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## Deal settled but battle continues at Murdoch University

Thursday, March 15, 2018, 4:39pm

As Murdoch University and the NTEU prepare to resume hostilities at a Federal Court hearing into alleged "coercive acts" during bargaining, members have endorsed a proposed deal that the union is welcoming as a "major win" given it is "comparable" to those achieved elsewhere.

The union's Murdoch University branch recommended the deal ahead of a vote yesterday, saying it satisfied members' own "measure of whether any deal is acceptable", namely that its "employment conditions be broadly comparable to those achieved at Curtin, ECU and UWA".

Noting it achieved comparability across members' key issues including change management, fixed and maximum term contracts, disputes, redundancy, pay and workloads, the union said the deal "provides fair working conditions, including protecting the key rights and entitlements of Murdoch employees".

It includes a one-off \$1000 payment backdated to January 1, with increases of 1% on October 31 next year, 1% plus a \$500 lump sum in October 2020, 1.5% in December 2021 and 0.5% in March 2022.

The deal also extends 17% superannuation to all fixed-term staff from June 2022 regardless of the term of their contract, with those employees on the 17% rate able to apply to convert employer contributions above 9.5% to salary.

Fixed-term staff can apply for conversion to continuous employment after three years, and workload provisions include a maximum teaching cap up to and including 80%, depending on the mix of research, service, leadership and administration duties, with a procedure for review.

However, in announcing the result, state secretary Gabe Gooding also took aim at Murdoch management, saying it had caused the university to incur "massive legal costs and suffered significant reputational damage for the same outcomes that have been achieved elsewhere through earlier constructive negotiations".

"These costs could have been avoided altogether," Gooding said.


Before the deal goes to a formal member vote that starts next Thursday, the union and management are due to face off at a Federal Court case management hearing on Monday before Justice Craig Colvin.

Murdoch University is claiming that NTEU social media posts, campaign materials and protests during bargaining amounted to "coercive acts" disproportionate to any legitimate interests the union had in wanting to stop the institution from terminating its 2014 agreement (see Related Article).


Justice John Gilmour in December granted an interlocutory bid to include the coercion claim as part of the university's action against the NTEU, Gooding and industrial officer Alex Cousner for damages for the harm allegedly caused by bargaining-related materials (see Related Article).

Over the course of nearly two years of bitter negotiations, the university and the union were in and out of the Federal Court and the FWC and tensions frequently spilled over into public attacks.

In September last year, NTEU national secretary Grahame McCullough urged his 30,000 members to work with him to "isolate" Murdoch University "as the rogue employer that it is" after it secured the termination of its enterprise agreement (see [Related Article](#)).



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His request came a year after the union's WA branch avoided a Federal Court injunction by removing and promising not to re-publish a series of statements about bargaining with Murdoch, but was warned of "potentially serious ramifications" if it reneged (see [Related Article](#)).

Gooding said the experiences of Murdoch University staff "patently demonstrate that our industrial rules are not fair and need to change".

Murdoch University told *Workplace Express* that it welcomed the deal, which "includes revisions to the university's position following consideration of feedback from our staff and re-examination of our position on a number of key issues earlier this year".

"Its clauses and features include our commitment to our staff to deliver a simple, modern agreement, taking our financial circumstances into account," the university said.

"The university is now asking staff to endorse this agreement, that is supported by the NTEU, through an independent, formal voting process."

**This article was updated at 7am on March 15 to incorporate Murdoch University responses provided after the time of publishing.**

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