

An overview of the proposed Enterprise Agreement

Charles Darwin University and
Union Enterprise Agreement 2018



Enterprise Bargaining

In December 2016 the Charles Darwin University and Union Enterprise Agreement 2013 reached its nominal expiry date. Following this, the University and Unions engaged in enterprise negotiations for a replacement Enterprise Agreement.

Bargaining commenced on 8 May 2017 and following intensive bargaining a new Enterprise Agreement has been successfully negotiated.

The University believes the **Charles Darwin University and Union Enterprise Agreement 2018** (the Agreement) provides great benefits to employees while being affordable – given the University's financial outlook – and appropriately addressing key requirements for our future sustainability that reflect also our unique operating position in the Territory.

The Next Steps

There are a number of procedural aspects of enterprise bargaining required by the legislation which lead to have the Fair Work Commission approve the proposed Agreement.

The next step for the University is to put the proposed Agreement to Employees for a vote to endorse the proposal. To be able to progress to this step, the University will enter into an Access Period of 7 days where Employees will consider the proposed Agreement.

During this time, Employees should read and consider this Overview in conjunction with the Agreement which will ensure Employees fully understand the terms of the proposed Agreement.

Voting and Approval

Following the Access Period the Employee vote will occur electronically. Further Voting details will be provided prior to commencement of the Access Period.

When there is a successful Employee vote of the proposed Agreement, the University will make an application to the Fair Work Commission to approve the Agreement.

Once approved by the Fair Work Commission, the Agreement will become operational. Employees will be formally notified of the operative date of the Agreement.

Key Changes

The **Charles Darwin University and Union Enterprise Agreement 2018** has been redrafted through the process of negotiations so there is change contained in the proposed Agreement. For ease of understanding these changes have been categorised as; major, minor and no change.

The Agreement salary rates have been increased in line with the below table:

SALARY OFFER	9 Aug 18 *	1 Sept 19	1 Sept 20	1 Jun 21	Overall % Increase	\$ Increase over the life of the Agreement
Professional 1 – 9 Academic A – B	2.26%	1.5%	2.15%	2.5%	8.68%	\$4,064 - \$9,835
Professional 10 & Academic C	1.76%	1.25%	1.7%	2.4%	7.30%	\$8,100 - \$9,836
Academic D & E	1%	0.75%	0.75%	1.5%	4.06%	\$5,668 - \$6,822

* The 9 August 2018 increase will be payable on successful employee vote.

Major Changes

Clause No.	Clause Title	Changes	New clause No.
5	Application	Named Senior Positions have been excluded from coverage of the Agreement. Affected Employees will continue to be covered by the Agreement until the expiry of their current contract but will be excluded from the provisions named in the clause.	3
NEW	Security of Employment	New clause recognising the University's commitment to providing security of employment where ever possible.	57
9	Consultation and the Introduction of Change	This process has been simplified and streamlined to enable the ability to have efficient change management but recognises key rights and obligations as part of effective consultation with Employees.	58
15	Superannuation	From 1 July 2021 all Fixed Term Employees will receive 17% superannuation contributions. Employees may now elect once per year to receive less than 17% contribution and offset their salary.	23
21	Other Allowances	Specified allowances will now be reviewed every 2 years and increased by Northern Territory CPI where the CPI has not increased or reduced the allowances will remain unchanged.	Part D
NEW	Additional Responsibility Allowance	Introduction of an allowance for scenarios where eligible Employees undertake additional responsibilities than those contained in their Position Profile	30

