



Fair Work
Commission

Modern Awards Review 2023-24 (AM2023/21)

Submission cover sheet

Name

Jeane Wells

Director, Industrial and Legal

Organisation

National Tertiary Education Industry Union

Contact details:

Street Address 1: 1/120 Clarendon Street

Street Address 2:

Suburb/City: South Melbourne

Postcode: 3205

Email: csmith@nteu.org.au; jwells@nteu.org.au; rveal@nteu.org.au

Telephone: 03 9254 1910

Modern Award Review Stream:

Arts and Culture:

Job Security:

Work and Care:

Usability of awards:

11 Exhibition
Street

Melbourne
Victoria 3000

GPO Box
1994

Melbourne
Victoria 3001

T +61 3
8661 7777

INT (613)
8661 7777

F +61 3 9655
0401

E
awards@fwc.gov.au

NTEU reply submissions

1. The National Tertiary Education Industry Union (**NTEU**) makes these submissions in reply to the submissions of the Australian Higher Education Industry Association (**AHEIA**) dated 12 March 2024 (**AHEIA Submissions**), and otherwise relies upon NTEU submissions of 12 March 2024. NTEU further relies upon our submissions of 12 March 2024 as to the scope of the review.
2. In respect of other aspects of the review, NTEU has read a preliminary version of the Australian Council of Trade Unions (**ACTU**) submissions in reply and agrees with the submissions, noting the reply submissions of the ACTU in paragraphs 5-14 in particular.
3. NTEU further notes that there will be further opportunities for parties to make additional submissions during this review's consultation process.

Reply AHEIA submissions to specific questions raised

4. Generally, NTEU rejects the assertions of the AHEIA that there is no work to do to ensure that the *Higher Education Industry - Academic Staff - Award 2020* and the *Higher Education Industry - General Staff - Award 2020* (together the **HE Awards**) meet the modern award objectives, and rely upon our specific proposals made on 12 March 2024.
5. NTEU notes that in response to question 4, the AHEIA assert that there is no requirement for variation to either award as University's offer some employees rights to work from home, and otherwise existing right to request mechanism provide a 'robust framework'. NTEU has proposed a universal right to request flexible working arrangements be included in the HE Awards, to ensure employee initiated flexible work requests are available to all employees, as outlined in our submissions of 12 March 2024. In respect of working from home provisions specifically, NTEU recognises that while academic staff have a large degree of autonomy in respect of work location, general/professional staff rely upon individual rights-based clauses in some enterprise agreements. NTEU advocates for the model of individual and collective rights to request working from home arrangements to be included in the General Staff HE Award, as outlined in our submissions of 12 March 2024.
6. AHEIA submissions in response to question 6 identify the merit in providing a minimum period of engagement for a permanent part time general staff employee, identical to the minimum periods of engagement of general staff casuals. NTEU agrees with the merit of introducing a minimum engagement period for general staff permanent part time employees in the General Staff Award

and proposes a minimum engagement period of three hours as per the terms of our submissions of 12 March 2024.

7. In reply to AHEIA submissions in response to question 7, NTEU strongly opposes the AHEIA assertions that a 'modest expansion' to the existing span of hours of general staff employees may assist employees with caring responsibilities. AHEIA provide no rationale for this notion. General Staff employees with caring responsibilities will *not* be assisted from having take home pay cut by a loss of overtime entitlements, TOIL and/or penalty rates. NTEU proposals to assist employees with caring responsibilities are outlined in our submissions of 12 March 2024.
8. In reply to AHEIA submissions in response to question 18, the AHEIA advise they are supportive of a variation to provide access to employees for cultural and/or ceremonial leave. NTEU propose a variation in terms as outlined on 12 March 2024.
9. NTEU reserves our right to make further submissions in this Review.



Name: Jeane Wells

Date: 26 March 2024