

5

NATIONAL POLICY DOCUMENT

NATIONAL TERTIARY EDUCATION UNION

10

Compiled from the desk of the National Office Bearer (Policy and Strategic Affairs)

NTEU

2010

15



CONTENTS

	GENERAL POLICIES.....	1
	NTEU OPERATIONS / ADMINISTRATION	1
	ROLE OF THE UNION	1
5	UNION SECURITY	2
	PROTECTION AGAINST LEGAL ACTION	3
	NTEU Staff remuneration policy	4
	Application.....	4
	Annual salary increases	4
10	Performance based increases	4
	NON-UNION BALLOTS	5
	COMMUNICATING WITH THE MEDIA	6
	1. PREAMBLE	6
	2. COMMUNICATION ON BRANCH MATTERS	6
15	3. COMMUNICATION ON NATIONAL MATTERS	6
	4. SANCTION	6
	PRE-EMPLOYMENT MEDICALS	7
	WHISTLEBLOWERS AND INTELLECTUAL FREEDOM LEAFLET	8
	WHISTLEBLOWING AND WHISTLEBLOWER PROTECTION	8
20	WHISTLEBLOWING.....	8
	CREDIT TRANSFER AND RECOGNITION OF PRIOR LEARNING	10
	CREDIT TRANSFER - BACKGROUND	10
	PRINCIPLES.....	10
	RESOURCING.....	10
25	RECOGNITION OF PRIOR LEARNING	10
	STAFF / STUDENT ALLIANCES	11
	SUPERANNUATION	12
	FLEXIBLE CONTRIBUTIONS.....	12
	UNIVERSITY SUPERANNUATION.....	13
30	SECTION ONE : MEMBERSHIP, RECRUITMENT, TRAINING AND DEVELOPMENT	
	POLICIES	15
	RECRUITMENT POLICIES	15
	NTEU RECRUITMENT PLAN	15
	1. AIMS OF RECRUITMENT	15
35	2. SPECIFIC RECRUITMENT TARGETS	15
	3. IMPLEMENTATION OF RECRUITMENT AIMS.....	15
	RECRUITMENT - FUNDING	16
	WORKPLACE ORGANISATION.....	18
	MEMBERSHIP POLICIES.....	19
40	COVERAGE.....	19
	RULES ON ASSISTANCE SUPPORT	20
	Grievances.....	20
	Principles	20
	Three issues are of importance under this heading	20
45	Discipline	21
	Principles	21
	Enquiry and Information	21
	Principles	21
	ASSISTANCE TO NON-MEMBERS	22
50	LEGAL CONSULTATION SUPPORT	23
	Prologue.....	23

	Realities that arise in the experience of Branches of the NTEU	23
	Principles	23
	Funding limitations	25
	TRAINING POLICIES	26
5	ACCESS AND PARTICIPATION	26
	TRAINING PACKAGES	27
	TRADE UNION TRAINING AND WOMEN	28
	1. PREAMBLE	28
	2. POLICY	28
10	STAFF DEVELOPMENT	29
	SECTION TWO : STRATEGY	30
	COVERAGE	30
	INDUSTRIAL STRATEGY	31
	INDUSTRIAL DEFENCE FUND	31
15	AMALGAMATIONS - INSTITUTIONAL	33
	INDUSTRIAL STRATEGY	34
	Membership and Recruitment in private tertiary organisations	34
	Opposing Contracting Out / Outsourcing	34
	Labour-Hire	35
20	Institution-Related Companies, Joint-Ventures and Other Private Providers.....	35
	Award Regulation.....	35
	Collective bargaining.....	35
	Co-ordination of Strategy and Resources.....	36
	CONTRACTING-OUT	36
25	PREAMBLE	36
	OBSERVATIONS	36
	POLICY	36
	INFORMATION TECHNOLOGY ISSUES	38
	WEBPAGE - COLLECTIVE BARGAINING	38
30	NTEU INFORMATION TECHNOLOGY PLAN	38
	SECTION THREE : COLLECTIVE BARGAINING	39
	COLLECTIVE AND INDIVIDUAL AGREEMENTS	39
	SECTION FOUR : WORKING ENVIRONMENT	40
	WORKLOADS AND HOURS OF WORK	40
35	1. Transparency	40
	2. Cooperative change	40
	3. Equity and diversity	40
	4. Systems of work.....	40
	5. Job design.....	41
40	OCCUPATIONAL HEALTH AND SAFETY	42
	OCCUPATIONAL HEALTH AND SAFETY AND WORKERS COMPENSATION ISSUES	42
	SAFETY IN LABORATORIES	43
	SAFETY IN LIBRARIES	44
	HEALTH AND SAFETY IN LIBRARIES	44
45	THERMAL COMFORT	45
	WORKPLACES FREE OF HARRASSMENT	46
	SEX BASED HARASSMENT	47
	PREAMBLE	47
	REPRESENTATION OF NTEU MEMBERS	47
50	DEFINITIONS	47
	SEXUAL HARASSMENT	47

	SEXIST HARASSMENT	47
	HARASSMENT ON THE BASIS OF SEXUAL PREFERENCE	48
	ACADEMIC STAFF AND STUDENTS	48
	EMPLOYER RESPONSIBILITIES	48
5	UNION RESPONSIBILITIES - GENERAL	48
	NTEU RESPONSIBILITIES	49
	BULLYING	50
	WORKING ALONE	51
	HOME BASED WORK	52
10	SECTION FIVE : EMPLOYMENT SECURITY AND EQUITY	53
	EMPLOYMENT SECURITY	53
	ASSISTANCE FOR NTEU MEMBERS FACING REDUNDANCY	54
	CASUALS AND CONTRACT WORKERS	55
	EQUITY POLICIES	56
15	GENERAL EQUITY ISSUES	56
	INCLUSIVE LANGUAGE	56
	1. PREAMBLE	56
	2. POLICY	56
	EQUITY AT WORK	56
20	EQUAL OPPORTUNITY AND DISCRIMINATION	57
	EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION WITHIN THE NTEU	58
	GENDER ISSUES	59
	WOMEN'S POLICY	59
	GENDER EQUITY	59
25	COMMERCIALISATION	60
	PRIVATISATION	60
	1. PRIMACY OF THE PUBLIC SYSTEM	60
	2. PRIVATISATION IN TERTIARY EDUCATION	60
	3. DANGERS OF PRIVATISATION	60
30	SECTION SIX : TEACHING, LEARNING, RESEARCH, EVALUATION AND ACADEMIC ENVIRONMENT	61
	ATTENDANCE AT CONFERENCES	61
	ACADEMIC STUDY LEAVE	62
	ACADEMIC PROBATION	63
35	ACADEMIC (INTELLECTUAL) FREEDOM AND OWNERSHIP OF INTELLECTUAL PROPERTY	64
	INTELLECTUAL PROPERTY IN TERTIARY EDUCATION INSTITUTIONS	64
	1. THE PURPOSE OF INTELLECTUAL PROPERTY POLICIES IN TERTIARY EDUCATION INSTITUTIONS	64
40	2. RIGHTS OF ORIGINATORS	65
	EDUCATION AND TEACHING	66
	FLEXIBLE TEACHING AND LEARNING	66
	STUDENT EVALUATIONS AND DEFAMATION	68
	ACADEMIC STAFF APPRAISAL	69
45	TEACHING AND LEARNING: STUDENT EVALUATION	70
	PREAMBLE	70
	POLICY ON STUDENT EVALUATION	70
	INSTITUTIONAL ACCOUNTABILITY AND THE EVALUATION OF TEACHING	71
	THE TEACHING / RESEARCH SCHOLARSHIP NEXUS	72
50	RESEARCH	73

	CONSULTANCIES	73
	EVALUATION OF RESEARCH.....	75
	INTERNAL EXAMINATION OF POSTGRADUATE THESES.....	76
	PREAMBLE	76
5	1. OBLIGATIONS OF THE INSTITUTION PRESENTING THE THESIS FOR EXAMINATION.....	76
	2. THE INSTITUTION'S OBLIGATIONS TO AN ADJUDICATING EXAMINER	76
	3. OBLIGATIONS OF THE EXAMINER	77
	4. RIGHTS OF THE EXAMINER.....	77
	THESES EXAMINATION - RATES OF PAY	78
10	EXTERNAL EXAMINATION OF POSTGRADUATE THESES,	79
	RESEARCH IN HIGHER EDUCATION INSTITUTIONS	80
	INDUSTRY-FUNDED RESEARCH	81
	RESEARCH-ONLY STAFF	82
	RESEARCH EDUCATION	83
15	SECTION SEVEN : INSTITUTIONAL GOVERNANCE AND UNION RESPONSE.....	84
	PUBLIC TERTIARY EDUCATION AND ACCOUNTABILITY	84
	ROLE OF UNIVERSITIES IN HIGHER EDUCATION	85
	CROSS-SECTORAL ISSUES	86
	CO-OPERATION	86
20	COMMERCIALISATION OF UNIVERSITIES	87
	THE DEVELOPMENT AND APPLICATIONS OF PERFORMANCE INDICATORS AT INSTITUTIONAL LEVEL	88
	INSTITUTIONAL GOVERNANCE AND UNION CONSULTATION	89
	AUDIT ASSURANCE	90
25	QUALITY	90
	WORKPLACE REFORM.....	91

GENERAL POLICIES

NTEU OPERATIONS / ADMINISTRATION

5 ROLE OF THE UNION

1. The **NTEU** is an organisation whose primary role is to defend the professional interests and improve the working environment and living standards of its members, and, through its legitimate activities, impact upon the living standards of the workforce in a positive way.

10

It also has the these aims and objectives as contained in the Constitutional text :

2. The **NTEU** seeks to fulfil its role through industrial and representative activity on behalf of, and by, members. In this sense, there is no separation between the Union's lobbying and policy work, our work on professional issues and our work on salaries and conditions of employment.

15

3. The effectiveness of this role is affected by
1. building industrial strength;
 2. the level of organisation of our membership;
 3. utilising the legal framework;
 4. the funding and other policies of governments, and by;
 5. the approach taken by employers in our industry.

20

4. The **NTEU**'s membership has many common interests with the membership of other unions in the education industry in South Africa and internationally. The **NTEU** therefore seeks the maximum level of co-operation with other unions, and with international organisations, such as Education International, in pursuing common objectives. In particular, ties with unions in the Southern Hemisphere will foster the interests of our members.

25

30

5. On salaries, conditions of employment and the working environment, the **NTEU** seeks to advance its members' interests by seeking:
- (i) direct negotiations with employers;
 - (ii) representation on governing councils and relevant government bodies and institution committees;
 - (iii) use of industrial relations principles and other dispute resolution mechanisms;
 - (iv) lobbying of government on the legal framework and on funding of education, educational policy and industrial matters generally;
 - (v) direct industrial action;
 - (v) services to individual members.

35

40

To support all these activities, the **NTEU** needs to ensure that it has:

- strong and effective structures and good communication within the organisation;
- strong and effective structures in each workplace;
- high membership levels, a well-informed and active membership and membership solidarity;
- the resources and expertise to be effective.

45

UNION SECURITY

- 5 1. The **NTEU** shall seek agreements (either within the recognition agreement or as a separate enforceable collective agreement) with employers on, *inter alia*, organisational rights, rights within sufficient representation and majority representation, collective union-based bargaining, union facilities, subscription collection and direct remittance, right of entry, consultation and communication with membership and conversion to negotiation with unions.
- 10 2. The National Executive Committee is directed to actively police direct payment of Union subscriptions by employers.
- 15 3. The National Administrative Office, in conjunction with the Council of Chairpersons, is directed to develop a range of options for Collective Bargaining which would have the effect of encouraging union membership. Such options to be tailored in a manner which would give each enterprise based Branch of the Union informed choice as to an appropriate model for use in an individual institution.

PROTECTION AGAINST LEGAL ACTION

5 The National Secretary and the National Treasurer are obliged to take fail-safe measures to ensure that, in the event of any court action against the Union, the Union's funds and income and protection of members' own assets, may be secured and basic services maintained.

NTEU Staff remuneration policy

This policy will ensure that the union is able to recruit, retain and motivate staff to the level required to achieve and sustain market objectives and the objectives of the union.

5

Application

The following factors can be used to ensure external competitiveness with relative market Rates for equivalent jobs:

10

- Peromnes market related salaries
- Applicable legislation
- Recognition of the individuals performance
- Job evaluation system
- Affordability

15

- Job grade and the basis of the salary range

A job description needs to be drawn up for each post and must be approved by the Council of Chairpersons (CoC). The Peromnes job grading system will be used to evaluate each post. Key performance areas need to be identified for each job and must be approved by CoC.

20

CoC can from time to time decide to re-evaluate the position on the Peromnes grading system should there be reason to believe that the post is not on the correct salary grade and/or if the job description has changed or additional responsibilities were allocated to the post that justifies a re-evaluation.

25

Once the post has been evaluated and the appropriate grade level has been established NEC determines the starting salary of the individual and recommends to CoC for approval.

Annual salary increases

30

The following factors will impact on the annual salary increases for all employees of the union:

- Use the all inclusive National Survey to act as bench mark
- Inflation/cost of living indexes
- Affordability

35

Performance based increases

Key performance areas must be identified for each post and must be approved by CoC.

40

Notch increases will be based on the individual's performance and whether the key performance areas as approved by CoC for each post were met by the individual during the year of assessment.

Notch increases will only be affected after the completion of a full 12 (twelve) months service starting of the first day of the month after completion of a probation period as a decided on by CoC.

NON-UNION BALLOTS

5 **NTEU** condemns the tactics of the non-union ballot as a deliberate anti-union action. Non-union ballots are an inappropriate and unacceptable waste of the University's resources, money, time and energy which serve no purpose other than to unduly delay negotiations or serve to create non-accountable representation on university structures.

10 **NTEU** urges all Tertiary Education staff to regard a vote against a non-union ballot as a vote of no confidence in the Vice-Chancellor who called that ballot.

NTEU also condemns those Institutions and organisations which use non-union ballots to attack the terms and conditions of staff in those institutions.

COMMUNICATING WITH THE MEDIA

1. PREAMBLE

- 5 The Constitution of the Union contains *inter alia* the following aims and objectives:
- to promote, defend and represent the interest of all its members at both national and local level;
 - to act for and on behalf of its members;
 - to promote communication, interaction and unanimity between branches of the union in order to ensure the proper implementation of the objectives and policies of the union;
 - to issue media statements on behalf of its members;
 - It is the purpose of this document to provide the necessary detail to ensure that all communication with the media takes place in a responsible and accountable manner both at branch and national level.

2. COMMUNICATION ON BRANCH MATTERS

This refers to matters communicated to local media.

Written media releases:

- Written media releases will be compiled by the branch executive committee and submitted to NEC at least 48 hours before release.
- Written media releases will be signed by the branch chairperson.
- A legal opinion will be obtained by the branch regarding the possibility of legal action as a result of the media release before it is released.
- No media release will bring the union into disrepute.

Verbal communication with local media:

- Only the branch chairperson may speak to the media on behalf of the branch.
- Such branch chairperson will take every caution to ensure that utterances are not slanderous or can in any other way result in legal action against the union.
- The national office will be informed of the verbal communication before it takes place. Sufficient detail will be provided on the nature of the communication.
- If exceptional circumstances do not allow the above, the national office will be informed of the verbal communication, including the nature of the content thereof, as soon as possible after it has taken place.
- No communication will bring the union into disrepute.

3. COMMUNICATION ON NATIONAL MATTERS

This refers to matters communicated to national media.

Written media releases:

- Written media releases will be compiled by NEC or the CoC.
- In the case of written media releases compiled by NEC, these will as far as possible be circulated either electronically via e-mail or by fax to the CoC for approval before release.
- Lack of response by any branch on the above will be considered to be approval by such branch.
- Written media releases will be signed by the president, deputy-president, secretary or administrator.
- A legal opinion will be obtained regarding the possibility of legal action as a result of the media release before it is released.
- No media release will bring the union into disrepute.

Verbal communication with national media:

- Only the representatives duly authorised by the CoC may speak to the media on behalf of the union on the matter they have been authorised to do so.
- Such representatives will take every caution to ensure that utterances are not slanderous or can in any other way result in legal action against the union.
- No communication will bring the union into disrepute.

4. SANCTION

Transgressions of the above will be dealt with in accordance with the union's disciplinary code.

PRE-EMPLOYMENT MEDICALS

The **NTEU** National Congress resolves to develop a policy on pre-employment medicals as the basis for its objection to the practice where it still exists in institutions at which our members are employed.

5

The policy should include the following principles:

That no job applicant should be asked questions about their medical history unless:

10

- i) the questions relate specifically to the inherent requirements of the position for which the applicant has applied.
- ii) the questions are asked to ensure specific requirements set out in health and safety legislation may be complied with.
- iii) the questions are asked with the intention of enabling the employer to make adjustments to the job or the workplace so that a person with a disability or debilitating disease may be accommodated.

15

WHISTLEBLOWERS AND INTELLECTUAL FREEDOM LEAFLET

5 THAT **NTEU** policies on Whistleblowers and on Intellectual Freedom be prepared as a pamphlet and distributed to members and Branches as part of our strategy of increasing the industrial strength of branches.

WHISTLEBLOWING AND WHISTLEBLOWER PROTECTION

10 THAT the Whistleblowing and Whistleblower Protection Draft Policy be adopted as **NTEU** Policy subject to the provision of further advice from the **NTEU** National Executive Committee on procedural principles that recognise and seek to resolve the potential tensions between the principles of natural justice (see 5ci) and the protection of the anonymity of a whistleblower with respect to all disclosures of serious wrongdoing (see 5cii).

15 WHISTLEBLOWING

1. Whistleblowing is defined as follows:

20 *The disclosure, in the public interest, of information which indicates wrongdoing - and the protection of a whistleblower from recrimination in the course of employment following that person's disclosure of such information.*

2. The Union supports the established principles in the university environment of probity, public accountability and intellectual freedom and the necessity, in certain circumstances, of disclosure of information by staff in the public interest. The enactment of National and Provincial legislation on public interest whistleblowing will, therefore, continue to be lobbied and supported by the Union.

3. The Union believes that the spread of managerialist practices, increased competition, privatisation, changes to inherent protections and job insecurity, have increased the likelihood of disclosures of such information and have contributed to the need for clear guidelines and protection for both academic and general staff. It is considered that all institutions concerned with public accountability and transparency of operation will be committed to endorsing effective whistleblowing procedures.

4. **NTEU** policy aims:

- to facilitate the disclosure, in the public interest, of information regarding serious wrongdoing within or by, or related to, an institution;
- to protect staff who make such disclosures.

5. Serious wrongdoing may include:

- unlawful, negligent or improper conduct affecting the public interest;
- danger to public health or safety;
- danger to the environment;
- abuse of any human or labour right of individuals, administrative authority or law.

