

# Vote No and Prepare to Fight On!

In the past 18 months we've been at the centre of one of the most vibrant enterprise bargaining campaigns the union has ever seen, breaking NTEU records with 750 person member meetings and 9 days of strike action.

**This energy needs to continue into semester two and beyond.**

We should be proud of the important wins of our campaign, like sick pay for casuals, defending 40:40:20, increasing management's pay offer, 20% decasualisation, 330 new academic jobs and professional staff redeployment and work-from-home rights.

But there are clearly also significant attacks that management has got through.

- The 18.2% pay rise will **still leave us 1.8% behind inflation** since 2021 out as far as June 2027.
- The possible **tripling of the education focused workforce** is a huge structural transformation in the nature of academic work, leaving these workers with unbearable workloads and poor rights to convert to 40:40:20.
- And the casuals who miss out on the new jobs will still ultimately be living on insecure and exploitative contracts.

Given this, we are advocating a **no vote** on the upcoming Enterprise Agreement.

And most importantly, we are calling on members **not to demobilise** but to strengthen union organisation in every way.

No matter which way the vote goes, this approach will be essential moving forwards.

Even if the new Enterprise Agreement is voted up, a strong minority no vote will be a signal to management that union members will not go down without a fight, and remain prepared to contest management on workloads, pay, and job security. Going forward, we will need a powerful enforcement campaign with local organising and union membership growth. An agreement is only ever as good as the power of union members to enforce it.

And if the Enterprise Agreement is voted down, we will need to grab the opportunity with both hands. We will need to be prepared for everything management will throw at us, scare-mongering, an onslaught of aggressive Jagose emails, and a likely non-union ballot or compulsory arbitration. These attacks will need a strong and mobilised union branch to fight them back. And with universities in Melbourne, Canberra, and WA moving into action, there is exciting potential to build the kind of national fight that could win the structural transformation of our sector that we desperately need.

**Vote no, and prepare your colleagues to fight.**

Now is not the time to lose momentum. The enthusiasm and energy of the last 21 months are our greatest weapon and one we cannot afford to lose.

**Stay in touch  
and get  
involved!**



## Bulletin contents

- **Vote No and Prepare to Fight On!** front page
- **What's wrong with the deal?** back page
- **Non-Union Ballots and Arbitration** page 2
- **Why Academic Casual Staff Should Vote No**  
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# Non-Union Ballots and Arbitration

*Benjamin Lasker*

In the face of ongoing attacks on worker's rights, it is critical that we continue the fight for the heart of the university. As unionists, it is incumbent on us to consider the risks of continuing the fight.

In previous members' meetings, we have been asked by our fellow unionists to consider these risks, most notably those of a non-union ballot (NUB) and arbitration before the Fair Work Commission. It is likely that they will ask us to consider these again at the upcoming members meeting and argue that we should accept the deal offered by management.

While these risks are serious and should be discussed, they do not merit demobilising our campaign for a fairer university.

## **On non-union ballots**

The first risk that we have been asked to consider is the threat of losing a non-union ballot. The argument put forward by the NTEU leadership and conservative NTEU members is that losing a non-union ballot is an unacceptable risk for the union because it would delegitimise the union's role in future bargaining rounds and undercut any gains we may have currently won. Let us take the opportunity to consider the chances of losing such a non-union ballot.

After 18 months of industrial action and 9 days of decisive strike action in the face of a hostile university management, Mark Scott and Annamarie Jagose have not called a non-union ballot despite Jagose's frequent allusions to it. If management thought that they could win a non-union ballot easily, then they would have called one by now.

We should not underestimate our ability to fight a non-union ballot and win.

As to the substantive part of this argument—that losing such a non union ballot would deligitimise the union—this is not clear either. Losing a non-union ballot would be a blow to the union. But as with the no vote, a strong stance against this deal in a non-union ballot will be a signal to management that we will not go down without a fight. More importantly, it will be a signal to our fellow workers that we are willing to fight for better working conditions and a fairer university.

Surely this is a strong foundation for building our union!

