleged breaches of these provisions. Such action might not be able to be pursued in the future if the Employer used ITEAs instead of AWAs. NTEU believes this was not the intent of the Parliament when drafting this legislation and it is an important matter to be addressed.

2. Right to be heard about Award Modernisation.

NTEU understands the provisions of Division 1 of Part 10A of the proposed amended Act do not provide an explicit right for unions or any other party to be heard about Award Modernisation. NTEU believes it is important to ensure, through legislation, the right for unions and employers to be heard and to bring evidence about the proper and fair content of Awards. Whatever the urgency, there can be no excuse for Awards being made without the Commission having the benefit of the knowledge of the industrial parties.

National Tertiary Education Industry Union

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