45 In the absence of comprehensive legislation the Union supports the following:

- a) The active development of an organisational culture, based on an accepted code of ethics, that supports the traditional concept of intellectual freedom and obligations of probity on the part of university staff. This involves the development and maintenance of an organisational ethos that encourages transparency and awareness of ethical and public interest issues.
- 50 b) The establishment by universities, in conjunction with Union representatives, of internal procedures for addressing allegations of serious wrongdoing in or by, or related to, the institution. This should be accompanied by the broad dissemination of information regarding whistleblowing, the procedures available and their use.
- c) Procedures should be based on the following principles. They should:
 - 55 i) comply with the principles of natural justice;
 - ii) ensure that all disclosures of serious wrongdoing, including those made anonymously, are properly investigated;

- 5
- 10
- 15
- 20
- 25
- 30
- 35
- iii) require that a public record is kept of any investigations, showing action that has been taken in response to disclosures [for example, mandatory reports to the Council];
 - iv) ensure the effective protection from victimisation of, and discrimination against, a person who has made a disclosure: In the absence of specific protection under State legislation, those making disclosures should have access to existing rights of appeal / review of disciplinary action, appointments, transfers, unfair treatment, if subject to reprisal due to disclosure of information [we note that avenues to regulate this have been introduced since the Labour Relations Act and must still be pursued at an enterprise level];
 - v) include mechanisms to discourage the intentional giving of false or misleading information to an appropriate entity, intending that it be acted on as a public interest disclosure;
 - vi) focus at all times on the information disclosed, not the person who has made the disclosure;
 - vii) designate the person/s in the institution to whom a protected disclosure may be made in the first instance [Vice-Chancellor, member of governing body, or other designated, independent person]; noting that the designated person in the institution be a joint nominee of the **NTEU** Branch and the institutional administration.
 - viii) state the maximum period of time within which the designated person/s must respond to the disclosure [14 days if the person/s refuses to give a reason - or 28 days if a reason is given];
 - ix) state the maximum period of time within which the designated person/s must investigate the disclosure, gain an institutional response regarding matters raised and respond to the whistleblower; [subject to the complexity of the issue, 3 months]
 - x) enable the person making the disclosure to approach appropriate external agencies to make disclosures, when internal procedures have proved to be unsatisfactory [eg. The Ombudsman, Auditor-General, Dept of Labour, Dept of Manpower, Dept of Education, The Public Protector].
 - xi) ensure confidentiality for the whistleblower - so that persons involved do not disclose information that might identify the person who makes the disclosure [unless: that person consents in writing that this may be done; or it is essential to prevent serious risk to public health / safety];
 - xii) review and adaptation every two years, accordingly.
6. As a general rule, reasonable internal procedures should be exhausted before any external agency is approached. This includes disclosure of information to the media, which should be seen as an avenue for resolution only when internal mechanisms have been followed, in vain;
7. Clauses focussing on the development of procedures regarding the disclosure of information in the public interest and the protection of staff involved in such disclosures, should be included in collective bargaining negotiations.

CREDIT TRANSFER AND RECOGNITION OF PRIOR LEARNING

CREDIT TRANSFER - BACKGROUND

5 Access to the various sectors of tertiary education should not in principle be restricted by the previous educational pathways taken by students, or the qualifications they have gained. Students wishing to transfer between and within the various sectors of tertiary education have encountered difficulties in securing recognition of their completed or part-completed qualifications. These difficulties are due in large part to the *ad hoc* nature of credit transfer decisions.

10

PRINCIPLES

The **NTEU** supports the existence and expansion of formal credit transfer arrangements between and within the sectors of tertiary education. These arrangements should:

15

- (i) be transparent and consistent;
- (ii) be made public and provided to students and appropriate institutions in a published form;
- (iii) be non-discriminatory;
- (iv) be designed to maximise educational opportunity consistent with genuine educational requirements and the primary responsibility of universities for the delivery of the first year of degree programs;
- (v) be developed both between sectors and between individual institutions;
- (vi) be formulated in full consultation with **NTEU** and student organisations;
- (vii) ensure that, at the point of entry, the extent of admission with advanced standing has been determined.

20

25

RESOURCING

Institutions developing and expanding credit transfer arrangements must recognise their cost, resource and workload implications. Additional resources must be provided to those levels of the institution involved in the process, and, staff involvement must be acknowledged as a workload factor and should be offset by reductions in other components of workload.

30

RECOGNITION OF PRIOR LEARNING

35 The **NTEU** supports the availability of provision for Recognition of Prior Learning (RPL) whether for access to learning or for advancement in working life, in tertiary education. Such provision should be widely available and should not be subject to full-cost upfront fees which would prove a barrier for prospective students.

40 RPL testing should be available to all students and prospective students in tertiary education, regardless of ability to pay, and provisions and requirements connected with RPL should be publicised widely in appropriate locations. RPL should be available to students in all areas of study.

45

The **NTEU** notes that, in some areas, credit transfer and RPL mechanisms have been used by tertiary institutions as a means of covert fee-charging for undergraduate education. **NTEU** calls upon the Government to ensure that credit transfer and RPL arrangements involving educational institutions be carefully scrutinised with a view to ensuring that such arrangements do not effectively limit access to certain courses to students who pay fees through private institutions or through the corporate arms of public institutions.

50

RPL as an assessment toll in staff selection and advancement is a recognised form of establishing the suitability of the background of individual applicants and incumbent workers. Therefore, appropriate tools for such assessment must be devised in consultation with the **NTEU**, in order to implement equitable assessment of those from disadvantaged backgrounds or for those who have accrued significant learning over a period of time in the workplace and during extended working life within the sector.

55

STAFF / STUDENT ALLIANCES

5 The **NTEU** views students as important and natural allies in furthering the interests of staff, students and the university community. The **NTEU** also recognises that such alliances must be built at a number of organisational levels including national, state and institutional.

Accordingly, **NTEU** will continue to :

- 10 • foster and promote understanding among the student population of the constraints and negative impacts of low quality working environments on the learning environment, and for staff; and, of the importance of well resourced and remunerated staff, and, the influence of these upon their educational experience;
- work co-operatively and effectively with national student bodies around issues of common concern;
- 15 • engage with unemployed graduates through their national representatives; and,
- cultivate co-operative dialogues at local levels between **NTEU** branches and campus student organisations.

SUPERANNUATION

FLEXIBLE CONTRIBUTIONS

- 5 THIS Congress supports the continuation of mandatory subsidised employee contributions by all staff to pension or provident fund superannuation schemes for universities.

- 10 Where arrangements which allow flexible contributions are put in place, the provisions should allow the employee to revert to full contribution at will. It must be the employer's duty to ensure that staff are formally advised to look beyond the immediate increase in take home pay to consider their individual saving and retirement plans. Employers should provide financial information which would assist in decision making, which would include estimates of reduction of ultimate benefits and the changing nature of taxation regimes.

- 15 Where the proportion of employer to employee contributions is not fixed or subject to collective agreement, new employees must be given the option of starting payments at the highest level.

UNIVERSITY SUPERANNUATION

5 The **NTEU** recognises that superannuation is an integral part of remuneration for work in higher education. The **NTEU** notes that the employer contribution level is an established remuneration standard and that it should be maintained at a level to ensure an adequate level of income for retirement purposes.

10 The Union further notes that it is in the interests of university staff for their superannuation contributions to be managed by a fund which is not-for-profit, covers the higher education sector rather than particular institutions, has low administrative charges, and is governed by a Board that is familiar with the university system and representative of higher education staff and institutions.

The Union's work on superannuation will be conducted in accordance with the following:

- 15 • The contribution level must be preserved for current and new staff and extended to fixed-term staff who are rendered ineligible by an institution's rules.
- Choice for staff should take the form of investment strategy choice within an appropriate fund and should include, in particular, an ethical investment option and maintenance of defined benefit and accumulation options for current and new staff.
- 20 • Proposals for flexible employee contributions should be tested against the overriding need to preserve the full employer contribution, with no scope for *pro rata* reduction, and to ensure adequate retirement income for university staff.
- The National Administrative Office shall develop a program to assist Branches in handling superannuation enquiries from members and to supply new members with general information on choice within a fund.
- 25 • Branches shall be responsible, as a priority, for ensuring that there are **NTEU** candidates for Consultative Committee vacancies.

ADD-INS

5 POLICY APPROACH ON ATTENDANCE AT CHE, HEQC, SETA, SAQA, NQF ie NATIONAL CONSULTATIVE OR STRUCTURAL GOVERNANCE ELEMENTS AND PROFESSIONAL STATUTORY BODIES.

Policy on payment of honoraria

SECTION ONE : MEMBERSHIP, RECRUITMENT, TRAINING AND DEVELOPMENT POLICIES

RECRUITMENT POLICIES

5 **NTEU RECRUITMENT PLAN**

THAT National Congress adopts the recruitment plan outlined as follows:

10 **1. AIMS OF RECRUITMENT**

- (i) Work with Branches towards approaching every eligible worker in the tertiary sector about union membership.
- (ii) Facilitate recruitment of traditional membership groups.
- (iii) Raise membership levels of under-represented groups in traditional areas of coverage.
- (iv) Increase and encourage involvement in **NTEU** amongst under-represented groups.
- (v) Expand Union membership base to the full extent of eligibility.
- (vi) Continue to develop the profile of the **NTEU**, focussing on industry unionism, industrial strength and professional representation.
- (vii) Provide information and assistance to Branches to make on-going recruitment and retention a priority.
- (viii) Identify National recruitment training needs.
- (ix) Develop and provide recruitment strategies and resources for all National industrial campaigns.

25 **2. SPECIFIC RECRUITMENT TARGETS**

- 2.1 Formation of National and Branch level recruitment sub-committees which will co-ordinate and plan ongoing recruitment profiling and campaign outlines.
- 2.2 Target specific groups:
- All staff in new areas of coverage (Academic and General Staff)
 - Staff working in private university and tertiary education companies
 - Short-term contracted staff (Academic and General Staff)
 - Women (Academic and General Staff)
 - Research Only Staff
 - Senior Academic and General Staff
 - Low density departmental areas
- 2.3 Recruitment and retention of associate members such as short-term contracted staff and women should incorporate follow-up work, including organising open and participatory structures at all levels of the Union.
- 2.4 Recruit and organise in non-unionised workplaces, specifically, Universities, Research Institutes and organisations, Co-operative Research Centres and Private Companies, Museums and Archives, and any other identified tertiary level organisations and institutions falling within the scope of the Union's Constitution.

Follow-up work will include the establishment of local branch structures and industrial representation through conditions agreements or "agency" agreements.

50 **3. IMPLEMENTATION OF RECRUITMENT AIMS**

- 3.1 Establish a National Recruitment Unit which will continue to work with Branches to determine recruitment priorities in keeping with the targets as set out at 2.2. This will include:
- establishing time lines for preparation, planning and implementation of recruitment campaigns, and, if within the means of the organisation, employment of nationally funded recruitment staff;
 - workplace mapping by gender, mode of employment and membership levels;
 - identifying issues directly or potentially affecting recruitment targets;
 - developing recruitment surveys;

- developing campaign specific recruitment material;
- producing information for new members and target groups;
- encouraging and resourcing Branch Representatives and activist involvement;
- identifying and providing recruitment skills and other relevant training to Branches.

5

3.2. Establish, or refine, on-going recruitment in each Branch. This includes:

- provision of recruitment and training resources and activities to support the Collective Bargaining strategy and strengthen Branches prior to and during bargaining and between bargaining periods;
- providing general recruitment material for use by Branches;
- developing information for new members;
- production of resources for local **NTEU** representatives (Branch Representatives Kit and handbook);
- assisting Branches in establishing branch and other activist structures;
- providing recruitment skills and other relevant training to Branches;
- identifying new and effective recruitment and retention strategies.
- preparing recruitment material specifically targeted towards staff in private companies for distribution to Branches.

10

15

20

3.3 Develop retention strategies through:

- collecting data on views of members, non-members and Branch structures on **NTEU** services, publications and policies and their relevance;
- identifying barriers to establishing and maintaining union membership and investigating options for overcoming these barriers;
- continuing the development of a database enabling regular analysis of membership trends and provision of targeted data.

25

RECRUITMENT AND MEMBERSHIP DEVELOPMENT: A PRIORITY FOR THE NTEU

30 *THAT* National Congress endorses :

1. within the means of the Organisation, the creation of a permanent Recruitment Officer in the National Administrative Office;
2. an annual national budget allocation for recruitment organising positions contingent on the following principles:
 - (i) the funding for these positions is allocated to Branches on a rotating basis to allocate within their recruitment budget;
 - (ii) that Branch Secretaries are consulted well prior to allocations being made by the National Executive Committee so that cases may be put, in order to compliment recruitment activity already undertaken at Branches;
 - (iii) that the funding is additional to, rather than a replacement for, comprehensive recruitment activity funded directly by Branches;
 - (iv) that in making recruitment resource allocations, the National Executive Committee shall have regard to:
 - bolstering industrial capacity;
 - capitalising on recent industrial activities in Branches;
 - ensuring that the problems faced by smaller Branches, including funding constraints, are taken account of;
 - not disadvantage Branches already undertaking substantial activity;
 - ensuring that comprehensive reports on the use of the additional resource be submitted to the National Executive Committee to enhance the Union's understanding of effective recruitment strategies in particular regions.
3. the ongoing availability of recruitment loans to Branches;
4. the association between strong recruitment and effective industrial campaigns.

35

40

45

50

55 RECRUITMENT - FUNDING

THAT 70% of any discretionary secondary recruitment funds budgeted by National Congress will be provided to Branches subject to the following conditions:

- That in line with previous arrangements, Branches must submit an application and budget plan for funding to the National Treasurer by November of each year.
- That the National Executive Committee make provisional funding allocations at its third-trimester meeting, to be confirmed on commitment of funds prior to semester one the following year or formal notification of commencement of the project.
- Concrete proposals, supporting funds allocated, must be made by a set date preceding semester one.
- Recruiters will attend a national recruitment assessment and workshop seminar in mid-second semester, funding applications must take this expense into account as part of the budget plan.

The remaining budget allocation (of at least 30%) will be allocated by the National Executive Committee on an "as needs basis" for the purpose of assisting Branches to appoint recruitment assistants at other times of the year, particularly in order to coordinate with industrial campaigns or other key organising opportunities or to accommodate shorter term, intensive recruitment efforts.

Where a Branch has been allocated funds, but failed to make concrete proposals by the date set in bullet 4 above, the funds be forfeited by the Branch concerned and returned to a central pool, to be distributed by the National Executive Committee.

THAT funds in the central pool may be used for a variety of recruitment projects including, but not limited to, the employment of recruitment staff, and all proposals will be evaluated on their merits irrespective of the approach taken. Funding may be provided to a Branch to meet travel, material and other specified costs for a recruitment project where that Branch has committed its own funds to employ recruitment staff.

THAT Branches that have planned their organising activities, committed resources to recruitment and implemented their plans be given priority access to the central pool.

Prior to each year's start, the National Administrative Office shall review the outcomes of the various approaches taken.

Congress endorses the continuation of National Office Recruitment Assistant funding as may be provided in the approved National level biennial budget proposed by the National Treasurer. Funding shall be provided to Branches upon application and in accordance with the priorities and processes set out below.

Particular priority should be given to areas of low density membership.

Funds will be provided to Branches subject to the following conditions:

1. An Initial application to the National Executive Committee must include:
 - a breakdown of costs including staffing (temporary or permanent), infrastructure, materials and other costs (N.B. it is recommended that the rate of payment for Recruitment Assistants be observed);
 - details of activities to be undertaken;
 - name of designated Branch representative;
 - expected outcome for Branch;
 - proposals for a joint activity or activities organised in conjunction with the Branch and / or National Administrative Office at some point in the life of the recruitment project.
2. Quarterly Progress reports must be submitted to the National Administrative Office and include:
 - details and progress on activities;
 - a record of the period(s) of employment of each Recruitment Assistant.

WORKPLACE ORGANISATION

- 5 1. The **NTEU** reaffirms its commitment to a strong participatory organisational structure including the development of a recruitment culture at all levels of the Union.
2. The Union shall work to increase Union membership through vigorous recruitment, strengthening communication and participation in Branches and raising Union consciousness among members and non-members.
- 10 3. Each Branch shall develop a recruitment plan for application in each year which will be sent to the National Administrative Office.
- 15 4. Congress authorises the National Executive Committee to take all necessary steps to maintain the integrity of the Union's structure as a single organisation, recognising that the Union has always provided for appropriate workplace-based Branch autonomy.

MEMBERSHIP POLICIES

COVERAGE

- 5 The **NTEU** believes, in-principle, that all employees who work in the post-secondary education industry should belong to one industry-based union.

The reasons for this are:

- 10 At the level of the workplace, the strength of union organisation is greater and more resources can be marshalled to defend employees interests.
- At the workplace and industry level and in the political sphere it is through a single union that the greatest level of unity and strength can be achieved, denying employers and governments the opportunity to divide and rule.
- 15 A single union is in the interest of all various sectors of the industry, as it will be a far more effective lobby for public investment in education.
- There are no fundamental contradictions of interest between any of the occupational groups in the industry.

- 20 While the **NTEU** supports industry unionism, it recognises that for a variety of specific historical reasons, other unions have coverage in tertiary education. The rights of these organisations to continue in the industry, while they maintain the support of their members, must be respected. However, in the current context, where an employer can reach a non-union agreement in any workplace where a union is weak, it is now untenable that the dominant industry union should not be able to compete for those employees who remain non-members of any union.

- 25 The **NTEU** re-affirms its support for negotiating agreements with other organisations over coverage matters. However, in the absence of such agreements, and while large numbers of members of other unions express a preference for the **NTEU**, the **NTEU** will accommodate those employees wishes.

- 30 The **NTEU** National Administrative Office will continue to have primary responsibility for negotiating coverage matters and for building closer industry-wide co-operation with other unions.

- 35 However, the National Administrative Office will continue to closely consult with all Branches on coverage matters relevant to them before taking any action likely to affect local inter-union relations.

Moreover, the **NTEU** remains firmly committed to the principle that no coverage disputes should stand in the way of maximum co-operation in improving and defending conditions of employment for members.

RULES ON ASSISTANCE SUPPORT

5 All parties should recognise that union representation is outlined in the LRA and that the essence of union representation is to deal with labour issues and matters relating to the working conditions and life of its members.

The following rules will apply to support given to staff by **NTEU** Branch Representatives.

10 It is generally agreed that unionised support for staff is given on a subscription basis and that staff not electing to enrol with the Union are eligible only for limited, if any, support. Questions have been raised on occasion both by members and management functionaries, where the **NTEU** has represented certain staff, on whether the defendant/complainant was a union member or not. Clearly the Union cannot be left open to any question as to its ability to represent staff which could compromise recruitment of new members. The Union does not normally have full time representatives who can devote time to these cases.

15 On the other hand the offer of some support to non-member staff is desirable in that this may encourage the staff member, and others, to enrol.

20 While the Union recognises that support of non-members is an encouragement to staff to join the Union and increase the support base, in all cases, non-members must be made aware of their position as non-members and that they are not enjoying full union support. Support given will only seek to ensure fair treatment and/or a mediating role of a non-formal nature. The Union will only support such cases at formal dispute levels under the circumstances listed below.