## **On arbitration**

The argument here is that we would be subject to the "intractable bargaining determination" if we continue campaigning, leading to a judgement from the Fair Work Commission (FWC) that may erode our working conditions due to the FWC's intention to hold agreements to so-called "community standards" (the current standard practices in the industry in question).

But as we have argued previously, this is untested legislation.

Firstly, it is not clear that the University would wish to go through this procedure.

Secondly, it is not clear that we would be found to be in an intractable dispute. This would require the FWC to judge that there is "no reasonable prospect of an agreement being reached." Our dispute has seen regular negotiation over the bargaining period with progress on key issues for our membership (backed up by strong strike action, of course!). Neither of these facts point conclusively towards this conclusion.

And finally, even if the University decided that it wanted to go through this procedure and even if the Fair Work Commission did find that we were in an intractable dispute, it is not clear that this would automatically result in an erosion of our working conditions beyond that which is contained in the deal that we are being asked to consider. Jagose's emails have spelt out what has been agreed to and it remains to be seen that an industrial court would be willing to take these off the table at arbitration.

Of course, the situation has changed since we last discussed the threat of arbitration. The new IR laws have come into effect, making the potential threat of an intractable bargaining determination more palpable. But as with the threat of a non-union ballot, we should be careful not to overstate the risks and downplay our ability to respond to them.

Unionism is not without risks!

These risks above are serious and should not be taken lightly. But it is important that we consider these risks appropriately. We do ourselves a disservice by assuming the worst and downplaying our ability to navigate these risks appropriately.

As one of the strongest NTEU branches in the country, we are well prepared to face these risks. We should be prepared to vote no and to send a message to Mark Scott, Annamarie Jagose and NTEU branches across the country that we will not acquiesce; not now, not ever.

# Why Academic Casual Staff Should Vote No

*Markela Panegyres, Nic Avery, Finola Laughren,  
Riki Scanlan*

**Management's current offer does not end the systemic exploitation of academic casual staff. Casuals should vote no to the agreement, and commit to redouble our efforts in the fight against a profit-driven management that relies on an increasingly casualised, exploited and overworked workforce.**

But at the same time, we need to recognise what we have won for casuals so far and, should the enterprise agreement be voted up, be prepared to campaign to secure these gains during the enforcement period.

Throughout this EBA round, our branch has pushed back against management's overreliance on, and systemic exploitation of, casual staff. Our claims for casuals focussed on: (1) ending wage theft and improving current casual conditions; (2) improving conversion to continuing roles for long-term casuals; and (3) creating new continuing jobs to open up avenues for career progression in the University.

After the longest industrial campaign in NTEU history—and 9 days of strike action—what have we achieved for casuals? Despite dealing with an incredibly hostile and intransigent management, our branch has managed to secure incremental but real gains in two out of the three key claims.

Due to the efforts of casual and continuing staff working in solidarity, we have achieved an improved pay for all hours worked clause and the creation of 110 new balanced (teaching and research) continuing jobs, 55 of which are earmarked for long-term casuals. Although far from perfect, this is still significant.

Further, we have secured an agreement that management will institute a policy of 5 days sick leave for casuals within 12 months. Of course, this is not enough, but it is a first for any university in Australia. Casuals will also have a new entitlement to 10 days paid domestic and family violence leave per year.

## **Pay for all hours worked**

The new agreement will improve on the previous agreement by moving away from vague principles to stronger language. Where the previous agreement stated that casuals should be paid for the work which they are “directed” to perform, the new agreement will state that casuals “will be paid for all work they are required to perform”, better reflecting the fact that, like everyone else, we are rarely if ever given explicit direction to perform all aspects of our jobs. A strong enforcement campaign will be required to use this clause to our advantage against wage theft.

## **Creation of new ongoing roles**

The University will create 330 new ongoing academic roles. 110 of these roles will be balanced 40:40:20 positions, 55 of which will be dedicated pathways for current long-term USyd casuals. The remaining 220 roles will be education-focused, at least 55 of which will be dedicated to internal applicants. The University has committed to reducing the proportion of casual academic staff by 20% by the end of the agreement.