23	Hours of Work	Professional Employees whose role makes them a critical part of Exams, External Engagement Events and graduation have their ordinary hours extended to accommodate these events where mutually agreed and if these activities are part of their position profile.	12
NEW	Annualised Hours Arrangement (Professional Employees)	New provision to allow Professional employees to work an Annualised Hours Arrangement	16
NEW	Contingent Continuing Employment	New category of employment which is employment on a continuing basis and may apply to an Employee who would otherwise be employed in a fixed term category of Research or VET Academic	8
25.7	Fixed Term Employment	Introduction of a Fixed Term category of Any Other Reason. Introduction of a right to apply for a review of Fixed-Term Status.	9
28	Academic Classifications and Workloads	Now called 'HE Academic Workloads'. A new workloads clause for Higher Education to allow increased flexibility and transparency in the way workloads are planned and allocated. The University will develop an overarching framework and each college will further develop their individual frameworks to reflect their different operating environments.	74
33	Unsatisfactory Performance	Clause simplified with administrative detail removed. Review provisions remain however now performed by an independent reviewer.	55
34	Misconduct and Serious Misconduct	Now called 'Conduct in the Workplace'. Principles remain unchanged however review panel replaced with an independent reviewer.	56
35	Performance /Misconduct Investigation Panels	Panel removed and replaces with an independent reviewer in each clause.	-
38	Management of Ill Health	Now called 'Retirement or Termination on the Grounds of Ill Health'. The process has been redrafted to provide clarity about the process and to remove requirement for review to be conducted by a review panel.	66
39	Resignation	Notice periods standardised and now include timeframe or 'end of teaching or research commitments'.	62
NEW	Ceasing Contingent Continuing Employment	New clause includes requirements of ceasing Contingent Continuing Employment.	63
NEW	Ceasing Fixed Term Employment	Introduction of ability to terminate fixed term employees for unsatisfactory performance. Requirement to register your interest for severance has been removed and all eligible Employees will now receive severance on cessation of employment. Clause also moved into a separate clause to provide clarity around provisions available.	64

44	Annual Leave	All new Employees engaged outside the NT or South of the 26-degree South Latitude will now receive 4 weeks annual leave. Ability to access leave at half and double pay. Ability to genuinely cash out annual leave.	40
44.15	Purchased Leave	Amount of purchased leave available increased to 6 weeks. This will allow working parents to purchase additional leave to being in line with school holidays.	42
45	Long Service Leave	LSL can be taken for shorter durations including 1 day. Notice period can be reduced by agreement for periods of leave less than 5 days. Leave can be taken at half or double pay.	46
47.18	Maternity Leave	Maternity Leave has been de-gendered to recognise Primary Care Givers and allow these entitlements to be accessed by either parent provided they are the primary carer. The entitlement has also been increased to 20 weeks.	47.8
47.34	Return to Work leave	Now called 'Transition to Full Time Employment' and will be restricted to 1.5 days per week or 3 days per fortnight. Averaging provisions have been removed to allow for better workplace planning and reduce workload stress for other team members.	47.35
NEW	Shared Parental Leave	A new provision to allow parents who are both employees of the University to share their entitlements between them.	47.37
49	Domestic Violence Leave	An increase of available days from 10 to 15 for employees experiencing Domestic Violence.	49
66.22	Casual Employment in Vocation Education and Training	An hourly rate to cover casual VET Academics performing duties not currently specified.	79.3

Minor Changes

Clause No.	Clause Title	Changes	New clause No.
3	Definitions	Updated to accurately reflect the Agreement	2
9.1	Joint University Union Consultative Group	Now called 'Joint Consultative Committee'. This clause provides additional information regarding members of the committee and its purpose.	59
11	Dispute Resolution Clause	Redrafted to provide clarity, the process remains unchanged.	60
NEW	Incremental Progression	New clause which reflects current practice, describing how an employee moves between the steps within a level.	19
16	Recovery of Payment	Redrafted to provide clarity.	22
17	Remote Teaching Bonus	Amount increased by Northern Territory Consumer Price Index (CPI).	24
18	Remote Locality Incentive and Allowances	Now called 'Remote Locality Allowance'. Redrafted to provide clarity and the amount has been increased by Northern Territory CPI.	25
19	District Allowance	Amount increased by Northern Territory CPI.	26