25 These rules will apply even where there is an “agency shop” agreement between the Unions and the university.

Grievances

Principles

30 Support in grievance cases will not be given to members of the Union until one month after date of enrolment (ie first subscription deduction has been made).

35 Branch Representatives will be allowed to take up grievance matters on behalf of staff under the following rules and circumstances :

Three issues are of importance under this heading

- 40 1. Whether the grievance addressed would establish some broader principal of practice in handling of all staff (ie by creating a precedent applicable in future cases).
2. Whether the grievance is of a “low key” nature and could be dealt with in a reasonably short period of time, but would just provide some advise to a non-member based on informal approaches to the party against whom the grievance is made.
- 45 3. Whether there is an attempt at follow-up support, or support on a different matter, from a non-member who has not enrolled with the Union after being informed on the first occasion that support given was on a once-only basis.

50 With regard to item 1 above the Advice Group will have to give approval before the case is taken up.

In the case of 2 and 3 above the guideline is clear and at the discretion of the individual **NTEU** representative, who shall still be obliged to report the details to the Advice Group and the Branch Executive Committee.

Discipline

Principles

5 Support in disciplinary cases will not be given to members of the Union until three months after date of enrolment; except, where the nature of the disciplinary action may lead directly to the dismissal of the member in which case one month's membership is expected.

10 Branch Representatives will be allowed to take up disciplinary matters on behalf of members under the following rules and circumstances :

No disciplinary cases will be taken up on behalf of non-members of the Union.

15 The case must be reported to the Advice Group for discussion, in the presence of the defendant, in order for the best representation to be devised.

All parties will respect the confidentiality of any information involved or required.

20 Support from outside of the Advice Group and the Union's resources must be approved by the Branch Executive Committee or in accordance with the Legal Consultation Support Policy.

25 As time allowances for these actions can be high, it is not in the interests of the Union's relations with management for time to be spent on non-member disciplinary support. Union representatives are subject, and restricted, to agreed time allowances away from their work-stations to perform these functions. Therefore, support of non-members is limited to extreme cases of a high profile, and with a precedent setting nature and probability.

Enquiry and Information

30 Principles

Branch Representatives will be allowed to take up enquiries and information matters on behalf of all staff under the following rules and circumstances :

35 Members of the Union are entitled to assistance from union representatives at any time where the member is in need of information on how to approach their particular problem (ie how to appeal in a promotional procedure; how to apply for salary advances; assistance with medical aid and pension queries). There are also approaches to the Union where members simply need to know what current university policy is, or where to go to find out information on university practice, facilities, policy, etc.. The Union provides these services to its members at all times.

45 Union representatives may elect to facilitate non-member enquiries of this nature. The amount of time that might be spent dealing with non-member enquiries is at the representative's discretion. However, these are not considered union affairs, other than as recruitment work, and therefore the time allowance for this is unofficial.

ASSISTANCE TO NON-MEMBERS

5 It is generally agreed that unionised support for staff is given on a subscription basis and that staff not electing to enrol with the Union are eligible only for limited support. Questions have been raised on occasion both by members and management functionaries on whether the defendant / complainant was a union member or not where the *NTEU* has represented certain staff. Clearly the Union cannot be left open to question as to its legitimacy in representing non-member staff which could compromise recruitment of new members. The Union does not normally have representatives who can devote time to non-member cases.

10 On the other hand the offer of some support to non-member staff is desirable in that this may encourage the staff member, and others, to enrol.

15 While the Union recognises that support of non-members is an encouragement to staff to join the Union and increase the support base, in all cases, non-members must be made aware of their position as non-members and that they are not enjoying collegial rather than full union support. Support given will only seek to ensure fair treatment and / or a mediating role of a non-formal nature. The Union will only support such cases at formal dispute levels under the circumstances listed below.

20 These rules will apply even where there is an "agency shop" agreement between the Unions and the university or organisation.

Requests for substantive assistance from the Union from non-members can be considered provided that:

- 25
- (i) The non-member has paid 12 months back dues.
 - (ii) It has been made clear to the non-member that consideration of the request does not imply it will necessarily be met once the constraints and full information have been assessed.
 - (iii) In the case of requests for assistance received by the National Administrative Office, the General Secretary has discussed the matter with the relevant Division and Branch.

30 Exceptions may be made where, in the opinion of the National Secretary in consultation with the Branch:

- (a) The likely outcome would be in the interests of the membership.
- (b) The payment of back dues would cause hardship to the non-member or be unreasonable.

LEGAL CONSULTATION SUPPORT for *NTEU* membership

The following outlines a policy for the *NTEU* Branches

5

Prologue

10 It has become necessary to develop a policy to deal with how members of an *NTEU* Branch can receive Legal Advice, Assistance and Support, where appropriate, from the Union's Branch local reserves. One of the motivations for this is the insistent use of private legal practitioners as prosecuting officers, and, at times, presiding officers, in disciplinary events on campuses. This induces significant cost to the Union's members and the *NTEU* believes it contrary to the principles of *internal* process and procedure which should be cost free. *NTEU* representatives have found that this has turned internal disciplinary processes into a court system within which lawyers manipulate the representation to the extent that the attitude is towards "winning the case" and not establishing a corrective action.

15

20 In principle the Union should take a portion of its subscription income and put this towards a fund which would allow the Union's local Branch Committee access to funds which it could, at its discretion, use to take legal advice on critical issues relating to the treatment, defence and relationship between the Union members and the employer. Ideally, this is a sum decided upon by the membership at a meeting called for the purpose of presenting a motion recommending either a sum or portion to be allocated from each subscription.

20

25 The *NTEU* Constitution mandates such a National Fund be established and the national officers have been mandated by Congress to take an amount from each Branch payment and to place this into a legal fund for similar purposes at national level.

25

Realities that arise in the experience of Branches of the *NTEU*

- 30
1. Individuals need to understand the need to prove their claim against the employer and not only expect that the employer, today, must prove that it did not act in the way claimed.
 2. That individuals need to consider the advice given by their Union which at times may appear to be abrogating the function of the Union, that is, to support members in dispute. Advice given is always carefully considered and based on institutional experience. In effect, the Branch Committee is obliged to protect members by giving an impartial viewpoint and opinion whether this is what the member would like to hear or not.
 3. That, since there are free services provided to resolve disputes, where a matter has been referred to the CCMA which may in time pass an arbitration award in favour of the employer, that the member accept this outcome, and the bone fide efforts of the Branch Executive to assure fair treatment and fair defence.
 4. Members must take fair consideration of the fact that cases lost in the Labour Court and where the Union has paid for presenting the member's claims the Union could have to meet the costs of the employer and therefore the entire reserves would be wiped out.
 5. In certain cases reasonably constituted groups of people (internally) make certain decisions affecting an individual or group of individuals. At these times it is difficult to reverse these decisions without evidence that the processes and principles were totally defective. There is a certain reality about the extent to which any individual or group could use funding reserves to process what is likely to be a case lost. This syndrome can be typical in cases involving academic staff in particular.
 6. In general the financial resources of the employer are greater than those of the Union and the individual together. Long term argument must be based on clear belief that the case against the employer is winnable.
- 35
- 40
- 45
- 50

Principles

55 As a first principle the Labour Relations Act sets out clear and cost free mechanisms for resolution of disciplinary and other disputes between employees and employers. The CCMA as a route to resolution, through conciliation, mediation or arbitration, is free at the time of writing.

A Union is a paralegal organisation which can give paralegal support to individuals within the context of any internal mechanisms which should have been agreed between the Union and the employer, and through the CCMA, to deal with these matters.

5 The Branch Executive stands in trust towards its members and as such accounts to the members in general, not individuals, for use of, and decisions affecting use of, collective funds.

The member should have been a member of the **NTEU** one year, at least, before funding extension will be considered and should undertake to remain a member following the outcome of the case.

10 It is not desirable that anyone have access to legal aid funds, or assistance, outside of the ambit of the **NTEU**, nor at the **NTEU's** expense, and then have claim against funds which may be available.

15 It is not the intent of this policy to avoid providing support of this type for members. It is though, the express intent to protect the reserves allocated for the purpose as being intended for use in the interests of all members of the Branch and not simply those of individuals.

20 Members must first have reported their case to, and taken the advice of, the Branch Executive before consideration will be given to expending monies on legal consultation.

It is at the discretion of the Branch Executive to decide on whether legal consultation is necessary, and desirable.

25 There is no obligation upon the Branch Executive Committee to take any action suggested against its better judgement, nor to carry further any action against the advise of any consultant.

In assessing whether to seek legal or other advice in support of any member the following principles will be taken into account.

30 The member shall not have previously taken outside advice at their own initiative;
The outcome of the matter at hand should not have the effect of resulting in sole benefit to an individual member. ie The likely outcome of the case should have a significance, in general, and in the main, to the working life of all members at the Branch.
Internal mechanisms should have been exercised to a reasonably full extent before direct consideration is given to taking outside advice.

35 In the event that legal consultation is to be sought, the Branch Executive will arrange for appropriate expertise at its discretion, will be present at all consultations, and will have the final decision as to further action based on the advice of the legal, or other, consultant, in consultation with the member.

40 Legal consultation can take the form of : either, a practicing labour lawyer; an appropriately accredited human resources specialist; the Department of Labour or the CCMA in its capacity to act in an advisory capacity, or any other appropriate source of expertise as the case details may suggest. Conciliation, mediation or arbitration will always be through the CCMA even if this falls within the billable services provided by the CCMA.

45 Where a member is aggrieved by any decisions taken in terms of this policy the membership shall be the source of appeal and arbitration and any appeal must be placed before a meeting of the membership, under the Chairship of the Branch Chairperson, for the purpose of reviewing the claim.

50 An aggrieved member will put the grievance to the meeting
The Branch Executive must put their counter-reasoning to the meeting
The members will vote at the end of fair presentation and discussion to support either the member's or the Branch Executive's claim.

55 The decision of this meeting shall be final and binding. Since this is use of Branch Funding there is no recourse on these matters to the National Executive Committee.

Funding limitations

- 5 1. The Branch Executive may, in its discretion, use these amounts of funding (as in 5, 6, 7 below) for consultations in the general interest of the membership, in assessing the legal ramifications of intended actions against the employer and to support the Aims and Objectives of the Union in the context of University campuses.
 - a. All rules following in this section apply with regard to the amounts at the Branch Executive's discretion to spend whether or not a claim has been made by a member.
- 10 2. There is no RIGHT to legal funding provision on the part of any individual member.
3. No member shall be individually benefited from these funds in greater amounts than here listed without the approval of the membership as provided in 7 below.
- 15 4. Expenditures in terms of these funds will only be for matters of labour disputes and labour grievances and will not be applied to any matter outside of the jurisdiction of the CCMA and Labour Court.
- 20 5. In the first instance funding will be provided to a limit of R1500-00 (one thousand rands). This being a reasonable amount to allow for verbal consultation of benefit.
- 25 6. The Branch Executive may after the expenditure of the first R1500-00 or less, decide to take further advice. This should not be of a "second opinion" nature but must be as a second step taking into account the generic defence of the interests of the membership as a whole contained in the case. The limitation on this expenditure will be R4000-00.
- 30 7. IF there is a sound and reasonable expectation that the case will be won in the Higher level dispute processes (ie Labour Court) then this matter must be put to a meeting of the membership for approval of expenditures greater than listed in 5, 6, 7 above. Provided that due sensitivity is paid to the details of the case and discretion is duly exercised to protect the individual's privacy and defence of the case.

No non-member will be supported from this funding **unless** such person agrees to sign membership of the **NTEU** and pay at least 12 months back dues prior to support being provided.

TRAINING POLICIES

ACCESS AND PARTICIPATION

5 South Africa currently provides access to post-secondary training and education for all through the Skills Development Act. This should not be confined to school-leavers, as there are strong economic, social and cultural imperatives for people of all ages and cultural backgrounds to undertake further education.

10 In particular, opportunities and encouragement to undertake further education should be targeted to groups currently under-represented at different levels of the public education system. These include women, rural students, those from currently disadvantaged communities and those from low-income families.

To maintain equity of access to further and higher education, Government has a responsibility to :

- 15 • ensure that public funding is maintained at a level which sustains the educational activities of institutions without resort to student fees and charges;
- ensure the existence of a comprehensive student finance scheme which provides adequate financial support for students undertaking full-time post-secondary education;
- provide adequate childcare facilities and support for students with families; within educational institutions;
- 20 • establish and support bridging courses to assist the entry of groups which are currently under-represented in post-secondary education and disadvantaged in the wider community and to maintain support for these groups in institutional structures;
- establish and support effective and accessible credit transfer arrangements between FET, adult education and higher education.

TRAINING PACKAGES

- 5 *THAT* National Congress endorses the development of a range of training packages for members, Branch Officers, representatives and staff of the **NTEU** at all levels. Congress may devise and research any programmes of training that would be relevant and purposeful in meeting the aims and objectives of the Union and the functions of representatives. This research includes researching funding for any appropriate training programmes and developing or sourcing appropriate qualifications within the NQF framework.

TRADE UNION TRAINING AND WOMEN

1. PREAMBLE

5 **NTEU** acknowledges that the trade union movement has not fully and effectively involved women, and that, as well as changing the culture and methods of the trade union movement, it is therefore necessary to provide opportunities for women trade union members to acquire and upgrade their skills in the operation and functions of the trade union movement.

10 2. POLICY

NTEU resolves to:

- 15 (a) advocate and assist the attendance of women at trade union training courses and, where necessary, exercise positive discrimination in favour of women attending courses;
- (b) encourage Branches to offer training programs targeted at women members, including general and industry-specific components;
- (c) pursue award or recognition agreement provisions for trade union training leave for all members;
- 20 (d) adopt as a matter of principle that training leave with pay be granted for members attending courses conducted by **NTEU** or other accredited union training;
- (e) conduct courses at places and times suitable to the needs of women;
- (f) ensure the provision of child care facilities for people attending courses;
- (g) ensure that all appropriate courses, whether or not attended by women, include course content relating to the needs and problems of women in the Union movement.

STAFF DEVELOPMENT

NTEU draws attention to the crucial importance of staff development programs for all employed in tertiary education, both industrially and in terms of career development and planning. This is true for all staff, whatever their employment status. The *NTEU* further endorses the principles of the Skills Development Act, the National Skills Development Strategy, the work of the National Skills Authority and the right to basic education, literacy and numeracy for all in society. The importance of relevant quality training and development in the workplace as espoused within the National Qualifications Framework and with the terms of reference of the quality assurance role delegated to the Sector Education and Training Authorities, and the professional and band quality assurance bodies Umalusi and the HEQC.

It is acknowledged also that staff training and development is integral to institutional productivity and efficiency and therefore that these programs must be regarded as a central aspect of the collective bargaining process.

The *NTEU* endorses the Postgraduate Certificate in Higher Education and Training as a important developmental mechanism for the improvement of teaching and quality of learning within the academic disciplines, and supports the mandatory achievement of this by each teaching practitioner in Higher Education. Implied in this is the support for and achievement of relevant assessor and moderator qualifications and ongoing upgrade training.

All employees should have access to opportunities for staff development which:

- whether voluntary or planned are separated from disciplinary and summative / performance appraisal procedures except where specifically provided for in awards and agreements;
- are appropriate to their needs, intentions and career goals, and are agreed between employer and employee;
- recognises, assesses and certifies the prior learning of individuals;
- provides training of their own choice with relevance to their career-pathing;
- include access to paid study leave and /or to reduced workload as necessary, particularly for study towards formal qualifications;
- encourage staff to develop their skills and knowledge in ways which will be recognised by the institution and enhance career progression;
- are appropriately structured and linked to allow staff to build upon previous courses of training and also upon knowledge gained in the workplace;
- are useful and meaningful, rather than tokenistic;
- are available at all stages of their employment;
- are provided in a wide range of areas to suit the needs and interests of all staff;
- are provided at no cost to the employee;
- include formal entitlements to trade union training leave;
- provide for replacement of staff who are absent on staff development programs;
- is used effectively within promotion appraisal and career-pathing or succession planning across the institution so that the developmental system is given effect and the cost of training is effectively utilised;
- guarantees that developing staff are assessed for promotion against current vacancies or improvement of their developmental prospects prior to vacancies being advertised against the pool of outside job-seekers.

SECTION TWO : STRATEGY

COVERAGE

- 5 The **NTEU** remains committed to industry unionism and to becoming an effective force for academic and general workers in the tertiary education sector, and shall utilise the provisions of the legislation that assist this goal, provided that:
- 10
- there is consultation with Branches before any expansion of coverage occurs;
 - any coverage expansion in a particular institution takes account of local industrial history and circumstances;
 - it reflects the wishes of the staff concerned;
 - an attempt has been made to reach membership agreement with the other unions.

INDUSTRIAL STRATEGY

INDUSTRIAL DEFENCE FUND

5

1. *NOTING THAT* the **NTEU** Constitution directs the National Executive Committee to permanently establish the following funds and operating accounts:
- general operating account and reserve fund;
 - legal aid fund.

10

The National Congress shall be provided with income and expenditure statements for each of these funds, together with a consolidated balance sheet combining all financial reporting. The accounts shall be financed, operated and reported in accordance with the provisions set out in the LRA, the **NTEU** Constitution and by the organisation's appointed Auditors.

15

2. *NOTING* the requirement for a Legal Aid Fund under Section 15.2 of the **NTEU** Constitution this fund must be financed by a dedicated allocation of 0.1% per subscription to this fund. This account shall be operated in terms of the **NTEU** Constitution and the Legal Assistance Policy of the National Congress.

20

3. Additionally, where within the means of the organisation, other Action or Campaign Funds may be developed under a funding allocation scheme determined by a National or Special Congress as may be motivated by the National Treasurer.

25

If sufficient, these funds may be utilised to finance rallies, direct mailing, demonstrations, opinion polling and other forms of publicity and labour actions.

4. *CONSIDERATION* should be given in the long term to the establishment of an Industrial Defence Fund, (IDF) financed by a permanent and dedicated 0.04% increase in the National subscription.

30

Such a fund (The Industrial Defence Fund) shall have the following objectives, the provision of :

- assistance to members who lose pay or are placed at financial risk as a consequence of involvement in **NTEU**-endorsed industrial action or because of suspension or prosecution by employers;
- non-legal campaign assistance to Branches in disputes and /or grievances which have broad implications for award standards, for recognition agreement standards, and /or for professional standards (including academic freedom);
- non-legal campaign assistance to Branches, or groups of members, involved in **NTEU**-endorsed campaigns against non-union agreements and /or in favour of job security and the right to collective bargaining;

40

The Industrial Defence Fund shall be established and the proposed 0.04% fee increase shall apply from a date to be set by the National Congress, subject to the following guidelines:

- (i) Strike-pay /sustentation will be capped at R50 per day and will apply to all eligible full-time members, with provision for an appropriate flat Rand payment for eligible casual, fractional and / or part-time members. Rigorous eligibility and verification procedures shall be established to govern the assessment and approval of payments from the Fund;
- (ii) The Fund shall be centrally held but controlled and administered on a 50 / 50 shared basis by the National Administrative Office and Branches unless otherwise agreed between particular Branches and the National Administrative Office.