## **Conversion to ongoing employment**

The new agreement will reduce the prerogative of management to reject applications from casual and fixed term staff to convert to ongoing employment. Among other restrictions on refusing applications, management can no longer appeal to the “future expectations” of the role and they cannot appeal to a lack of finances when the work continues to be performed by precariously employed staff.

## **Process to review hours allocated**

Management claims that casuals have long had the right to request more hours, but no such right has existed in practice. The new agreement will stipulate that casuals have the right to request a review of the hours allocated (or a failure to allocate hours). The outcome of a review must either be: (1) additional time is approved, or (2) alternative arrangements are found such that the casual staff member is not required to work “in excess of the allocated time.” Casuals could use this process to refuse working beyond our allocated hours and clog the system with our applications. This would be a collective action with the goal of enforcing pay for all hours worked by forcing management to expand time allocations and classes of scheduled work.

### **Misclassification of teaching work**

In response to widespread misclassification of teaching delivery, the agreement for the first time will include a clear pay guideline with definitions of lectures, tutorials, demonstrations, seminars, workshops and what constitutes a 'repeat'.

### **Marking pay**

A new requirement is that initial marking estimates provided to casual staff on schedules of payments must reflect the "reasonably estimated time", giving a new avenue for campaigning to shift the marking piece rates that exist in policy. Marking pay will increase in line with the nominal pay rise negotiated in the EA.

### **Lecture and tutorial pay**

The pay rates for lectures and tutorials cover face to face delivery and a certain amount of preparation time. Though these piece rates will continue under the new agreement, casual staff now have a right to request a review of these hours, and must either be provided with more hours or will not be required to perform work in excess of the allocated time.

### **PhD fellowships**

The contentious PhD fellowships are potentially a welcome opportunity for PhD students to have university employment during their candidature, however we need to approach these with caution to ensure they are not exploitative. New 3-year fixed term academic positions will be created for PhD students, existing alongside casual positions. The university has committed to no more than 70FTE appointments over the life of the agreement. Each PhD fellow will work a fraction of 0.2FTE – an indicative workload in FASS would be three tutorials in a given unit per semester plus associated marking. There will also be an allocation of a minimum of 10% of workload for administration and general contribution to their School/Faculty. And there are concerning limitations to the ability of the PhD fellow to take on additional teaching work, which could, given the huge cost of living in Sydney leave PhD fellows in financial hardship.

### **Education focused roles**

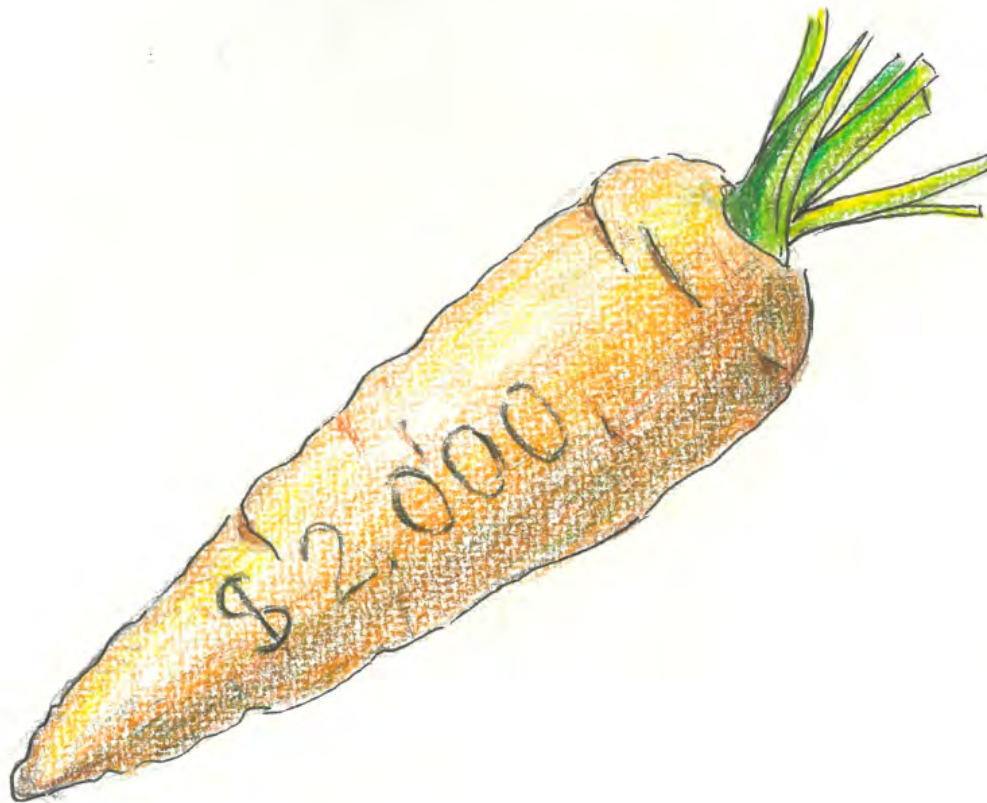
The most significant defeat for casuals (and for all staff) is the massive expansion of education focused roles (EFRs) which involves a fundamental restructure of academic labour at the university and entrenches a two-tiered academic workforce. The increase in EFRs is not a decasualisation strategy. In reality, it means that management will maintain its current exploitation of casual academic labour, while also creating another stream of exploited labour in the form of EFRs, all to make more profits.

