

26 March 2008

Ms Carolyn Kennett
Chair
Staff Consultative Group
Macquarie University

Dear Carolyn

**RE: Response to Working Party Reports
Probation, Incremental Progression, Casual Employment, Flexible
Working Arrangements**

Thank you for providing the Working Party Reports related to the Probation, Incremental Progression, Flexible Working Arrangements and Casual Employment policies received 12 February 2008. I have now had an opportunity to consider these reports and as appropriate discuss these reports with other key stakeholders. In response I wish to provide the following feedback to your comments and recommendations.

Probation Policy

1. Extension of Probation

I note that the Working Party report seeks SCG comment on this issue.

Clauses 3.6.2 – 3.6.4 identify the maximum probationary periods, these are absolute unless the EA allows for an extension.

In addition there is significant Industrial case Law disallowing extension of probation even in circumstances where the employee has requested it.

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2. Appeals Process

This issue was negotiated in the last round of Enterprise Bargaining. The appeals process was removed and the Probation Review Committee no longer exists.

I note your recommendation that reference should be made to the dispute settling procedure. The Dispute Settling procedure outlined under Clause 4.18 is designed to ensure proper application of the Enterprise Agreement. It is not designed to act as an alternative to the review process that existed under the previous Agreement.

3. It is agreed that the Forms for the Probation process need to be reviewed and this is a part of a continuous improvement exercised that Human Resources initiated in 2007. As a part of this review process we will ensure that there is better alignment between the PDRP and Probation Review form.

Incremental Progression

1. Eligibility for incremental progression casual vs fixed term

I note your comments with respect to the disparity between casual and Fixed Term eligibility for incremental progression. Unfortunately, this cannot be amended under the current Enterprise Agreement however I will ensure that it is a matter that is provided consideration in the next round of bargaining.

2. Linkage to other policies

As you are aware policy development is an ongoing process and I have already raised with the SCG the likelihood that following the initial roll out of the PDRP we may be developing further policies to allow for bonuses. While I note your suggestion that the policy state the specific policies under which additional payments can be made this inclusion would mean that the Incremental Progression policy would need to be amended on each occasion that a new policy is developed related to additional payments. From my perspective it is more practical to leave this statement general.

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3. Forms

As identified above it is recognised that the Incremental Progression Form needs to be reviewed and this will occur as a part of the Continuous Improvement Project. The difficulty with incorporating incremental progression on the PDRP Form is the fact that the cycles for PDRP and Increment will in the majority of instances be different.

Casual Employment Policy

I agree that we should incorporate the Principles from the Recruitment and Selection policy in the Casual Employment policy.

While I recognise that Casual Eligibility lists may be one tool to facilitate the appointment of casual staff I would not see this as an exclusive mechanism as this approach could potentially be too inflexible to support Macquarie's many and varied casual needs.

Two practical issues include :

- a) the fact that over a 3 year period new and better candidates may become available as other candidates may decide to move on.
- b) A general advertisement may not always attract the scope and span required for specific disciplines.

Selection Documentation

I note your recommendation that Selection Criteria be established for all casual positions. We have already commenced some preliminary investigations with respect to establishing templates for positions at various levels.

Enrolment as a student is not a desirable criteria for casual academic positions. I would note that at times the University will engage casual academics for their industry expertise or other specialist skills. Enrolment in a course is not necessarily a sound indicator of a casual staff Member's capacity to undertake the role effectively.

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Reference Checking

The requirement to reference check casual appointees has been an outcome of the 2007 audit report and on this basis I do not intend to vary this aspect of the policy.

Review of Casual Appointment Process

I note your comments with respect to minimum documentation. During 2008 Human Resources will be reviewing the casual appointment process and related checking processes.

Appointment of Casual staff and Close Family Relationship

We agree that this is an important issue. As you may be aware the Code of Conduct is currently being reviewed. The new Code will incorporate clearer guidelines with respect to conflict of interest and dealing with Close Family relationships in the workplace.

Payment of Casual Staff & Definitions

We will remove reference to AWA's under this section of the policy given recent legislative changes.

The Types of Employment Clause (3.7.25) in the Enterprise Agreement states the nature of casual employment and any variation would need to be negotiated during bargaining. Any change to the minimum period of casual engagement would also need to be negotiated.

I note your suggestion that the policy identify the relevant EA Clauses. As you would be aware the EA changes over time and we do not generally including reference to EA clauses in policy given that this would trigger a policy amendment on each occasion that there is an EA change.

Flexible Working Arrangements

This work group has been meeting with Nick Crowley and Jake Iverach and this policy remains under consultation.

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I would like to take this opportunity to thank the various Working Parties for their considered feedback and contributions related to the above policies.

At this stage we are still awaiting formal feedback from the SCG related to the Grievance Policy and the revised Induction Program which was presented at the SCG Meeting of 5 February 2008.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T Sprague', written in a cursive style.

Tim Sprague
Director
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