50

The National Executive Committee shall circulate to the Branches draft Fund Rules for the implementation, control and administration of the Fund in accordance with the above objectives and guidelines by a date set by the National Congress.

55

Branches shall consider the draft Fund Rules (including, wherever possible, holding rank and file meetings of members) and shall submit written comments and advice to the National Secretary by a date set by the National Congress. The Executive shall circulate a final proposal for the Fund Rules within one month of the above date for subsequent endorsement by a postal ballot of all Branch

Executive Committees. In the event that the final Fund Rules referred to above are not endorsed by this postal ballot, control of the Fund shall remain under the exclusive control of the National Executive Committee.

- 5 The National Administrative Office and the Branches (where they retain control of their 50% share) shall ensure that:
- (i) funds are spent in a manner consistent with the above objectives;
 - (ii) quarterly accounts of the Fund are distributed to Branches indicating income received and expenditure items;
 - 10 (iii) information is made available to members outlining anticipated yearly income and projected expenditure;
 - (iv) items in the IDF Budget are linked to strategic objectives and to performance achieved against these objectives;
 - 15 (v) **NTEU** members receive direct information regarding the need for the fund in a harsh industrial environment.

The financing and effectiveness of the Fund will be reviewed by the National Executive Committee annually in January and /or with the National Congress in the same year as reconsidering the Fund's future.

AMALGAMATIONS - INSTITUTIONAL

THAT where institutional mergers are proposed, **NTEU** engage in political and industrial activity to ensure that:

- 5 • institutional mergers are entered into voluntarily by those institutions and are supported by staff of the institutions;
- there are no job reductions as a result of merging;
- there is no erosion of existing conditions of employment;
- **NTEU** be fully involved in the implementation process;
- 10 • mergers are not used to reduce funding for the pre-merger institutions;
- mergers are not used as a pretext to contract out services currently performed by **NTEU** members;
- 15 • where mergers, incorporations or close-downs are enforced by Government the **NTEU** will endeavour to engage government on the issues, resist closures, and critically evaluate Governments reasons and motivations for any of these actions, in particular those made in terms of powers of the Minister through the Higher Education Act.

INDUSTRIAL STRATEGY

CONTRACTING-OUT, OUT-SOURCING, TRANSMISSION OF BUSINESS, INSTITUTION-RELATED COMPANIES AND PRIVATE PROVIDERS

5

The **NTEU** recognises that employers in tertiary education are likely to follow trends in other industries, and internationally, towards greater contracting-out and out-sourcing, the use of labour-hire companies in the services and residence areas, and, the establishment of related subsidiary companies and joint ventures.

10 Moreover, it appears inevitable that the number and market share of private providers of tertiary education will continue to grow.

15 These trends constitute a serious challenge to the **NTEU** and, in the long term, may threaten the Union's relevance as an industry union. Unless the Union establishes an effective presence in these growing public sector areas of employment, it will have failed to protect the interests of current public sector membership and of these new employees, and will see the conditions of employment of its traditional membership base become unsustainable in the face of competition based, in part, upon exploitative labour-hire firms in these new sectors.

20 Therefore, the **NTEU** will give priority both to opposing the contracting-out of work by public institutions, and to regulating the conditions of employment in all areas of tertiary education.

Membership and Recruitment in private tertiary organisations

25 The capacity of the **NTEU** to have a real impact on the terms and conditions of employment in areas outside our traditional base is wholly dependent on the capacity of Branches to develop a real membership presence and on having real knowledge of the operations of these organisations and the concerns of employees within them, which in many cases will be quite different from other members within the traditional membership base.

30

This, in turn, requires a radical change in the Union's conception of itself and a shift to a recruitment culture which encompasses the entirety of tertiary education, ie private tertiary, further education sector and related institutions.

35 All Branches should ensure that they can separately identify those members employed by all entities other than the main employer.

40 In conjunction with the National Administrative Office each Branch should identify all institution-associated entities established in connection with their Institute / University, and, on the basis of this, the National Administrative Office should develop a stronger database about these areas and individual companies.

The National Administrative Office should develop specific recruitment material, and relevant advice to Branches about recruiting in these areas.

45 **Opposing Contracting Out / Outsourcing**

Wherever possible, special consultative processes should be established in relation to contracting-out and outsourcing, to ensure the maximum possible notice to employees and the Union. Union Branches should not accept contracting-out as a *fait accompli* but should, with the assistance of the National Administrative Office, campaign against any contracting-out, if necessary by industrial action.

50

Moreover, the Union should, wherever relevant, insist that where a transmission of business occurs (within the meaning of the *Labour Relations Act*) that the Union will strictly enforce the transfer of relevant Conditions and Agreements to the transmittee.

55

Labour-Hire

The Union should continue to oppose the use of all labour-hire and recruitment agencies which are used as a means of under-cutting rates of pay and conditions of employment.

Notwithstanding this, the Union should seek dispute-findings (via CCMA or Bargaining Council if it exists), award regulation and Certified Agreements wherever such companies are established in tertiary education.

Institution-Related Companies, Joint-Ventures and Other Private Providers

In relation to these entities, as appropriate, the **NTEU** should seek:

- strategic declarations of transmission of business where part of a public institutions' business is transferred to one of these entities, subject to resource constraints;
- dispute-findings and appropriate award regulation;
- Certified Agreements.

Wherever these bodies come to notice, Branches should immediately collect information about these entities, including the classes of employment, relationship (if any) to public institutions, courses taught or relevant research or commercial and service activities.

This information should be passed on to the National Administrative Office so that logs of claims can be maintained, claims served and disputes found.

Award Regulation

It is recognised that, with a limited number of exceptions where "transmission of business" occurs or where an entity can be joined to an existing Award or dispute resolution agreement (usually by consent), it is unlikely that the **NTEU** will be able to extend any existing safety net agreements to institutional companies, private providers or labour-hire companies.

Therefore, the National Executive Committee should critically evaluate and provide report and discussion papers to Branches on the viability of launching a test case for the establishment, at least in higher education, of an industry award protecting salaries, hours of work, leave and other basic conditions of employment, to apply generally or on a selective basis, to private providers and institutional companies not covered by transmission of business.

Before launching such a test case, the National Executive Committee should examine the possibility of common rule awards for private providers and joint-ventures in all Provinces.

Collective bargaining

In relation to negotiated collective agreements, the existing provisions of the *Labour Relations Act* may allow for more than one employer engaged on a joint venture or common project to be treated as a "single business" for the purposes of collective bargaining. Where possible, Branches should seek to include institution-associated companies in the main round of bargaining at their institution, and ensure that the particular concerns of members employed in such companies are included in collective bargaining negotiations. It is not necessary to such an approach that the negotiated conditions are the same in such companies as for the institution as a whole. Moreover, the Union should increase its efforts to oppose or regulate contracting-out (including the engagement of individual "independent contractors"), provide for consultation prior to it occurring, and /or to guarantee the conditions under which it occurs.

Given the variable level of union membership in institution-associated companies and private providers and their great diversity in size, function and financial position, it is not possible for the Union to yet adopt a national strategy for collective bargaining in these sectors without the institution of a sectoral Bargaining Council.

Despite this, the National Administrative Office should develop a framework draft for Branches to develop claims to be pursued in these areas.

Co-ordination of Strategy and Resources

In pursuing the **NTEU**'s goals in organising in institution-associated companies and private providers it is imperative that a co-ordinated approach is developed encompassing strategies to be pursued at national, provincial and local levels and the allocation of resources to these strategies. Accordingly, prior to initiating recruiting and industrial strategies in such companies consultation should occur between the relevant Branch and the National Administrative Office.

THAT the National Executive Committee shall provide Branches with a report on its deliberations.

CONTRACTING-OUT

PREAMBLE

In tertiary education, "contracting-out" or "out-sourcing" is the process whereby teaching, administrative or service functions which have traditionally been provided by the institutions themselves are provided for the institution on a contract basis by a (usually) private entity which operates for profit. All large institutions can legitimately re-assess from time-to-time which services they provide "in-house" and which are purchased. This is not the same as casualisation which is the hiring of staff, particularly for teaching functions, on a fixed term contract basis where the work relationship is directly with the main employer.

However, the primary motivation of institutions aims towards cost containment, which may be at the expense of services to students or the work community. In turn, the cost-savings have been achieved primarily through a reduction in the terms and conditions of employment, and / or complement levels, of employees which is effected by the implementation of contracting-out.

OBSERVATIONS

1. The **NTEU** is strongly committed to an effective and efficient Tertiary Education Industry which has as its key priority the maintenance of a high level of service to students and the Tertiary Education Community.
2. **NTEU** expresses concern where the tendency of Universities and Universities of Technology to use contracting-out of services works to the detriment of the quality of service offered by the organisation. **NTEU** notes that to-date contracting-out in our industry occurs where employers:
 - a. Determine that a service which is currently provided by University and University of Technology employees shall be provided by outside institutions / firms / consultants which employ their own staff.
 - b. Determine that a service which is currently provided by University and University of Technology staff will be provided by separate legal entities which are established by or in connection with the University and Universities of Technology.
 - c. Determine that new services shall be provided by outside institutions / firms / consultants which employ their own staff.
3. These forms of contracting-out enable employers to escape obligations with respect to salary and terms and conditions of employment and long term liabilities and social responsibilities towards retired staff.
4. The contracting-out of teaching functions presents a major threat to the quality of courses provided in the name of institutions, as contracting-out nearly always involves the removal of course content, teaching methods and assessment standards from normal collegial review and assessment.
5. In administrative and service areas, the contracting-out of functions is likely to result in socio-economic losses in the community and by employees, the loss of quality of services, as the current general knowledge of the institution or the requirements of particular internal entities, cannot adequately be transferred to an outside supplier. The contracting-out of services also reduces the capacity of the institution to have professional administrators with a wide range of experiences in their careers, as well as reducing career opportunities for employees.

POLICY

1. **NTEU** strongly rejects any push by employers to contract-out services performed by Academic and General staff traditionally in the direct employ of an institution public or private.

- 5
2. Any proposals for contracting-out must be the subject of detailed negotiation with the **NTEU** before any decisions are made and will involve a comprehensive review of the level and quality of services under consideration for contracting-out with the specific aim of corrective action and making redundancy a last resort decision in terms of section 189 of the LRA including the principles under which transfer of business might be effected.
3. Any proposals for contracting-out must be the subject of detailed analysis of the capacity, quality and sustainability of the services being purchased or contracted-in and the **NTEU** should be a full participant in that process before any decisions are made.
- 10
4. Where contracting out is contemplated, the **NTEU** will assist on full application of the terms of the *Labour Relations Act*, including :
- 15
- a. The burden upon the employer to prove the redundancy of current employees to the extent of, but not limited to, proving that the outsourcing is not a simple replacement of personnel with others who will perform equivalent or near-equivalent functions to those of dismissed personnel.
- b. The obligation on employers to meaningfully consider employees to be redeployed to other positions in the employ of the institution, or take voluntary redundancy.
- c. The coverage of the contractor's employees by at least the same terms and conditions of employment which apply to the institution's own employees.
- 20
- d. An evaluation of service provided and the effects on the University or University of Technology after a period of time agreed between the **NTEU** Branch and the University or University of Technology.

Furthermore, where employers attempt to contract-out services (traditionally performed by University and Universities of Technology employees) without the agreement of the **NTEU** Branch, the relevant **NTEU** Branch in consultation with the National Executive Committee shall engage in an industrial campaign to ensure that those services are not contracted-out.

INFORMATION TECHNOLOGY ISSUES

WEBPAGE - COLLECTIVE BARGAINING

- 5 THAT appropriate resources be channelled into keeping the collective bargaining web page up to date, and that all bargaining branches co-operate in maintaining the flow of current information to the web page co-ordinator, and that an electronic "chat room" be established in association with the web page in order to facilitate better communication between bargaining branches.

10 **NTEU INFORMATION TECHNOLOGY PLAN**

National Congress notes the necessity for an Information System and calls for:

- 15 the development of a uniform national database system for all Branches and the National Administrative Office;
the trial of such a system at several Branches; the subsequent implementation of such a system in all Branches and membership E-mail contact Systems, if necessary, independent of employer-provided systems.

- 20 Accordingly, the motion is that National Congress reiterates its conviction that a key to **NTEU's** future is the effective utilisation of information technology by all levels of the Union and that our present failure to do so is resulting in Branches, especially, incurring additional costs. It therefore calls for the development of a coherent Information Technology Plan which clearly defines specific tasks, with accountabilities and datelines for each task, and for the promulgation of this Information Technology Plan to Branches within a reasonable timeframe.

SECTION THREE : COLLECTIVE BARGAINING

COLLECTIVE AND INDIVIDUAL AGREEMENTS

5 The primary mechanism for the protection and extension of the employment conditions of members shall be through collective bargaining.

The Union :

- 10 a. Shall oppose attempts by employers to utilise the legislation to disadvantage members and undermine conditions.
- b. Will seek to limit the use of individual agreements (casualisation and “cost to company” packaging) and non-union agreements.
- 15 c. Supports the principles and practice of employment equity in relation to equal pay for equal work, conditions of service and the exclusion of race and gender discrimination in remuneration and positioning in the establishment.
- 20 d. Deplores the use of individual agreements given the power imbalance between employers and employees and would always advise against their use. The Union shall participate in the negotiation and regulation of individual agreements and non-union agreements for members only where it is deemed by the Union that both the content of the particular agreement and the fact of establishing a non-union agreement is not detrimental to the interests of members overall or where members are forced against their will into non-union agreements.
- 25 e. Will give particular priority to opposing the fragmentation of bargaining within institutions, and where possible will seek to reverse the fragmentation which has already occurred.

SECTION FOUR : WORKING ENVIRONMENT

WORKLOADS AND HOURS OF WORK

5 The **NTEU** recognises the importance of managing and regulating staff workloads in the interests of the health, safety and welfare of staff, equity and fairness in the distribution of work between staff, balancing work with other life demands, and the improved productivity and efficiency of institutions.

10 Recognising the ineffectiveness or absence of measures traditionally applied by institutions to regulate workload and the:

utilisation of unpaid overtime;

increasing pressure on general staff;

the use of general staff by academic structures to perform functions normally the responsibility of academic rankings and the administrative responsibility of academic staff;

15 increased and unsociable hours of work;

increased class sizes;

increased intensity of work;

reduction in the capacity of staff to conduct research and consequently the institution;

introduction of Flexible Learning and new technology, and new work processes; and,

20 increased use of casual employment.

The **NTEU** believes that the development of more effective measures to regulate workloads is essential to the ongoing quality and viability of higher education institutions, to the health and safety of staff, and to enhancing career opportunities within the institutions.

25

The measures to regulate workloads should be aimed at addressing matters of quantitative overload (too much to do), qualitative overload (too much critical work) and qualitative underload (overly repetitive work).

30 The **NTEU** therefore resolves to pursue a strategy of regulating the amount of work undertaken by staff in higher education, and of working collaboratively with institutions and staff to progressively improve job design, specification and the mechanisms for the allocation of work.

The workload strategy shall be based upon the following principles:

35 **1. Transparency**

Workloads will be formally specified and monitored and workload allocation will be transparent.

40 **2. Cooperative change**

45 Negotiation will occur on all matters affecting workloads, including new courses and or modes of delivery, new service requirements, academic calendar and teaching year, reallocation of work arising from organisational change and temporary staff absences, introduction of new technology and different modes of teaching and learning. Where agreement is not reached staff will have access to dispute resolution procedures over workload issues.

3. Equity and diversity

50 Workloads will be negotiated with due regard to principles of equity between workers. Workloads will also be negotiated with due regard to the diversity of the workforce.

4. Systems of work

55 Solutions to workload issues will generally involve changes to the system of work and / or changes in job design. This involves regulation of specific matters such as reviewing staffing levels where workloads increase, limiting academic teaching duties and overall workload, regulating pay out of Time Off In Lieu (TOIL), regulating and reducing travel between campuses and banning use of unpaid and unagreed to overtime.

5. Job design

- 5 Changes in job design will be negotiated in a cooperative manner, and will be aimed at ensuring that all jobs incorporate a balance of:
- variety of work content and intensity;
 - autonomy in work planning and choices of methods;
 - job identity;
 - 10 feedback from supervisors;
 - social contact;
 - opportunities for achievement and promotion;
 - opportunities for learning and development;
 - balanced job demands.

- 15 The application of the abovementioned principles must occur in the context of recognition of the wide diversity of workload pressures experienced within and between academic and general staff groups.

- 20 Central to the effective pursuit of these objectives is the establishment of a workload regulation committee comprising equal numbers of management and union representatives in which matters can be addressed cooperatively within organisational units. Additionally, where appropriate workload issues can be progressed through issue resolution processes established under occupational health and safety legislation or agreements.

- 25 The **NTEU** resolves to pursue these objectives related to workloads through regulation in enterprise agreements, and where appropriate through issue resolution processes established under health and safety legislation.

- 30 As a part of this policy, a progress report on these matters will be made, in order to assess the effectiveness of collective bargaining around the issue, and the appropriateness of using other jurisdictions such as the dispute resolution mechanisms (BCEA, LRA, CCMA, etc), anti - discrimination legislation, and more active enforcement of current entitlements and rights.

OCCUPATIONAL HEALTH AND SAFETY

OCCUPATIONAL HEALTH AND SAFETY AND WORKERS COMPENSATION ISSUES

5 All employees have the right to a working environment free from hazards to their health. The employer has a duty of care to provide a safe and healthy workplace in terms of the Occupational Health and Safety Act.

10 The **NTEU** believes that this responsibility *should* be enshrined in statute and should be backed up by workplace structures that will ensure that these rights and responsibilities exist in practice as demanded by the OHS Act.

15 These structures shall include union nominated health and safety representatives who have :
the right to all information on health and safety issues;
access to paid leave for union training;
the power to inspect the workplace;
the right to be fully consulted about proposed changes to the workplace, and any hazards that are identified;
the right to be provided with complete information about such changes and associated hazards;
the right to stop work or issue other directions in the case of a threat to health and safety.

20 The **NTEU** also supports joint union-management health and safety committees being established to oversee all OHS matters, including supervision of specialist OHS units / officers. The **NTEU** believes that OHS training, jointly determined with the Union, should be a prerequisite to the holding of any supervisory position in tertiary institutions.

25 Common threats to health and safety include work-related stress and occupational overuse syndrome. Moreover, many **NTEU** members work in specialist units such as laboratories, where quite specific hazards exist.

30 Management must provide adequate information and training to employees in such circumstances. The Union must also improve its capacity to provide or, where necessary obtain, expert advice on hazards.

35 Government authorities should provide adequately resourced advisory services and inspectorates to support employers and unions in their endeavours to ensure that employees have a healthy and safe workplace. They should also provide for tri-partite decision making in their OHS structures.

Workers compensation systems should also incorporate tri-partite decision making processes.

40 Where employees do suffer a work-related disease or injury the **NTEU** believes that benefits should be based on pre-injury salary levels, and not based on formula compensation schemes which result in reduced income, and that there should be access to common law. Benefits should remain available while the employee is unable to work.