While EFRs might on the surface be appealing to casuals who desperately need and deserve full-time wages and job security, these roles come at a cost: an unsustainable (70%) teaching load would effectively preclude our ability to undertake serious research. Although the new agreement states that early career researchers will have lighter than 70% teaching loads for the first two years in the role, EFRs are a serious threat to our career trajectories. They are not genuine pathways to balanced roles, as the right to convert to 40:40:20 would only occur after 5 years as an EFR, yet the intensity of the teaching load will undercut our ability to publish and hence become viable candidates for conversion.

There's no denying our strike campaign has delivered us some important wins, and highlighted some key issues during our campaign, including putting de-casualisation on the map. However we continue to face major challenges due to the ingrained and systemic nature of our exploitation. To unravel the pattern of exploitation and give us a real future in higher education will require a serious ongoing struggle. Casuals are the backbone of this institution and should vote no to an agreement that is substandard.

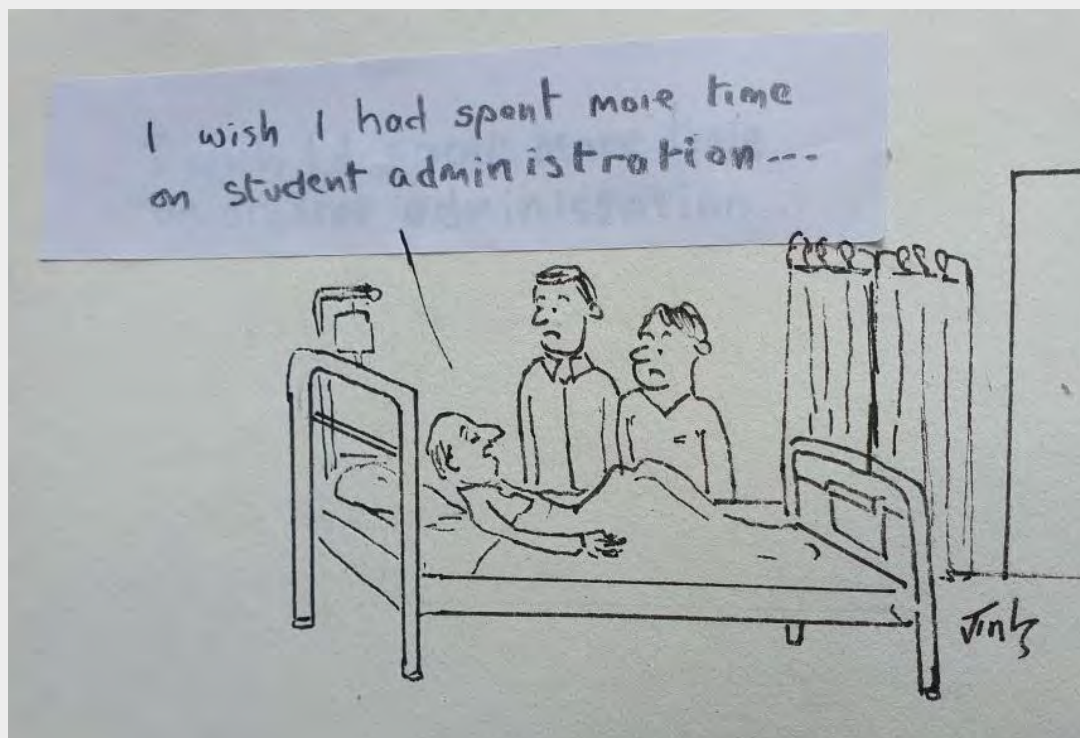






*Ceci n'est pas une payrise.*

*Illustration by Wendy Xin*



*Illustration: 'EFR Ward' (submitted by Julian Wood)*

### **What's the price of the \$2k bonus?**

- 70% workloads for Education Focused staff.
- A blowout in EF roles.
- An average real pay cut of 4.2% agreement to agreement.
- No guarantee for First Nations parity
- Lost internal advertising for HEO9 and above

# What's wrong with the deal?

*Sophie Cotton*

We believe the biggest two reasons to vote no to the deal are management's attacks on pay and Education Focused Roles (EFRs). The third significant issue of casualisation is covered elsewhere in the bulletin.

On pay, we should be proud of forcing management to give us an 18.2 per cent pay rise over 2022 to 2026. However this is tempered by the fact that the latest May RBA forecast puts predicted inflation over that period at around 19.2 per cent to 20.3 per cent.

This means that even out to mid-2027, we will still be lagging behind our 2021 real pay by 1.8 per cent. Even after their newly announced \$300 million budget surplus, Management still refuse to meet inflation and stop staff going backwards.

Management's \$2000 bribe is a survival payment. After a year of unprecedented real wages decline, many staff will need it to make ends meet. But it comes at the expense of future pay, and there's no suggestion we'll continue getting survival payments in subsequent years..

