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University seeks to axe agreement

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WA's Murdoch University has applied to terminate its enterprise agreement, which the NTEU claims could cut academics' pay by 25% to 40% once they fall back onto underlying awards.

Murdoch, which has been represented in the bargaining dispute by Minter Ellison and Seyfarth Shaw, says it will provide undertakings to maintain take-home pay but has to look to the university's future when negotiating a new agreement.

The NTEU claims the s225 application to terminate the 2014 agreement shows a "complete lack of respect" towards employees.

"This application is expressly about removing hard-won conditions that management don't want," says NTEU WA secretary Gabe Gooding.

"The NTEU has been negotiating a new enterprise agreement since April, but the university has taken an aggressive stance, demanding wide and deep cuts to staff working conditions while pursuing costly and time-consuming legal avenues."

The union says that terminating the agreement would also open the way to cutting redundancy entitlements by a third for academics and by 80% for professional staff; remove academic workload regulation; end rights to academic and intellectual freedom; and eliminate employer-provided paid parental leave.

Little progress after 25 meetings with union, says Murdoch

Murdoch University argues it has been negotiating with the NTEU for seven months, with 25 meetings and little progress.

The university's provost, Professor Andrew Taggart, says the termination application would allow the parties to move past the current impasse and focus on the institution's future.

"The university has made the application after very careful consideration, following unsuccessful attempts to negotiate an agreement and an unsuccessful attempt to have a conciliation conference through the Fair Work Commission at this time," he said.

"We are committed to making a new agreement which is seen as a fundamental element in moving to a successful and sustainable university."

Professor Taggart says for the university to be successful in the rapidly-evolving higher education environment, it requires employment conditions that provide for the flexibility and agility to take advantage of new opportunities.

Termination bid unprecedented in sector: Union

NTEU general secretary Grahame McCulloch emailed members across the country this week, describing the move by Murdoch as an "unprecedented act never seen before in the university sector" (see the union's campaign page).

NTEU members took protected action last week and conciliation was set down for Friday this week.

But the university has applied to terminate the agreement, ahead of the conciliation.

The NTEU's Gooding told *Workplace Express* the s424 application was made after negotiations had been underway for seven months, when on average it takes 16 months to reach a new agreement at Murdoch.

"We think it is extraordinarily premature," she says.

Gooding says the university proposed a four-year "take it or leave it" deal that included pay increases of 3% over the life of the agreement, which was rejected by Murdoch staff without being put to a formal ballot.

Murdoch has also taken Federal Court action against the NTEU, seeking personal liability for union communications against Gooding and industrial officer Alex Cousner.

The union says the case could lead to combined maximum fines of more than \$170,000.

In September, the Federal Court rejected Murdoch's application for an interlocutory injunction over statements made by the union about the negotiations.

The union denied it had made false and misleading comments and agreed not to repeat them, with a judge warned of "potentially serious ramifications" if it reneged (see Related Article).

In June, the Fair Work Commission agreed with three WA universities – Murdoch, Curtin and Edith Cowan – that an NTEU notice misled members and undermined collective bargaining, but decided against issuing good faith bargaining orders because the union "set the record straight" despite refusing to retract its statement or admit error (see Related Article).

Gooding says Murdoch was represented by Minter Ellison in the s424 proceedings and by Seyfarth Shaw in the Federal Court action.

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