45 Governments should work co-operatively to develop a common set of definitions of key components of workers compensation, such as "worker", "compensatable injury / disease", "pre-injury earnings", "medical and related expenses".

50 There should be no statutory restrictions on claims for such illnesses such as stress, and journey claims and claims for injuries in unpaid breaks should be covered.

The benefits available should also be common to all systems, including weekly payments, and lump sums available under the table of injuries. There should be no rand or time limits on medical expenses.

55 All workers compensation systems should include time limits for both the determination of claims, and any appeal processes. The system should treat injured workers with dignity. This includes employees being entitled to union representation at all stages of the determination of claims, and where it is available legal representation should be provided at no cost to the employee.

To maximise the opportunities for a worker to make a successful return to work, early referral to rehabilitation services is essential. Access to adequate rehabilitation services by the provider of their choice should be the right of all injured employees.

- 5 There should be an obligation on an employer to keep a job open until an employee is able to make a successful return to work, or until all efforts to achieve a successful return have been exhausted. If a return to work is not possible rehabilitation should be available to maximise the potential of the employee to enjoy the lifestyle and income potentials available to them.
- 10 Income security is a critical component if an injured employee is to achieve a satisfactory lifestyle. Contradictions that currently exist in the interrelationship between income that may be derived by injured employees from workers compensation schemes, and their superannuation fund, must be removed to ensure that they are not deprived of their entitlements.
- 15 The **NTEU** supports national health and safety codes and a national scheme for workers compensation.

SAFETY IN LABORATORIES

20 The **NTEU** recognises that the health of members is being jeopardised as a result of institutions not meeting their responsibilities in relation to safety in laboratories. Sources of hazards include amongst others: inadequate and poorly maintained fume cupboards, deficient stacks for dispersing air contaminants and the improper storage and disposal of solvents and hazardous chemicals.

25 Members exposed to these hazards are at risk of developing a range of injuries including tissue damage or various sorts of illness and, in the long term, cancers.

30 While members are able to claim compensation for such injuries it is more important that the workplace be safe. Employers are negligent in avoiding their responsibilities in monitoring the levels and health effects of chemicals in the workplace.

The National Congress therefore resolves :

35 THAT the **NTEU** initiate a campaign to raise awareness of the issues, and that this campaign include the wide dissemination of a range of information, including advice about potential health hazards, and a check list that health and safety representatives can use to identify potential hazards. Advice about legislative requirements should be provided to members, along with details of the relevant standards for safety in laboratories, workshop and office areas.

40 THAT the dissemination of information include an article in the national journal. The article should highlight the importance to members in supervisory positions of receiving adequate training so that they are able to effectively demonstrate safe procedures to staff and students.

45 THAT the **NTEU** liaise with the appropriate student organisations at both the national and local level, and work cooperatively with them in the compilation and distribution of information on laboratory safety and other relevant safety and health issues.

50 THAT the **NTEU** National Administrative Office establish an interactive WEB site for health and safety issues, such site to include the option for users to subscribe to a list server for **NTEU** health and safety representatives. The list server should be capable of providing health and safety representatives with ready access to each other for advice and support on Occupational Health and Safety issues.

Further, that future logs of claims for collective bargaining include a claim for all health and safety representatives to be provided with access to the Internet.

55 Finally, that information that is distributed should assure **NTEU** members of union support in their efforts to identify and remove laboratory hazards. To this end the National Administrative Office will continue to lobby for improved funding for research infrastructure so that safe laboratories are the norm not the exception.

SAFETY IN LIBRARIES

5 THAT given the continuing reduction in library staff numbers, exacerbating manual handling problems in libraries, the National Administrative Office publish advice on library hazards and preventative measures that can be taken. The basis for the article should be the hazards listed in the current national policy, and, for instance, the findings of the research of the ILO, Departments of Labour, Health and others.

10 NOTES that institution amalgamations have exacerbated existing book handling problems, and created new ones.

Further, that the National Administrative Office of the **NTEU** approach other overseas unions in the sector regarding the possibility of utilising publicity and other information regarding health and safety in libraries.

HEALTH AND SAFETY IN LIBRARIES

15 That some **NTEU** members working in libraries are unnecessarily exposed to serious hazards. These include, amongst others:

environment:

20 high human traffic areas and associated air borne health hazards;
low, inadequate or faulty air circulation systems;
dusty air;
working without seating at circulation and public access desks
unresolved workflow issues in library design
lighting

25 manual handling:

lifting heavy books;
poorly maintained /poorly designed trolleys;
lifting, pushing, bending, stretching in unsafe situations (for example, while shelving, removing books from dump bins)
difficult to access shelving;

30 equipment:

trolleys;
dump bins;
poorly designed /inappropriate furniture (loans desks /circulation desks etc);
35 re /desensitisers (electro magnetic radiation).

40 The tendency of some library managements to cut staffing costs by employing shelvers at minimum classification levels so that it is difficult to provide task rotation without underpaying them has also been identified as a serious impediment to safe work.

45 That the **NTEU** take action to encourage safe work practices in libraries by publicising the issues to both members and management. Further, that the **NTEU** endeavour to influence library design at the time that new or refurbished libraries are being constructed so that hazards can be minimised.

THERMAL COMFORT

The **NTEU** resolves that members working indoors have a right to be provided with a well ventilated working environment, in which the temperature range is maintained at a level that protects them from thermal stress.
5 Generally this will require the provision of an air conditioning system to maintain temperatures between 20° and 24° Celsius during winter (when wearing winter clothes) and 23° to 26° during summer (wearing summer clothes).

10 The purpose of air conditioning must be the process of centrally treating air to control its temperature, humidity, cleanliness and distribution for the comfort of people occupying the air conditioned area. Well designed and properly maintained air conditioning systems should create comfortable conditions that allow people to work free from distractions caused by the climate.

15 The **NTEU** further resolves that a comprehensive policy on thermal comfort and the workplace environment be developed by the National Congress.

To provide interim guidance to members until such policy is developed the **NTEU** resolves that if temperatures fall below 18° Celsius additional means of heating shall be supplied.

20 If the temperature inside the workplace reaches:

- i) 30° Celsius, members should be given a fifteen minute break in each hour;
- ii) 32° Celsius, members should be given a thirty minute break in each hour;

with cool non-alcoholic drinks provided by the employer. Suitably trained first aid personnel and first aid facilities shall also be provided at the workplace.

25 If the temperature inside the workplace reaches 37° Celsius members are to be provided with an alternative workplace free of thermal stress, or they shall be entitled to leave their workplace and go home with no loss of pay.

WORKPLACES FREE OF HARRASSMENT

NOTING:

5 the increase in workplace harassment and bullying cases coming to the attention of the Union;
the likelihood that this trend will worsen as performance pressures and competition increase,

National Congress will, through the NEC, draft a policy on workplace bullying and (non-sexual) harassment taking account of the following principles:

- 10 • bullying and harassment in the workplace is unacceptable and is opposed by the Union;
- the employer has a legal obligation to provide a safe and harassment-free workplace and it is the employer's responsibility to ensure that this is so;
- each employer should have a policy against workplace harassment and bullying as well as a publicly known set of procedures for investigating allegations of bullying;
- 15 • it is not the role of the Union to institute action of a disciplinary nature against members or non-members in a workplace;
- the Union is obliged to ensure that a member has the right for allegations to be heard and dealt with by management in an appropriate and timely manner;
- 20 • the Union is obliged to ensure that any member, against whom allegations of workplace harassment or bullying have been made and who is under investigation by an employer, has the right to representation by the Union to ensure a fair process and that the member's rights to natural justice are observed.

Further, that, following consultation with Branches, a model procedure which properly respects the rights of all parties in harassment cases should be prepared.

SEX BASED HARASSMENT

NTEU endorses the Guidelines on Sex Based Harassment (reproduced below), commits itself to operating within these guidelines and urges Branches to initiate procedures in institutions where existing procedures do not meet these criteria.

PREAMBLE

1. **NTEU** declares that:

- (a) sex based harassment is a form of discrimination in employment and therefore is unacceptable in the workplace;
- (b) employers have a clear responsibility for the prevention and elimination of unfair discrimination in the workplace, including sex based harassment.

2. **NTEU** recognises that:

- (a) sexual harassment, sexist harassment and harassment on the basis of sexual preference are forms of sex discrimination;
- (b) all employees have the right to work in an environment free from sex based harassment;
- (c) all students have the right to learn in an environment free from sex based harassment;
- (d) most victims of sex based harassment are women;
- (e) high unemployment, significant differences between male and female salaries and limited job opportunities combine to place women in a vulnerable position in the workplace and contribute to the continuation of sex based harassment in the workplace. Women's status and position in the labour force must be upgraded before the problem of sex based harassment can be eliminated.

REPRESENTATION OF **NTEU** MEMBERS

3. Nothing in this policy precludes a member from seeking union representation in relation to any matter, including disciplinary proceedings arising from a sex based harassment complaint. However, sex based harassment is inimical to the basic trade union principle of a safe working environment free from intimidation or harassment.

4. **NTEU** will therefore not support or condone the behaviour of any member properly found guilty of sex based harassment.

DEFINITIONS

5. The term "sex based harassment" includes sexist harassment, sexual harassment and harassment based on sexual preference.

SEXUAL HARASSMENT

6. Sexual advances, requests for sexual favours, use of pornography in a way not linked with scholarship, and, verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) they are unsolicited and unwelcome; or,
- b) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's achieving employment, academic or professional status or academic accreditation; or,
- c) submission to or rejection of such conduct by an individual is used as the basis for appointment, academic or professional status or academic accreditation decisions affecting such individuals; or,
- d) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment.

SEXIST HARASSMENT

7. Sexist behaviour is verbal or physical conduct which is not necessarily of a sexual nature, but which arises from discrimination on the basis of sex. Sexist behaviour constitutes sexist harassment when:

- (a) it is repeated and unwelcome; or,

- (b) it influences, either directly or indirectly, an individual's employment, academic or professional status or academic accreditation; or,
- (c) it has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment.

5

HARASSMENT ON THE BASIS OF SEXUAL PREFERENCE

8. Verbal or physical conduct which is not necessarily of a sexual nature but which arises from discrimination on the basis of sexual preference constitutes harassment when:
- (a) it is repeated and unwelcome; or,
 - (b) it influences, either directly or indirectly, an individual's employment, academic or professional status or academic accreditation; or,
 - (c) it has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment.

10

15

These statements apply to relationships of a supervisory, academic, counselling or administrative character to which students, academic staff, general staff or other members of the university community are subject.

ACADEMIC STAFF AND STUDENTS

20

9. The structurally imbalanced power relationship between academic members of staff and their students means that they are particularly vulnerable to accusations of sexual harassment if they engage in sexual relationships with students.

25

10. Members of academic staff should therefore take suitable measures to remove themselves from any supervisory or assessment role involving students with whom they have or have had a personal or sexual relationship.

30

11. Members should observe the above principles and procedures in order to ensure that **NTEU** support will be forthcoming in the event of an allegation of sexual harassment, favouritism or victimisation.

EMPLOYER RESPONSIBILITIES

12. Given the clear responsibility of employers for the prevention and elimination of sex based harassment in employment, **NTEU** calls upon all tertiary institutions to develop and support policies and strategies to address this issue. These should include:
- (a) a clear definition of sex based harassment;
 - (b) a statement that the institution's management is strongly opposed to sex based harassment;
 - (c) accessible information on grievance procedures and other remedies available both within and outside the institution;
 - (d) information and training on sex based harassment in staff development programmes for all staff, and especially those in management roles.

35

40

13. Employers should address the issues of sex based harassment by clients, students or members of the public where employees are working in the relevant circumstances.

45

14. Institutional procedures for dealing with complaints of sex based harassment should:
- (a) be clearly defined and effective;
 - (b) have clear structures to deal with complaints;
 - (c) identify an appropriate contact person in each department or school;
 - (d) indicate a serious and sympathetic treatment of such grievances;
 - (e) guarantee confidentiality;
 - (f) provide an immediate response and resolution of such grievances without delay.

50

UNION RESPONSIBILITIES - GENERAL

55

15. **NTEU** believes that all unions have a role to play in the elimination of this form of discrimination in employment and therefore urges its affiliates in campaigns to eliminate sex based harassment.

16. In particular, **NTEU** calls upon Branches to work with other unions on campuses and in state industrial forums to combat the problem of sex based harassment.

5 **NTEU RESPONSIBILITIES**

17. **NTEU** is committed to eliminating sex based harassment in the workplace as part of its overall strategy to achieve equal opportunity.

10 18. **NTEU** recognises that a key to the prevention and elimination of sex-based harassment in the workplace is the collective response of workers to any instances of such harassment. The **NTEU** and its members bear a collective responsibility to take positive steps to eliminate such discrimination, through education and through solidarity in the workplace.

15 19. **NTEU** regards all forms of discrimination in employment as an industrial issue. Members subject to sex based harassment have the support of their union.

20. To pursue these objectives **NTEU** will develop and pursue the following strategies:

- 20 (a) continue involvement in research and education on the issue of sexual harassment, sexist harassment and harassment on the basis of sexual preference;
- (b) include a sex based harassment component in delegate and member training courses;
- (c) provide information on sex based harassment to all levels of the membership;
- (d) monitor the incidence of sex based harassment in employment in tertiary institutions; and
- 25 (e) pursue the furtherance of this policy at all levels, both within the Union movement and with government.

21. Where employer procedures are inadequate to deal with such cases in a fair manner, as outlined in 9, Branches are encouraged to negotiate the development of adequate procedures. In these circumstances they may request assistance from the **NTEU** Secretariat.

30 22. **NTEU** encourages all Honorary Officials to take up the issue of sex based harassment in the workplace and to assist members in accordance with **NTEU** policy.

35 23. **NTEU** officials dealing with incidents of sex based harassment are required to ensure that due process is observed.

BULLYING

5 **NTEU** recognises that bullying occurs in tertiary education institutions and that it undermines effective participation and opportunities for staff. In many cases, bullying is a form of discriminatory behaviour, and can include:

- acts of intimidation;
- the misuse of power; and
- forcing behaviour by use of an overbearing and arrogant manner.

10 **NTEU** condemns bullying as an abuse of power.

NTEU believes that all tertiary education institutions should have effective policy, training and procedures to prevent or address bullying.

WORKING ALONE

5 The **NTEU** resolves that no member shall be required to work alone in any area outside of daylight hours without prior agreement between the **NTEU** Branch, the member concerned and the institutional management.

10 Further, that where such agreement is gained, the member concerned shall be provided with safe transportation home where the member would normally commute by public transport, and safe access to an institutional car park where the member commutes by car.

In addition, at no time shall any member work alone in any working environment in an isolated area that has inherent dangers that are increased by working alone.

15 No member should be required to work an ending shift after which they are left alone to “close shop” and then to proceed unaccompanied to key-deposit areas, distant parking areas or public transport access without proper security measures to ensure their safety.

If unavoidable, such work should be compensated with hazard pay and overtime pay.

20 Special consideration should be made of gender issues related to working alone and night travel.

HOME BASED WORK

The **NTEU** believes that home-based work for general staff involves the regular performance of ordinary hours of duty in the home environment, while still maintaining a workplace-based work station. A minimum proportion of the hours of duty must continue to be performed at the workplace.

The **NTEU** recognises that while such arrangements may be welcomed by some members, there are inherent dangers in such arrangements that the Union must address. Given that initiatives may arise and be taken by employers, now or in the future, to introduce home-based work, the **NTEU** should urgently develop a comprehensive policy on home-based work for general staff, including the following protections.

Any home-based work arrangements that are agreed must:

- i) be voluntary, and can only be accessed by tenured or long-term contracted employees;
- ii) establish a system of consultation with the Union;
- iii) include guidelines which set out the job characteristics which would render a position unsuitable for home-based work;
- iv) include an agreed dispute resolution procedure to deal with rejected applications;
- v) include guidelines for renegotiation, including termination of the arrangement;
- vi) include agreement that the employer will continue to provide a satisfactory workstation at the workplace for the home-based worker;
- vii) include agreement that the employer will provide a satisfactory workstation or mobile facilities and equipment for the home-based worker;
- viii) set out an agreed minimum number of days in a week or a month that a home-based worker must spend in the workplace;
- ix) take into account the effects on workplace-based employees;
- x) guarantee that employment conditions for home-based workers are equivalent to those of workplace-based employees, including continuing access to training and staff development, and to workplace information, to ensure no loss of career opportunities;
- xi) provide workers compensation cover (with agreed record keeping procedures established to ensure that claims are not invalidated);
- xii) acknowledge that responsibility for the provision of a safe and healthy work environment remains a co-responsibility with the employer;
- xiii) provide that an agreed period of notice will be given where it is necessary for the employer or the Union to visit the home-based work site for purposes of ensuring that their responsibilities in relation to workers compensation and health and safety are being met;
- xiv) deal with issues of privacy relating to the rights of the employee and their family / co-residents; and the rights of the employer with respect to confidential information;
- xv) must set out clearly the conditions relating to the provision, maintenance and utilisation of equipment (if the employee is given, and exercises, an option to provide their own equipment, the conditions shall be such as to ensure that they are adequately compensated, including for expenses incurred in accessing the internet for approved duties);
- xvi) must provide for the reimbursement of any additional costs incurred by the employee for items such as gas and electricity;
- xvii) must include an agreement by the employer to advise interested employees of the need to consider other issues, such as council requirements or insurance cover.

The primary motivation for home-based work should not be to provide a substitute for dependant care arrangements, such as child care, because of the stress that can be caused by combining work and care.

SECTION FIVE : EMPLOYMENT SECURITY AND EQUITY

EMPLOYMENT SECURITY

5 That the **NTEU** is committed to maximising the level of continuing employment for staff in the tertiary education sector.

10 The employment relationship is central to most employees livelihood, self-esteem and sense of achievement. Employees have a right to continuing employment. Continuing employment provides benefits to both the employee and the employer and improves the quality of services provided by the tertiary education industry, as well as strengthening the sector as a whole. The onus lies with the employer to justify why any position should not be filled on a continuing basis.

15 The scrutiny of security of employment is governed by the Labour Relations Act and its Schedules, and the Codes of Good Practice of NEDLAC as are a number of other employee-employer relationship matters. The **NTEU** endorses the use of these mechanisms in reorganisation, restructuring and retrenchment for operational reasons within the institutions.

20 There is a disproportionate power relationship in the employment relationship and all employees should be protected from arbitrary or unnecessary termination of employment.

Termination of employment on the grounds of unsatisfactory performance or misconduct should only occur after due process in terms of the published Codes of Good Practice from NEDLAC and the Schedules attached to the Labour Relations Act, including:

- 25 (i) Unsatisfactory performance and incapacity are delinked from the disciplinary code system.
- (ii) The employee has first had the opportunity to improve any performance defects including access to staff training and development opportunities where necessary.
- (ii) Misconduct charges against the employee are clear and in writing and the employee has the right and opportunity to respond.
- 30 (iii) A properly constituted independent tribunal makes a judgment that disciplinary action should be taken and what that should be (the code of conduct, disciplinary code, structure and composition of such tribunals must be negotiated with the Union); and
- (iv) the employee has the right to union representation at all stages.