And on EFRs, Sydney Uni is currently below the sector average in its reliance on EFRs with around 10% of ongoing teaching staff compared to the 15.9% average. But now management for the first time has the right to blow this out to one of the highest in Australia!



*Illustration by Wendy Xin*

We should be a sector leader in demanding the research-teaching nexus be preserved, and that decasualisation should not come at the expense of the entrenchment of a new middle tier of super-exploited teachers.

Vote no to send a clear message to Jagose: We're not going anywhere when it comes to pay, workloads, and standing against casualisation.

## Wage theft win!

*Luca Gris-Baldwin (not their real name)*

Great news just in from the School of Mathematics that after a 2 year wait, casual tutors have finally been back paid their correct entitlements.

Management had been refusing to pay the 1st tutorial of the week rate, only paying the repeat tutorial rate, equating to an hour underpayment per week per unit!

Being a union member, I alerted the NTEU to escalate it to the school. The practice stopped in 2021, but it took two years for back payment to occur. For an average tutor the wage theft might be somewhere between \$1400 to \$6500 per year depending on how many different courses are taught. With well over 100 casuals working in Maths the total sum is substantial.

The School tried the defence that by providing teaching materials (basically tutorial questions and solutions), there was no need for tutors to prepare. At a time when national numeracy standards are falling and students are struggling to catch up, this is unacceptable.

Maths is an amazing subject, but sometimes it's important for us mathematicians to look up and check we are getting paid properly for the hard work we do. Joining the union is the first step and also a way of saying thanks to those who are looking out for you.



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### **Call out for next issue and contact RAFA**

Do you have a report from your workplace area at the University of Sydney? RAFA would love to hear from you. Let us know the challenges you face, the types of conversations you and your colleagues are having, and your ideas to take the struggle forward by writing to: [rafausyd@gmail.com](mailto:rafausyd@gmail.com), contact us on Facebook, Twitter or Instagram, or call Jean on 0449 646 593.