55.9	Indigenous Language Allowance	Now called 'Aboriginal and Torres Strait Islander Language Allowance'. Clause moved to Allowances section and increased by Northern Territory CPI	27
20	Higher Duties Allowance	Removed requirement for Deputy Directors to act for 4 weeks.	28
20.3	Market Allowance	Introduction for a review no less than every two (2) years.	29
21.2	Dirty Work Allowance	Clause re-written to reflect current practice.	31
21.6	First Aid Allowance	Amount increased by Northern Territory CPI	32
21.7	Motor Vehicle Allowance	Allowance payable at the rate published by the ATO.	33
21.9	Meal Allowance	Amount increased by Northern Territory CPI.	34
21.1	On-call allowance	Introduction of a specific rate for ITMS employees and amounts increased by Northern Territory CPI.	35
23	Time Off in Lieu (TOIL)	Time period for clearing TOIL extended from 4 to 6 weeks.	14
24	Airfare Entitlements	University may provide an airfare or the allowance.	37
26	Senior Staff Contracts	Senior Employee coverage moved to Application clause.	-
27	Criminal History and Working with Children	Clause simplified and only current employees will have renewal covered by the University.	70
30	Probationary Employment Period	Professional Employees will have the same probation of up to 6 months. Academic probation remains the same.	11
31	Performance Development and Review System	Now called 'Employee Development and Performance'. Clause redrafted to provide more contemporary practice. All reference to PDRS removed. References to Unsatisfactory Performance removed and is to be dealt with under the Unsatisfactory Performance clause.	53
32	Disciplinary Action-Principles	Clause redrafted to simplify and provide clarity.	54
36	Workplace Bullying	Clause simplified, examples of what bullying is has been removed.	71
42	Voluntary Early Retirement	Clause rewritten to reflect requirements of the ATO.	67
NEW	Leave	Overarching clause including common provisions applicable to all leave.	Part E
44.8	End of Year Closedown	Now called 'Christmas Closedown'. Notice of closedown specified as 1 March of the previous year.	41
46	Personal Leave	Redrafted to simplify.	43
46.22	Compassionate Leave	Entitlement moved into separate clause.	44
NEW	Leave Without Pay	New clause inserted to reflect current practice and policy.	51
55	Indigenous Employment	Now called 'Aboriginal and Torres Strait Islander Employment'. New Aboriginal and Torres Strait Islander Workforce Advisory Committee with relevant terms of reference.	5
64	Work Clothing	Clause broadened to cover all Employees and to be replaced on a wear and tear basis.	38

63	General Staff Workloads and Level of Work	Now called “Professional Employee Workloads’. Workloads provisions unchanged. Provisions for reclassification moved to separate clause to provide clarity.	88
63.2	Reclassification of Work	Now called ‘Level of work’. Separated into own clause for ease of reading and process simplified.	89
65	Redundancy Provisions	Clause redrafted to provide clarity around process. New provisions for salary maintenance if redeployed to a lower positions.	90
72	HEW Position Classification Standards	General Staff are now known as Professional Employees. Child Care workers are now known as Early Childhood Educators	91
66	Higher Education Rates of Pay	Associate Levels removed scale now commences at Level A.	73
69	Principles of Promotion	Minor re-drafting.	76
70	Redundancy Provisions	Redrafted for clarity entitlements remain unchanged.	77
71	Academic Position Classifiers	Academics teaching predominately in Higher Education now known as HE Academics. VET provisions moved to a separate part.	78
NEW	VET Workloads	Workload provisions separated from HE clause to provide clarity.	80
NEW	VET Classifications	Academics teaching predominately in VET now known as VET Academics. Provisions separated into own part.	85
70	Redundancy Provisions	Redrafted for clarity entitlements remain unchanged.	84

Administrative Changes

Clause No.	Clause Title	Changes	New clause No.
1	Arrangement	Clauses re-ordered.	-
2	Title	Merged with Operations Clause.	1
10	Policies, Procedures and Guides	Clauses moved to Clause 3. Application.	-
6	Period of Operation	Merged with Title.	-
14	Salary packaging	Reworded.	21
22	Official Travel	Redrafted to provide clarity.	36
23	Overtime	Redrafted to provide clarity.	15
25.3	Continuing Employment	Separated into own clause for ease of reading.	7
41	Notice of Termination	Inclusion of notice period applicable for casual employees.	61
43	Public Holidays	Redrafted to provide clarity.	45
47	Parental Leave	Overarching clause included with common provisions applicable to all parental leave.	47
48	Community Service Leave	Redrafted to provide clarity.	48

50	Aboriginal and Torres Strait Islander Cultural Leave	Redrafted to provide clarity.	50
52	Position Classification Descriptors	Clause deleted as contents covered in Classification Standards.	-

Clauses Removed

Clause No.	Clause Title
4	Objectives
7	Variation of Existing Agreement
37	Employee Development and Training
56	Environmental Sustainability
58	No Further Claims
61	General Staff Mobility and Advancement
62	Position Classification
29	Academic Qualifications

Clauses with No Change

Clause No.	Clause Title	New Clause No.
8	Individual Flexibility Arrangement	4
13	Supported Wage	20
23.6	Meal Breaks	17
23.8	Rostered Day Off	13
40	Abandonment of Employment	65
51	Other Paid Leave	52
53	Intellectual Freedom	68
54	Intellectual Property	69
57	Facilities and Resources	72
59	Rates of Pay	86
60	Shift Work	87
66.5	Casual Employment in Higher Education	73.3
68	Non- attendance Time	75
67	Return to Industry Clause	81
68	Non- attendance Time	82
69	Principles of Promotion	83

Contact Information

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