35 These safeguards must be extended to employees on fixed-term appointments and casual employees with an ongoing employment relationship, and such safeguards must also be extended to the non-renewal of a fixed term appointment.

40 Special protection must be afforded to employees whose duties may involve the propagation of unpopular views or who may come into conflict with management in the performance of their duties (eg. Union, audit and employment equity responsibilities).

Among employers with more than 200 employees, redeployment should almost always be possible.

ASSISTANCE FOR NTEU MEMBERS FACING REDUNDANCY

THAT **NTEU** develop an Information and Assistance package for members facing redundancy with details of:

- 5 previously applied award entitlements
 approved financial advisers
 employer assistance mechanisms and obligations
10 State assistance, NGO assistance programmes, reskilling and such other Social Security services /
 entitlements as may have been brought to the notice of the **NTEU**.

15 Furthermore, that **NTEU** establish an employment register for members who are facing or have faced
 redundancy. Such a register can be accessed by **NTEU** members who are well positioned to employ tertiary
 education staff. A register of those who have faced redundancy is useful to defend disputes surrounding
 harassment, victimisation, coercion, constructive dismissal and other arbitrary practices repeatedly applied
 against individuals.

CASUALS AND CONTRACT WORKERS

5 THAT National Congress expresses its great concern about the continuing exploitation of casual and contract staff in tertiary education. It requests the National Administrative Office to monitor the level and nature of casual employment with particular attention to issues of equity and parity for equal work performed, and for parity of treatment on pension and medical benefits with respect to contract workers with their tenured co-workers.

10 It further requests the National Administrative Office to explore avenues available for the regulation of casual employment.

EQUITY POLICIES

GENERAL EQUITY ISSUES

5 INCLUSIVE LANGUAGE

1. PREAMBLE

10 Our language is pervaded by terminology and by assumptions which exclude, or can be taken to exclude, women, and which convey assumptions about the social culture, ethnicity or roles of men and women which are restrictive, stereotyped or demeaning. This is not overridden either by conventions in which the "male implies the female", he / she, him / her, or by technical etymological arguments.

15 Racist and sexist language can be experienced in nuanced phrasings used in official documents, in publications, in lectures, in tutorials and in the tertiary institutional workplace. **NTEU** believes that the elimination of sexist and racist terminology and the use of neutral phrasing is a key feature of the development and implementation of equal opportunity policies. As is the elimination of discrimination in decision-making structures.

20 2. POLICY

NTEU shall:

- 25 (a) give priority to education and embedding of non-sexism, non-racism and diversity within the institutions and the **NTEU** branches;
- (b) use inclusive language in all its communications and publications;
- (c) encourage the use of inclusive language by Branches;
- (d) encourage Branches to press for the use of inclusive language in their institutions.

Each tertiary institution is encouraged to continue with its efforts to:

- 30 (i) raise the awareness of staff, students and the general tertiary education community of the desirability of adopting inclusive and neutrally phrased language;
- (ii) break ingrained patterns of usage through education about how tone and usage of language is racially or sexually loaded and to foster an understanding of this syndrome;
- 35 (ii) encourage the use of inclusive and neutrally phrased language in the workplace, in teaching, in official publications and all other documents at every level of administration.

EQUITY AT WORK

40 Despite the existence of affirmative action and anti-discrimination legislation at state level, including the compliance with ILO Conventions enacted through amendments to the Labour Relations Act, discrimination remains a prevalent characteristic of our workplaces. Workers encounter discrimination on the basis of sex, race, ethnic origin, age, sexuality, disability, family responsibilities, religious or cultural beliefs.

45 Evidence in relation to women in the higher education work force demonstrates that sex discrimination is widespread and entrenched, among both general and academic classifications.

Action is needed to eliminate both systemic and individual instances of discrimination throughout tertiary education employment.

50 This requires recognition that affirmative action measures do not undermine or contradict the concept of merit in selection or promotion. Where either deliberate or unconscious discrimination is operating, affirmative action measures are essential to allow genuine application of the merit principle.

NTEU is committed to supporting and enhancing equity in employment and in education.

55 Equity in tertiary education workplaces is essential both to the rights and interests of tertiary education employees, and to the provision of a high quality and equitable education, training and research

environment to the broader community. **NTEU** will work to expose and eliminate barriers to equity in tertiary education workplaces and in other workplaces both locally and internationally.

In particular **NTEU** will:

- 5 (i) pursue all recommendations congruent with **NTEU** policy.
- (ii) campaign for adequate training and staff development resources to be directed to staff from identified equity target groups;
- (iii) campaign for effective affirmative action measures in all tertiary education workplaces;
- (iv) work to create harassment-free workplaces for all our members;
- 10 (v) examine all its current industrial agreements to eliminate all forms of direct or indirect discrimination and ensure that all future agreements address equity issues;
- (vi) encourage measures to create more welcoming work environments for workers from identified equity target groups;
- (vii) encourage training for all staff in equity awareness, including providing strategies for assisting workers to better deal with difficult situations;
- 15 (viii) support the creation of networks within the Union for staff from identified equity target groups, and the continuation of the **NTEU** National Gender Action Committee (GAC);
- (ix) recruit, and organise workers from identified equity target groups in all Unions structures;
- (x) pursue measures to eliminate inequities through enterprise collective bargaining and directly with the Higher Education South Africa employers' body;
- 20 (xi) examine employer personnel practices and procedures with a view to eliminating all forms of embedded discrimination arising from their current operation;
- (xii) work with student organisations and governments to identify and eliminate barriers to equity for students in tertiary education;
- 25 (xiii) support measures to enhance appropriate and accessible credit transfer arrangements between various sectors of post-secondary education.

EQUAL OPPORTUNITY AND DISCRIMINATION

- 30 1. **NTEU** believes that all tertiary education institutions should:
 - (a) widely disseminate their equal opportunity policy and annual equity action plans among all staff and students;
 - (b) require all staff to attend in-service courses which deal with issues arising out of such policies and out of Employment Equity legislation;
 - 35 (c) ensure that women are participants at all levels of decision making processes; and work towards equal representation of men and women;
 - (d) provide staff who have family responsibilities with the opportunity to participate fully in the university by developing and extending employment options and support. Such support should recognise the need for flexible and varied work arrangements such as childcare, job share, working from home, family friendly leave provisions;
 - 40 (f) promulgate policies and procedures to prevent sex-based harassment;
 - (g) encourage the development of curricula which incorporate the experience and history of women and reject subject-matter and language which is inappropriately exclusively masculine;
 - 45 (h) ensure that appointments to senior academic and administrative posts include demonstrated commitment to the principles and practices of EEO as a criterion for employment.
- 2. The principle of merit for appointment or promotion requires that the criteria of merit should not be unduly narrow in concept and should take into account all aspects of performance. Appointment, promotion and reclassification processes should take into account the differing career profiles and life patterns of women and men, without according one set of experiences superior status. The selection criteria for any appointment, whether continuing or non-continuing, should be clearly stated to both applicants and appointing committees, as should the criteria for promotion and reclassification.
- 50

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION WITHIN THE *NTEU*

Both gender and race imbalances relative to the composition of membership persist in *NTEU* Branch Committees. The Union needs to demonstrate the changes we expect to see in our institutions and the business world at large. We have an opportunity to lead the way in changing pervasive gender and racial inequity in the governance of organisations. In particular under-representation of women in Union governing bodies, particularly at Branch level, is a significant impediment to recruiting women.

- (1) All *NTEU* Branch Committees should achieve at least proportionate representation of women to reflect the national average of members, in particular, in positions of Branch officers. Branches will be requested to provide the GAC with a gender profile report at least once per year. The GAC will present a gender profile report to each National Congress.
- (2) All levels of the *NTEU* are required to strenuously recruit women to nominate for all positions in our governing bodies.
- (3) Branches should:
 - a) actively encourage women members to attend Branch Committee meetings as observers;
 - b) encourage women members to nominate, where any Branch Committee position falls vacant;
 - c) actively recruit both academic and general staff women to be involved in the membership of union governing bodies;
 - d) noting gender pay inequity actively encourage the participation of women in higher education structures;
 - e) give consideration to family needs when setting meeting times and places;
 - f) actively encourage representation from women members on collective bargaining teams.
- (4) Branches should, where women are under represented:
 - (a) appoint at Branch level a member as a Gender Action officer.
- (5) Gender Action Committee should in conjunction with the National Administrative Office develop guidelines for Gender Action Officers.

GENDER ISSUES

WOMEN'S POLICY

- 5 THAT Congress consider those issues which have had a significant erosion of equal opportunity (EO) effort by Tertiary Institutions in various ways including:
- cutting of EO positions and funding for the implementation of programs;
 - mainstreaming of functions which have lessened the effectiveness of policies;
 - downgrading of EO positions;
 - 10 • reduction in access to promotional opportunities and to study and professional development for EO practitioners.
- (i) **NTEU** policy calls for all tertiary education institutions to effectively implement programmes of equal employment opportunity for women;
- 15 (ii) Many Universities have failed to effectively implement such programmes;
- (iii) The **NTEU** notes that the absence of overt penalties for employers failing to achieve stated objectives in EO policies enables many employers to perpetuate discriminatory employment practices and outcomes;
- 20 (iv) Some research reports demonstrate that too many universities pay only lip service to affirmative action policies, and that too many of the heads of organisational units in universities are ignorant of the university's own policies in this area.

NTEU calls on tertiary education employers, HESA and Government to show good faith to South African women in particular, and to the community in general, and to seriously address these equity issues. In particular, **NTEU** National Congress calls on tertiary education employers to demonstrate their commitment to EO issues by:

- (a) ensuring the appointment of an EE Officer and that this is a single purpose senior appointment;
- (b) ensuring that the EE Officer reports at the Vice-Chancellor or Deputy Vice-Chancellor level;
- (c) providing adequate support staff and resources to EE Officers to conduct these functions;
- 30 (d) adequately funding the professional development of EE Officers and staff;
- (e) requiring heads of Academic and Administrative Units, and other staff responsible for the implementation of EE policies to attend EE professional development programs;
- (f) ensuring active and regular functioning of EE committees;
- 35 (g) requiring all standing and non-standing committees of the institution to demonstrate representative gender balance;
- (h) ensuring that all Heads of Administrative and Academic Units meet annually with the EE Officer to discuss the implementation of EE policies within the Unit;
- (i) the inclusion of EE policies in strategic planning processes at all levels within the institutions;
- 40 (j) developing performance indicators for organisational units in relation to EE policies;
- (k) linking faculty budgets to the demonstration of implementation of all Institutional EE policies.

Further, the **NTEU** calls on the State to stringently monitor achievements in affirmative action and develop criteria to link such achievements to existing institutional funding arrangements.

45 GENDER EQUITY

National Congress expresses its concern about continuing inequality for women in appointments and promotions across all sectors of the tertiary education system.

- 50 Gender equity should be addressed by **NTEU** Branches during and subsequent to collective bargaining, through ensuring:
- **NTEU** input into (re)drafting of university policy on recruitment and promotion.
 - **NTEU** representation on university equity committees and, where feasible, selection committees and promotions committees.

COMMERCIALISATION

PRIVATISATION

5 1. PRIMACY OF THE PUBLIC SYSTEM

10 *NTEU* affirms its support for the continued existence of a strong, diverse and universal public tertiary education system. The public system is best able to deliver services based on the principles of social equality, community responsiveness and intellectual freedom and has historically demonstrated that its services are of the highest standard.

15 The Union calls on the National Government to maintain its primary responsibility for affordable higher education, and its responsibility in partnership with Local and Provincial Governments for vocational education and training.

15

2. PRIVATISATION IN TERTIARY EDUCATION

Global trends towards privatisation in tertiary education include the following developments:

- 20 • the establishment of private universities;
- the expansion of private and enterprise-based vocational education and training;
- the imposition and extension of 'user-pays' principles (or tuition fees) as a means of financing educational services and institutions;
- contracting out of educational and other services, previously provided by or within public educational institutions, to the private sector;
- 25 • increasing reliance by public institutions on income generated by entrepreneurial and commercial activities, including commercially-based 'international education' programs;
- introduction and extension by educational institutions of a wide range of user charges for materials and services;
- 30 • development of a sound national student loan scheme, bursary and scholarship award programmes;
- the shift towards student loans as a form of financial assistance to students;
- moves to introduce a voucher system of funding in vocational education and training.

30

35

3. DANGERS OF PRIVATISATION

NTEU opposes privatisation as inconsistent with the principles of social equality and intellectual freedom.

In particular:

- 40 • 'user-pays' approaches to education restrict access on the basis of capacity to pay and are therefore socially regressive;
- the effect upon provision of tertiary level education which is geographically accessible to rural communities is negative as private organisations withdraw to urban settings to maintain profit motives;
- 45 • the different income-generation capacities of various institutions, and their constituent parts, distorts resource allocation within and between institutions;
- undue reliance on entrepreneurial sources of funding destabilises educational provision, research activities and employment and leads to pressures which undermine the intellectual freedom of staff and students;
- 50 • selective privatisation of activities within the tertiary education system leads to a situation where the primacy and universal character of public provision is undermined especially for disadvantaged students, and, potentially reducing the role of the public sector to that of a residual provider in areas of low commercial priority.

SECTION SIX : TEACHING, LEARNING, RESEARCH, EVALUATION AND ACADEMIC ENVIRONMENT**ATTENDANCE AT CONFERENCES**

- 5 The ability to attend and participate in conferences relevant to professional interests is essential for the professional development of staff working in tertiary education institutions. Employers have an interest and a responsibility in funding staff participation at such conferences, including that of part-time and sessionally-employed staff.

- 10 Therefore, all staff are entitled to paid leave for attendance at approved conferences and other fora related to their professional interests or the interests (specific stakeholder or generic) of the industry as a whole. Tertiary education employers must provide financial support to facilitate such attendance, which includes meeting the costs of registration, travel and accommodation.

ACADEMIC STUDY LEAVE

The following matters must be addressed in any codification of the provisions of academic study leave.

5 *Definition:* Sabbatical and Special Studies Leave Programs (hereafter referred to as “study leave”) should be defined broadly, in order to encompass activity related to research, teaching and scholarship, but excluding work for which payment is received (such as paid consultancy). Payment for academic work such as teaching or scientific research work within an academic institution outside the institution of employment is acceptable especially where this offsets the cost input of supporting study leave by the individual. Academic
10 study leave is essentially self-directed, and should not comprise specific tasks commissioned or otherwise directed by the employer.

Eligibility: Academic access to paid, self-directed, extended periods of study is essential to maintaining the quality of higher education teaching and research. Therefore, it should be the right of all
15 academic staff at all levels to accrue study leave, on an equitable basis, in order to fulfil the requirements of the position classification specifications attached to the academic contract. Staff employed on a part-time basis should have access to paid study leave on a pro-rata basis.

Transferability of service: It may be reasonable to require staff to be employed for a certain period of
20 time before they become eligible for study leave. However, all institutional agreements should include a clause guaranteeing the recognition of prior service in the higher education sector for the purpose of determining eligibility for study leave

Representation: **NTEU** representation on committees dealing with the operation of study leave
25 programs should be ensured in all agreements

Resourcing: Academic staff undertaking study leave should be paid their full salaries, and released from
30 other duties for the duration of their leave. Departmental salary budgets should contain sufficient resources to ensure that the positions of those undertaking study leave can be filled in their absence.

Accountability: While clauses should contain fair and reasonable provisions regarding accountability of staff
35 undertaking study leave, such accountability requirements should remain separate from formative and summative evaluation procedures. It may be reasonable for institutions to request staff to remain employed for a certain period following completion of study leave, except in mitigating circumstances. Such clauses should not be used to exclude fixed-term staff from access to study leave, except when there is a reasonable expectation that their employment will cease.

ACADEMIC PROBATION

5 THAT Congress notes the priority to improve internal review processes. Congress supports a similar approach to probation - the priority is to maintain and improve internal review and probation appeal procedures.

10 Consistent with these priorities, Congress believes that the **NTEU** should negotiate to reduce academic probation periods from 3-5 years to 1-2 years. Further, probation procedures and associated assessment structure formats which would be fair and equitable and universally applied, should be incorporated into recognition agreements and that the criteria for confirmation of appointments should be negotiated. The National Executive Committee should prepare a model clause to advance these objectives.

ACADEMIC (INTELLECTUAL) FREEDOM AND OWNERSHIP OF INTELLECTUAL PROPERTY

Intellectual freedom is an intellectual and social good which is desirable both in itself and as a means of gaining and disseminating knowledge. The principle of intellectual freedom, and ownership of intellectual property, should be supported both inside and outside universities by higher education institutions and their staff. Academic and Intellectual Freedom should be seen as essential in university life both in relation to preserving and enhancing the individual rights of university staff to Academic and Intellectual Freedom and the responsibilities of universities to uphold these rights.

Within universities, intellectual freedom entails the rights of academic staff to freely discuss, teach, assess, develop curricula, publish and research and engage in community service. It also entails the right of all staff and students to freely express opinions about the institutions in which they work and to participate in decision-making structures and processes within the institution. It entails the right for staff to participate in unions, including professional and representative bodies, without fear of victimisation, harassment and intimidation.

It is the responsibility of higher education institutions to ensure that they:

1. Foster an atmosphere which encourages freedom of expression and thought. This includes debate and dissemination of knowledge and ideas in public as well as in educational contexts. Such freedom does not include the right to engage in discriminatory behaviour, victimisation or harassment.
2. Institute staff selection and promotion criteria and procedures which permit as wide a range of views as possible to be represented in the institutional community.
3. Respect the right of staff and students to comment publicly about matters concerning or affecting their institutions.
4. Do not compromise the intellectual autonomy and independence of staff and students in favour of pursuing or receiving financial support from corporations or other private interests.
5. Expose and resist any attempts by government or private interests to unreasonably influence or limit the intellectual freedom of staff and students within the institution.
6. Practise industrial democracy, shared responsibility, consultation and participatory decision-making regarding administration and determination of policies of education, curriculum, research, extension work, allocation of resources and other related activities.
7. Support and resource staff involvement in the broad spectrum of community service, recognise the discretion and autonomy of staff without fear or favour, and actively defend all staff against pressures to limit their involvement in community service or public debate.

NTEU shall actively defend the rights of members where institutions seek to constrain their Academic and Intellectual Freedom rights.

INTELLECTUAL PROPERTY IN TERTIARY EDUCATION INSTITUTIONS

1. THE PURPOSE OF INTELLECTUAL PROPERTY POLICIES IN TERTIARY EDUCATION INSTITUTIONS

The goal of intellectual property policies in tertiary education institutions should be firstly to encourage an environment in which teaching, learning and research will flourish. This may be achieved by encouraging the free exchange of information and ideas within and between institutions and the community.

A secondary goal of intellectual property policies should be to facilitate, where appropriate, the commercialisation of intellectual property created by, and in the ownership of, staff and students.

In circumstances when these two goals conflict, no decision or action should be taken by a tertiary institution without due regard to the rights and wishes of the originator(s).

Tertiary education institutions have a responsibility to ensure that any policies or procedures in relation to intellectual property generated by staff and students are developed in full consultation with all sections of the institution's community; and with regard to the principles outlined above. Institutions must also ensure

that the rights and responsibilities of originators and managers of intellectual property as delineated in any such policy are properly communicated to staff and students and subject to periodic review.

2. RIGHTS OF ORIGINATORS

Ownership and control of intellectual property should lie in the hands of its originators, unless ownership rights are varied by agreement. Such agreement will be based on considerations such as whether intellectual property is produced in the course of restricted contractual employment, and whether tertiary institutions or other parties have allocated significant resources to its development.

The moral rights of an originator comprise the

- right of attribution (the right to be named as author);
- right of integrity (the right to object to any distortion or modification of Intellectual Property which has a detrimental effect on the originator's honour and reputation);
- right of withdrawal (the right to withdraw Intellectual Property from the public sphere); and,
- right of disclosure (the right to determine if and when a work is to be divulged to the public).

These rights are inalienable, and are separate from economic rights, including ownership. Therefore, they should not be subject to assignment or waiver.

EDUCATION AND TEACHING

FLEXIBLE TEACHING AND LEARNING

- 5 Flexible teaching and learning is defined as an approach to education which allows:
- duration and intensity,
 - place,
 - method, and
 - delivery and interaction media,
- 10 to change to reflect the learning objectives, the needs of the student, the subject and course requirements and the judgement of the teacher. The aims of flexible teaching and learning are to enhance the educational experience and to increase participation in it.
- 15 1. **NTEU** recognises the increase of flexible teaching and learning in tertiary education and while the benefits of flexible teaching and learning are also recognised it must be remembered that education is an interactive process, at the heart of which lies the relationship between student and teacher.
- 20 1.1 Electronic forms of communication may provide highly effective media for the delivery of education and training, and in some cases are preferable to face-to-face delivery. (Face-to-face delivery as used here denotes delivery which is not mediated by electronic means.) However, in broader educational terms, face-to-face contact should remain the primary mode for tertiary education. Face-to-face contact should only be replaced by electronic forms of communication where demonstrable enhancement of the educational experience exists or where participation could not otherwise be afforded.
- 25 2. Economic expediency should not be the primary motive for the introduction of flexible teaching and learning. Indeed it may not be the cheapest option. It must not be used as a strategy for reducing staffing levels.
- 30 3. Materials for flexible teaching and learning must be of a high standard and appropriate to the context and culture in which they are used. Full recognition must be given to Quality Assurance structures such as HEQC and ETDP SETA and ongoing mechanisms of review and evaluation should be in place to provide an assurance of quality.
- 35 3.1 Interactions between staff and students, whether face-to-face or mediated by electronic forms of communication, must be provided by appropriately qualified and experienced staff and be of a high standard. Adequate and ongoing mechanisms of review and evaluation should be in place and provide an assurance of quality.
- 40 3.2 The **NTEU** recognises and supports the position that education, in financial terms, be as broadly accessible as possible. Students should not be dissuaded from pursuing an education by having to bear the extra costs of purchasing educative resources associated with flexible teaching and learning. The changing nature of educational delivery should seek to address, rather than to perpetuate, patterns of disadvantage that already exist in the education system.
- 45 4. Staff engaging in flexible teaching and learning are entitled to an adequate level of professional development and support. Involvement in flexible teaching and learning should not undermine any individual's involvement in face-to-face teaching and research-based activities, and should not result in increased workloads. Where necessary new methods of workload determination must be established in negotiation with staff within a framework agreed with the Unions.
- 50 4.1 The introduction of flexible teaching and learning, particularly in cases with a reliance on technology, must be accompanied by appropriate training for staff as well as students involved. The skills used by staff in the development, implementation, delivery and evaluation of flexible teaching and learning, whether acquired through formal training or otherwise, must be recognised for the purposes of selection and career progression.
- 55

- 5
- 4.2 **NTEU** recognises that flexible teaching and learning may involve a team of general and academic staff in the preparation and delivery of a subject or course and in interactions with students. All staff involved in flexible teaching and learning are entitled to a level of reward and recognition appropriate to their input.
- 4.3 Where flexible teaching and learning involves the creation of content encapsulated in a printed or electronic medium it should not preclude interactions between the creator of the content and the students who use it.
- 10 5. Ownership and control of intellectual property should lie in the hands of its originators unless ownership rights are varied by agreement. Staff involved in the preparation of materials for flexible teaching and learning must retain their right to attribution, and their moral rights, including the right to object to any use, distortion or modification of the material which may have a detrimental effect on their professional reputation.
- 15
- 5.1 Where no intellectual property policy which respects and promotes the rights and interests of originators and the institution exists, such a policy must be negotiated before staff are required, or request, to undertake flexible teaching and learning.
- 20
- 5.2 Where an appropriate intellectual property policy exists staff must be made aware of it before they are required, or when they request, to undertake flexible teaching and learning.
- 25
- 5.3 Staff should also be made aware of the intellectual property agreements that exist between their employer and any third party which may have a bearing on the preparation of such materials before they are required, or when they request, to undertake such work.

STUDENT EVALUATIONS AND DEFAMATION

5 Noting the **NTEU** policy on Management initiated student evaluations of teaching, Congress requests the National Executive Committee to develop a model clause for collective agreements regulating the use of student evaluation in performance management which accords with union policy. Such evaluation should, never-the-less, be fact based and designed to avoid personal comment, and furthermore, must be devised to restrict comment to the performance and achievements in teaching of a specific individual without comparison to other colleagues but the student body. This does not restrict the use of evaluations in overview evaluations of teaching within a department or faculty, or in probationary or performance management in a duly recognised and negotiated performance management system. These should be consistent with and in accord with the policy objectives contained in this Policy Document.

10

ACADEMIC STAFF APPRAISAL

5 THAT this Congress resists the development of comparative (one-against-one) performance appraisal or management schemes in universities because these can have the effect of intensifying requirements on academic staff, setting performance standards above those required for satisfactory performance and can expose academic staff to selective harassment. Should performance management processes be developed they should reflect the collegial, interactive, minimally hierarchical structures of universities, plus the diffusion of responsibility and accountability for outcomes which are a reality of our "industry", by using peer management or team management.

10 Appraisal schemes must never influence the academic and research freedoms of academic staff for any reason.

15 In the event that it has been necessary to agree to a performance management scheme based on individual appraisal, Congress recommends the following guidelines for implementation of such schemes:

- 20 1. Summative appraisal (appraisal for institutional decision-making such as for the determination of unsatisfactory performance, incremental progression or confirmation of tenure) should not be combined with formative appraisal (appraisal for individual decision-making such as developmental needs or allocation of resources) for academic staff. Rather the two processes should be separated:
 - (a) in time
 - (b) in terms of the person conducting the appraisal, and
 - (c) in the filing of the information from the two processes.
- 25 2. For summative purposes performance is judged against appropriate position classification standards or post profiles, criteria for external quality auditing and Labour Relations Act performance measurement guidelines, and not objectives set by the academic and /or their supervisors even in consultation. Progress towards a higher degree is not a relevant performance matter, in particular, where the staff member holds the qualifications or equivalent accreditation or standing prescribed for the level of appointment.
- 30 3. In the academic areas and as noted in two above, staff are not expected to perform in all areas (teaching, research *and* service) at any given time. A time frame should exist over which academic staff members are able to demonstrate performance across the range of duties specified in the performance classification standards. This time frame would normally extend across a number of performance review cycles (a five year time span is recommended).
- 35 4. If a negative summative decision is to be made (refusal of increment, denial of confirmation of tenure, extension of probationary procedure, determination of unsatisfactory performance) then the academic staff member should be notified that a negative decision is to be made and union representation, and an appeal process, should be offered.
- 40 5. In both summative and formative appraisals, the workload of the academic staff member including teaching and administrative load must be considered, as well as the resources available to the academic staff member in the performance of their duties.
- 45

Check performance management comments in the blog also develop for general staff

TEACHING AND LEARNING: STUDENT EVALUATION

PREAMBLE

5 Student evaluation of teaching continues to be a complex and problematic issue for **NTEU** members in higher education. It has been rendered more so by the introduction of output based funding allocation by the State which is in part directly related to issues of 'quality' of teaching and learning. This, and the more generalised pressure on institutions to demonstrate accountability on one hand and increase their marketing appeal on the other, may lead, or has already led, to a significant increase in the number of institutions attempting to implement systems of student evaluation which are educationally inappropriate and industrially unacceptable.

15 A range of responses to student evaluation exists within the **NTEU** membership, ranging from opposition to acceptance and support. The following outlines the principles which should inform policies and practices pertaining to student evaluation in higher education institutions. It should also provide a base for the **NTEU's** development of industrial strategies in this area, and a basis for ongoing discussion of the value and role of such evaluation.

POLICY ON STUDENT EVALUATION

20 Quality of teaching and learning in educational institutions depends on a range of factors, including:

- Adequacy of resources (including facilities and staffing levels).
- Adequate opportunities for staff to pursue scholarship and research in their disciplines.
- Adequate opportunities for staff to undertake appropriate programs of staff development.
- 25 • Strength of curriculum design and management.
- Bone fide interests in improving delivery.

INSTITUTIONAL ACCOUNTABILITY AND THE EVALUATION OF TEACHING

NTEU Congress does not support system-wide collection of feedback from current students on their courses because:

- 1) this potentially undermines the industrial rights of staff and the rights to privacy of both staff and students;
- 2) this ignores mechanisms for evaluation currently in place;
- 3) such data collection is unlikely to yield information which can lead to genuine quality improvement.

Congress would similarly strongly condemn any proposal to establish, for instance, a telephone "hotline" to elicit students' comments on the higher education system or constituent institutions. This mechanism:

- 1) potentially undermines the industrial rights of staff and the right to privacy of both staff and students;
- 2) represents a costly and inappropriate intrusion, on the part of the proposers, into the management of institutions;
- 3) will elicit information which is selective, possibly biased and unable to be used to implement genuine quality improvement at an institutional or national level;
- 4) ignores the vital role Government plays as the major funding source for the higher education system, and its responsibility to provide the infrastructure and resources that are fundamental to quality teaching.

THE TEACHING / RESEARCH SCHOLARSHIP NEXUS

5 The **NTEU** believes that all academics have a responsibility to participate in scholarship, whether it be the scholarship of discovery (research); the scholarship of integration; the scholarship of application or the scholarship of dissemination (teaching and publishing). A wider view of scholarship should be encouraged and rewarded both within and between disciplines, rather than the view that research is the only acceptable form of scholarship. Where scholarship is considered as part of the criteria for progression it should be able to be demonstrated in any of these forms. This wider view of scholarship also minimises the likelihood of the creation of designated full time teaching-only positions or persons, which Congress recognises may 10 undermine current academic working conditions and standards.

Congress recognises that proposals in higher education institutions for the creation of designated teaching-only positions or persons may undermine current academic working conditions and standards and should therefore be resisted. 15

The scholarship criteria for promotion for academics in each institution should be widened to include all aspects of scholarship where this is not already the case. The interpretation of this view of scholarship by promotion committees should be monitored annually by each institution and the **NTEU**.

RESEARCH

CONSULTANCIES

- 5 The **NTEU** notes that tertiary education institutions are increasing their reliance on income through the consultancy activities of staff. This occurs both directly through contracts between institutions and outside clients, and indirectly, from the supplementation of staff members' personal income through personal consultancy arrangements by individuals.
- 10 The **NTEU** believes that there are clear advantages to such arrangements, not only financial but also in terms of opportunities for fruitful interaction between institutions and industry, governments and the wider community. This interaction generally benefits both students and staff by enriching experiences in teaching, learning and research programs.
- 15 Recognising these benefits, the Union also notes the following potential difficulties which can be associated with the consultancy activities of institutions and their staff:
- (i) These activities may divert resources, both human and material, from the core teaching and independent research function of tertiary education institutions, contribute to increased workloads and casualisation of employment and reduce resources available for other purposes.
 - 20 (ii) Consultancy activities may involve direct or indirect pressures on intellectual freedom and difficulties concerning the ownership of intellectual property.
 - (iii) Undue reliance on commercial income through consultancies may give rise to imbalance in institutional research effort and misdirection of public resources in order to enhance commercial opportunities.
 - 25 (iv) Consultancy may have the tendency to detract from the primary and core functions of teaching and learning to the extent that student learners are not properly serviced with teaching opportunities.

- 30 The **NTEU** recognises, for policy purposes, the following general types of consultancy activities undertaken by institutions and their staff:
- (a) **Individual private consultancies**, staff undertake consultancy work in a private or personal capacity, and may be accorded some time capacity to pursue this by institutions.
 - (b) **Institutional consultancies**, which are formally undertaken by or on behalf of universities and other tertiary education institutions and involve one or more members of staff of the institution.
 - 35 (c) **Consultancies with both personal and institutional components**, where special arrangements apply with regard to the sharing of income and costs.

- The **NTEU** identifies the following related areas of activity involving staff of tertiary education institutions:
- (1) Service on Government or other Committees, Boards or Authorities
 - 40 (2) Directorships
 - (3) Professional practice
 - (4) Other private business involvement
 - (5) Participation in the provision of credit award or non-award courses not conducted by the institution employing the staff member(s) concerned.

- 45 Noting that the distinction between individual and institutional consultancies, set out above, is conceptual rather than practically instantiated in many instances, the **NTEU** calls upon institutions to oversee consultancy activities in the following ways:
- (i) The consultancy activities of institutions and their staff must not:
 - 50 (a) undermine the efficient and satisfactory operation of the core functions of tertiary education institutions. The professional and consultancy activities of individual staff members must not interfere with the full and satisfactory performance of their normal duties on behalf of the institution.
 - (b) undermine the policy of the Union that Government has a prime responsibility to properly fund the teaching, learning and independent research function of the universities.
 - 55 (c) undermine the equitable allocation of resources across the institution.
 - (ii) Employees should not be subject to formal limitations on the financial amounts which they are able to earn through individual or private consultancy activities. Notwithstanding this, **NTEU**

recognises the rights of institutions to seek to come to arrangements for profit-sharing and for the reimbursement of direct and indirect costs, as appropriate, with individual staff members, according to formulae and agreements negotiated with the **NTEU**.

- 5
- (iii) Staff must be made aware of relevant confidentiality and intellectual property agreements between institutions and external clients before they enter into consultancy work on the institution's behalf.
- 10
- (iv) The use of institutional facilities and infrastructure in all consultancy activities should be recognised and normally charged for on a full-cost recovery basis, with all departments and units involved appropriately recompensed, unless there are cogent reasons for a variation to this policy. Where the income associated with a consultancy is to be shared on an agreed basis between individual staff members and their institution, then cost recovery formulae should reflect this agreement.
- 15
- (v) With the exception of reasonable agreed provisos relating to commercial confidentiality, the consultancies must not, by their nature or limitations, interfere with normal expectations of independence and intellectual freedom and ownership associated with staff in tertiary education institutions.
- 20
- (vi) Institutions must indemnify staff for all consultancy work undertaken on behalf of the institution, or consultancies formally operated by institution-owned companies. Where the costs and / or income of a consultancy activity is shared between an institution and an individual or group of individuals, then appropriate shares of the costs of indemnification should be negotiated.
- (vii) Staff should be made aware of their legal responsibilities in undertaking personal consultancy work and should be informed by the institution on the need for relevant indemnity insurance and related matters.
- 25
- (viii) External consultancies must be discussed openly with all staff on which such consultancies may impact ie. those undertaking consultancy and all those picking up their responsibilities.
- (ix) External consultancies must not be seen as a way of replacing high salaried staff with low salaried contract or casual staff.
- (x) Management must ensure that student outcomes are not diminished by the employment of less suitable staff to replace those involved in external consultancies.

EVALUATION OF RESEARCH

NTEU supports a balanced approach to Government funding of independent research which takes account of research outputs as well as inputs.

5

Any attempts by Government to measure or evaluate research for this or other purposes must:

- (i) accurately reflect the nature of research activity within a unified national system;
- (ii) recognise the fact that research occurs in all disciplines, and value disciplinary diversity;
- (iii) be sufficiently flexible to allow for the recognition of new forms of research as old areas of knowledge transform and new areas emerge.

10

As is the case with other areas of higher education, funding for research at Government or institutional levels must not be driven solely or principally by output measures. Incorporating evaluation of research as part of the criteria for allocating research funding should not be at the expense of measures directed towards increasing the research skills of staff, or increasing access to research funding for women or other targeted equity groups. It is through the existence of such measures that individuals may reach their full potential, and the research productivity of the sector as a whole maximised.

15

Evaluation of an institution's research performance must be in the context of the institution's mission and goals, and must take into account the level of resources available.

20

Research training is an integral and extremely valuable component of research activity within the sector. As well as higher degree completion rates, evaluation of research at institutional level should entail consideration of the following aspects of research training:

25

- (a) quality of the postgraduate research environment (including the availability of stable supervision, appropriate levels of research infrastructure, suitable office facilities and support for travel and conferences);
- (b) the availability and quality of staff development activities aimed at increasing staff's student and academic supervisory skills;
- (c) in weighting postgraduate completions, account should be taken of the increased workloads for staff involved in the successful completion of postgraduate programs by students whose culture and linguistic backgrounds disadvantage them in South African academic genres.

30

INTERNAL EXAMINATION OF POSTGRADUATE THESES

PREAMBLE

5 The issue of thesis examination procedures, and in particular the roles and responsibilities of examiners and higher education institutions are the subject of the following policy. This policy does not extend to issues which more properly relate to the rights and obligations of students and the supervisory relationship.

10 Nevertheless, all have a right to participate in academic debate in relation to the thesis under examination and as such should all be provided with appropriate avenues through which to do so. In particular, candidates should have a right of reply in the case of a negative report. Such opportunities must be consistent with principles of confidentiality outlined elsewhere in this policy document.

15 Supervisors, mentors and assessors / examiners / moderators should have gained HEQC accreditation in terms of the CHE and other relevant regulations. This is viewed as of prime interest to the learner and as a basic and elementary protection for the academic against learner claims with regard to supervision and assessor standards and quality assurance of process and procedure during the tutelage and examination phases.

20 1. OBLIGATIONS OF THE INSTITUTION PRESENTING THE THESIS FOR EXAMINATION

When presenting a candidate's thesis for examination, the candidate's institutions shall ensure:

- 25 (a) That preliminary requests to potential examiners by a supervisor or Head of Department have, without prejudice to the quality of the thesis, made clear the scope of and general approach to the topic, so that the examiner understands the nature of the thesis to be examined.
- 30 (b) That examiners are given:
- clear guidelines as to the qualities expected to be demonstrated for the award of the degree;
 - the possible results that can be returned under the regulations of the institution;
 - the required documentation for return of a result and that this is completed and forwarded;
 - the procedures to be followed in the case of a disputed result;
 - the right or otherwise of an examiner to request that personal identity not be disclosed;
 - the avenues / procedures through which communication between candidates, examiners and adjudicators can occur, such as the procedures through which a candidate can reply to an examiner's report.
- 35 (c) That a reasonable time frame is set for the examining. This shall normally be not more than three months. An acceptance form to be signed by the examiner shall state the date by which a result is expected, but shall offer the examiner the opportunity to negotiate a longer period in exceptional circumstances.
- 40 (d) That a rate of payment commensurate with the task involved is offered at the time of the request to examine, and that the taxation arrangements of the institution shall be stated at this time. Examiners shall be offered the opportunity to negotiate different taxation arrangements.
- 45 (e) That results are communicated to supervisor(s) and students as quickly as possible.

2. THE INSTITUTION'S OBLIGATIONS TO AN ADJUDICATING EXAMINER

50 When presenting a thesis for adjudication after a disputed result, the institution shall ensure that the adjudicating examiner is given full copies of the examiner(s) reports; a copy of a response to those reports by the candidate (not normally in excess of three pages); and clear guidelines as to the options available in the adjudication process.

3. OBLIGATIONS OF THE EXAMINER

The examiner of a postgraduate thesis has obligations to the academic discipline which require that standards be maintained by a thorough, independent and impartial examination of that thesis. An examiner also has obligations to the student to ensure that a fair and reasonable result be provided as expeditiously as possible and that the grounds for that result are clearly conveyed.

To meet these obligations, an examiner shall:

- (a) Ensure, before formally accepting a request to examine a thesis, that :
 - there is a clear understanding of the scope of the topic and of the theoretical approach of the thesis;
 - the appropriate expertise exists for the examination; and,
 - any prior assumptions as to the inherent value of either the topic or the methodology of the thesis offered for examination are not of a kind which might prejudice an objective judgement of its quality.
- (b) Ensure that there is nothing in relation to the candidate, the supervisor or the candidate's institution that could amount to a conflict of interest.
- (c) Respond promptly to a formal request from any institution to act as an examiner.
- (d) Make a reasonable judgement as to whether existing commitments preclude thorough examination of the thesis within the time frame proposed and either negotiate a practicable time frame or refuse to act as examiner. If unforeseen circumstances delay the return of a result within an agreed time, the candidate's institution should be promptly informed and a new date suggested.
- (e) Ensure, in the assessment and reporting process, that nothing amounting to making demands for a thesis of a radically different scope or methodology from that which has been presented, occurs. This does not, however, preclude reasonable specific criticism of the actual scope and / or methodology of the thesis presented.
- (f) Return a result which is unambiguous and corresponds to the institution's requirements for the specific formulation of the result, since failure to do this can lead to unnecessary confusions and delays in the examining and awarding process.
- (g) Support a result with an open, detailed and reasoned report. This should be couched in terms which will enable it to be released in full to the candidate and any adjudicating body so that recommendations for correction and improvement can be fulfilled, and possible extensions of the work, including publication, can be pursued.

4. RIGHTS OF THE EXAMINER

- (1) The examiner has the right to expect that the thesis will be in such a form that undue time need not be spent in the examining process on noting faults of expression, logic, referencing or reasonable coverage of the literature on the topic.
- (2) The examiner has the right to reasonable remuneration for the task involved and recognition by the examiner's employing institution that it constitutes part of the normal university workload.
- (3) The examiner may in some circumstances have grounds for requesting that personal identity be withheld. If such a right is not specified in the institution's request to examine, the examiner should clarify the situation before agreeing to proceed with the examination.
- (4) The examiner has a right to a prompt acknowledgment of the receipt of the return of result; prompt information as to the outcome of the examination process; and prompt payment of the agreed fee upon completion of the examining. If the thesis is to be sent to an adjudicator in the event of a disputed result, payment should nonetheless be made forthwith to those examiners who have completed their part in the process.

THESIS EXAMINATION - RATES OF PAY

THAT **NTEU** enter into negotiations regarding the recommended rate for thesis examination, with a view to increasing it, and work to develop a more appropriate payment rate for use in collective bargaining.

5

EXTERNAL EXAMINATION OF POSTGRADUATE THESES,

5 THAT **NTEU** should establish a universal schedule of remuneration for the external examination of post-graduate theses within South African universities that reflects the time and effort required to mark such theses.

10 THAT National Congress enter into negotiations with the Universities to ensure the adoption of a *rates of remuneration schedule* for thesis marking to be applied throughout South African universities and recommends that such a remuneration schedule be incorporated into a national co-operative agreement. As part of the industrial strategy to achieve this objective **NTEU's** national claim may be pursued, where appropriate, on an enterprise basis.

RESEARCH IN HIGHER EDUCATION INSTITUTIONS

5 *NTEU* believes that research is central to the mission of higher education. All higher education institutions have a responsibility to provide research expertise and resources in areas relevant to the social, cultural and economic well-being of South and southern Africa. There is, in addition, a role for independent research in theoretical and pure knowledge areas among the disciplines whereby new or groundbreaking knowledge and theory might be generated.

10 Research undertaken in these institutions is unique in the wide range of research activities and outcomes which it engenders. These span all discipline areas and include, for example, the pursuit, transformation and advancement of knowledge generally as well as projects addressing specific cultural, economic and social needs.

15 Research conducted within the higher education sector cannot and should not replace the type of research needed in industry or private enterprise, but should contribute to the development of productive links within and between these sectors.

20 The higher education sector is also the primary site for research training in South Africa. Effective training of future researchers can only occur when the productive relationship between teaching and research activity is acknowledged and fostered. Conversely, research activity is strengthened by contact with the perspectives and ideas of students, especially at postgraduate level.

25 Therefore all academic staff, and all general staff employed in research-related capacities, have a right to undertake research. It is the responsibility of institutions to ensure that all such staff have the opportunity to undertake research as well as teaching and administrative duties; and, the responsibility of Government to ensure sufficient funding for research infrastructure and staffing levels to make this possible.

For allocation of research time and resources within institutions at faculty / school / departmental level, principles of democratic decision-making must be employed.

INDUSTRY-FUNDED RESEARCH

5 THAT the National Congress make the formulation of **NTEU** policy regarding industry-funded research a high priority. Such policy should explore and comment upon options for Government and tertiary education institutions in providing support and encouragement for industry funding for research; costing principles, the rights and responsibilities of staff undertaking industry-funded research, and ethical issues.

RESEARCH-ONLY STAFF

THAT the **NTEU** shall, via its policy and industrial committees:

- 5 (1) identify issues pertaining to research-only staff which may be addressed under collective bargaining and circulate specific information to the Branches;
- (2) encourage the formation of research-only staff reference groups, on an institution-by-institution basis, as reference points for consultation during collective bargaining;
- 10 (3) in light of the peripheral and increasingly casualised nature of research employment, and noting that there is often a concentration of women in lower classifications and contract employment throughout the industry, identify issues particularly affecting women research staff to be addressed under collective bargaining;
- (4) target recruitment campaigns for research-only staff on an institution-by-institution basis, noting the considerable overlap between general and academic staff classifications for research only staff;
- 15 (5) create and continue liaison with and to lobby granting bodies (particularly the NRF, HSRC and CSIR) to ensure that appropriate provision for salaries, employee benefits, professional development and other infrastructure for research-only staff is specified in grant application guidelines;
- (6) continue to seek to extend award coverage for research-only staff.

RESEARCH EDUCATION

NTEU affirms the importance of research education at undergraduate, postgraduate and postdoctoral levels in maintaining the quality and vigour of South African research and development. The most effective research education occurs in environments where the productive relationship between teaching and research activity is supported and fostered. Higher education research and research education play a vital strategic role in supporting South African economic and social well-being. Therefore, it is essential that there is no diminution in the size of the South African research education sector, and that there is effective planning for growth in the future.

Responsibility for ensuring equity, quality and diversity in the South African research education system rests primarily with Government. Accordingly, Government must:

- Develop a strategic, sector-wide approach to research education through the National Research Foundation, in consultation with **NTEU** and other stakeholders. This approach should recognise the links between research education and a national innovation strategy, embrace initiatives to improve the quality of research education at both postgraduate and postdoctoral levels, and be accompanied by appropriate levels of funding.
- Maintain in real terms the current level of public investment in postgraduate research education.
- Adjust Scholarship Stipends to reflect the impact of indirect taxation.
- Ensure that payment of Stipends and funding per student to institutions is maintained for at least four years.
- Ensure that rigorous standards of financial and academic accountability apply to institutions offering recognised research education.
- Recognise the failure of market-oriented funding mechanisms to deliver equity, quality and diversity in research education.
- Regularly review the resources available to institutions for the purpose of research education, and ensure that they are adequate.
- Increase the number of postdoctoral fellowships available, and develop a competitive funding scheme specifically designed to provide seed funding to early career researchers.

Higher Education Institutions also have a measure of responsibility in maintaining the quality of the research education environment. Specifically, higher education institutions must:

- Ensure that all academic staff have opportunities to engage in teaching, research and scholarship during the course of their employment, and are supported in taking advantage of these opportunities.
- Ensure that postgraduate students and postdoctoral scholars are provided with adequate resources to support their research.
- Ensure that institutional scholarships and postdoctoral fellowships are allocated on the basis of fair and transparent mechanisms.
- Ensure that discretionary funding is allocated for the support of early career researchers within the institution.
- Enlist the support of industry and the community in lobbying government for increases in funding for research education.

SECTION SEVEN : INSTITUTIONAL GOVERNANCE AND UNION RESPONSE

PUBLIC TERTIARY EDUCATION AND ACCOUNTABILITY

5 **NTEU** believes that the provision of tertiary education, in particular its funding and coordination, is essentially a government responsibility. Tertiary education institutions should be situated in the public sector and the extent and nature of their private or corporate funding should be closely regulated by appropriate public agencies. Income from entrepreneurial activities should also be regulated and its disbursement within educational institutions or systems should be subject to public scrutiny.

10 Governments for their part have a clear responsibility to provide viable funding for tertiary education institutions, and to take appropriate steps to plan and develop systems of tertiary education which meet social, economic and cultural needs.

15 The accountability of tertiary education institutions is to the public which they serve as well as to the education community, however defined. Tertiary education institutions must have autonomy over education matters in order to exercise the Constitutional right to Academic Freedom. Because of their vital public responsibility in teaching, learning and research, however, this autonomy must be balanced by considerations of public interest and good. This should occur through the legislative and funding roles of National and Provincial Governments as well as through an extra-institutional majority on governing bodies.

20 Community involvement in tertiary education decision-making can also be facilitated through course advisory and evaluation committees which include external members. Aside from resource allocation, the community and governments have a legitimate interest in a number of academic matters including:

25 educational profile and the balance of disciplines and courses;
selection and entry policies;
curriculum;
priorities in research funding;
30 socio-economic and socio-cultural investigation and capacity enhancing programmes.

Notwithstanding these considerations, the principles of industrial democracy and student participation must also have a high profile in institutional decision-making policy. The **NTEU** believes emphatically in participatory and co-determinative decision-making and endorses all inclusive measures taken to ensure labour representation on structures including Senates and Councils. It is not enough, and, inappropriate, to have unaccountable "employee" representation on these structures. This latter is seen as a negative employer perspective on the labour movement which holds the continued employment of its membership as a priority and therefore aims to be innovative in the employee-employer relationship for the benefit of the learning community within our non-profit organisations.

40 The **NTEU** is committed to encouraging, engendering, promoting and propagating qualitative inputs into the educative and general functions of tertiary level institutions from all of its members.

ROLE OF UNIVERSITIES IN HIGHER EDUCATION

While the role and nature of higher education in South Africa is subject to continual change and re-evaluation, **NTEU** identifies the following central functions of the system, which should remain constant:

- 5 • to offer courses of study in all academic disciplines and at levels ranging from general first degree to doctorate;
- to provide education in both vocational or professional areas, and in general non-applied disciplines across the broad range of traditional and contemporary academic disciplines;
- 10 • to engage in and support research activities in all disciplines, and to train students in research;
- to provide educational and research resources and services to the broad community including business, unions, non-profit and community organisations;
- to encourage and contribute to public discussion and debate about political, economic, social, cultural and scientific issues.

- 15 Institutions of higher education, or universities, should:
 - be comprehensive in the sense that they offer courses in a wide range of disciplines and at levels from general first degree to doctorate;
 - encompass a balance of science, humanities, commerce and social science courses and include, where appropriate, practical as well as theoretical studies;
 - 20 • maintain libraries, equipment and staffing levels of a standard sufficient to support both advanced study and research in all disciplines;
 - support substantial research activities across all or most discipline areas, and a high level of research and scholarship in all areas;
 - offer higher degrees in all or most discipline areas;
 - 25 • play a vigorous community role in consultancy, research, development, industry liaison and adult and public education;
 - encourage the free exchange of knowledge and ideas;
 - be autonomous institutions with governing bodies which represent a wide range of relevant community interests as well as accountable representation of the staff and students of the
 - 30 institution.

NTEU notes that small, specialist institutions of higher education and research are also appropriate in some discipline areas.

- 35 Higher education institutions should be strongly committed to principles of affordable access and equality in their selection, entry and other policies relating to students and should regard it as their mission to provide higher education to students from a wide range of educational and socio-economic backgrounds.

- 40 The orientation of an higher education institution should be equally local, national and international. There is therefore a proper role for Local, Provincial and National Government in university governance.

CROSS-SECTORAL ISSUES

CO-OPERATION

- 5 **NTEU** supports co-operation between the sectors in post-secondary education and Further Education and Training, where such co-operation is designed to expand access to education in general. Co-operative intersectoral ventures should :
- be developed in close consultation with relevant unions;
 - reflect and address educational needs rather than simply make demands for provision of services at reduced costs;
 - be located in the public sector of education, wherever possible;
 - include participation in national skills and education initiatives and improvement efforts;
 - ensure that job security, salaries and conditions of **NTEU** members are not undermined;
 - be evaluated and monitored by an appropriate structure (ie CHE, ETDP-SETA, Government), and subject to guidelines developed in consultation with unions and student organisations.
- 10
- 15

COMMERCIALISATION OF UNIVERSITIES

Congress expresses serious concerns that some university managements seem to be crassly pursuing commercialisation and sponsorship of university activities and requests the National Administrative Office to conduct a survey of university practices in areas such as :

5

- sponsorship of equipment and resources;
- granting naming rights (physical infrastructure or established academic posts);
- accepting assistance in making staff appointments;
- funding of professorial chairs directed by commercial motives;

10

- direct advertising on university premises;
- participation in closed research programmes with proprietary conditionality.

THE DEVELOPMENT AND APPLICATIONS OF PERFORMANCE INDICATORS AT INSTITUTIONAL LEVEL

5 The development and application of performance indicators at institutional level must only occur as a result of agreement between management and **NTEU** branches as to objectives, processes and outcomes, and is conditional upon appropriate training. Institutional performance indicators should be kept separate from the criteria for assessment of individual staff.

10 Institutional approaches to performance indicators must have the following characteristics:

- 10 (i) They must be sufficiently inclusive to take account of all elements in the context of institutional performance (including, for example, the resource base management practices and institutional implementation of Government equity policies regarding staff and students).
- (ii) Those directly involved in maintaining and improving the quality of institutional performance must be closely involved in the development and application of performance indicators.
- 15 (iii) Institutional performance indicators must not publicly identify individual staff members.
- (iv) Institutional performance indicators which are capable of identifying or referring to the work of individual staff members may only be used in the context of internal promotion or unit review procedures with the explicit permission of the individual(s) involved.

INSTITUTIONAL GOVERNANCE AND UNION CONSULTATION

5 The **NTEU** supports the principle that Universities should be governed by broadly representative Councils / Senates which bring together institutional management, those who deliver and those who are receiving educational services and a range of community representatives. Such bodies should meet in public. **NTEU** is opposed to the streamlining of institutional governing bodies along the lines of a company board.

10 At the level of Boards of Studies / Academic Boards and Faculty / School Boards, a majority of positions should be held by elected teaching and general staff, with adequate student representation.

15 Employees who participate in representative structures must be free from victimisation by management and should have adequate time during working hours to perform their duties. However, as important as representative structures are, they are not a substitute for direct management-union consultation and the principles of codetermination.

20 The **NTEU** believes that the Union should constitute the single channel of communication between management and staff on industrial issues.

This should be effected, where appropriate, by consultative structures which meet on a regular basis, in addition to more formal negotiation structures, and where:

- (i) Both sides are represented by persons having authority to negotiate.
- (ii) There is full information-sharing and a broad agenda not limited to what management believes is "industrial".
- (iii) Local union representatives receive adequate time-release and other facilities.

AUDIT ASSURANCE

QUALITY

- 5 **NTEU** fully supports genuine attempts by Government, CHE and the higher education system itself, to enhance the quality of teaching, learning, research, service learning and other activities and services carried out by universities.

The Union believes that programs and policies designed to enhance quality should:

- 10
- be developed and implemented in full consultation with **NTEU** and other relevant Unions and not solely with employer bodies and management representatives;
 - provide cogent and constructive mechanisms through which to leverage institutions towards appropriate and full funding of teaching and research staff in order to facilitate best possibility for them to succeed in their efforts at improvement of quality;

15

 - provide for affirmative action measures, including selective funding, to improve quality in agreed areas of need;
 - support the implementation of worthwhile projects and innovations rather than provide, as a first priority, rewards for institutions for past achievement;

20

 - take full account of the resource implications, including staffing implications, of quality improvement measures;
 - give high priority to staff development and formative evaluative procedures, developed in consultation with the Union;
 - be entirely separate from any forms of institutional performance appraisal.

WORKPLACE REFORM

Government has sought to introduce a range of measures which they hope will improve workplace efficiency and effectiveness and the rights of workers.

5

This general thrust of workplace reform has included positive transformational measures such as affirmative action, employment equity regulation, quality of working life, consultative approaches to industrial issues, occupational health and safety and training linked to career-paths.

10

In many cases these moves have been resisted by institutions and transformational moves have been deliberately delayed.

In fact, many institutions have moved further towards hierarchical command-based management structures, and centralised policy decision-making, in the name of reform.

15

The employers' agenda of workplace change has included:

- More intensive use of capital facilities and service facilities.
- Managerialist top down decision processes and reduction in collegial relations.
- Constant re-organisation of management and reporting structure.
- Shift to flexible delivery of courses.
- Arbitrary reductions in resources in the form of "efficiency dividends" etc.
- Devolution of financial responsibilities to organisational units.
- Multi-campus teaching and service delivery.
- Fixed term contracting of staff.
- Lowering of staff complement and non-replacement.
- Raising of workload, lengthened working hours.

20

25

The **NTEU** has no "in-principle" opposition to workplace change. However, in the current industrial environment, management more often than not uses such proposals to increase workloads, reduce staffing or otherwise reduce conditions of employment and, effectively, working environment.

30

Workplace reform and organisational change should be negotiated on the following basis:

- There is full agreement with the Union on processes and criteria, which should be principally the quality of learning and research and the quality of jobs and working environment.
- It is handled under a change management clause.
- There is full consultation with the Union and affected employees.
- There is specific concern for the Employment Equity and Occupational Health and Safety Acts.
- The necessary resources and training to implement changes are provided.
- There are no forced retrenchments.
- That productivity improvements are counted towards a pool for improved salaries.

35

40