



2 September 2004

Dear Members

USU doesn't understand job security for professionals – a response to USU update of 1 September

Cripes, not only have they never done anything about term contracts but now they're telling porkies about it. This is a real shame. Only the employers benefit from the unions attacking each other. We don't normally do it but we do need to respond to the attack upon us in this circular.

First, the lie.

They say "Early in the 1990's we stopped the State Liberal Government from forcing the use of senior staff contracts in the Executive Band of the Award". This is untrue. The USU was never involved in any of this. depa/ehabsa was the only union resident in Parliament House when the 1993 Act was established. It was us who made it clear to the Government that they had made a mistake in legislating the senior staff provision that could allow councils to put any employee on \$44 000 or so on contracts by determining them as senior staff.

depa then convinced the Government that there needed to be a lift in the minimum salary level and this was done in the 1994 Amendment Act. And it was depa that, after convincing the Government that the minimum should go up, but not high enough, convinced the Labor Opposition to move an amendment that the minimum should be SES level 1.

And it was depa that convinced the three Independents in the Lower House that they should support the Labor Amendment. And that is why contracts are now required only for senior staff, as resolved by the Council, and above a salary level of around \$120 000.

I know because I was there. No-one working for the USU was.

Our history on term contracts

We are the only union that has contested term contracts as councils tried to roll them out into the professional band. We have convinced some councils that they shouldn't do that and we have filed disputes with Holroyd, Lane Cove, Lismore and Gosford.

No other union has filed a dispute about this.

And it was in our dispute with Gosford that the concept of a roll-over subject to satisfactory service was established. This makes a term contract less of an imposition for employees and less attractive to councils who want the right to get rid of people after their contract expired regardless of whether the employee has done a good job or not.

depa was also able to convince the Minister and the Department of Local Government in 1998 in the five year review of the Act that they should remove the requirement for senior staff to be on contract. A recommendation unfortunately overruled in Cabinet. Pity we didn't have USU support then for job security.

Aren't there continuing jobs on contract now?

Of course there are. Apart from the councils that we, and only we, have been able to prevent putting new positions on contract, they are very common in managerial and executive band positions. There's no point denying it, that's the reality. They can't be ignored, they do exist.

Our strategy has been to try to make the continuation of those contracts less attractive to councils. If, when they are to be renewed the council must pay a 10% loading or provide a roll-over clause, and the employee must agree for the contract to be entered into, then councils will find them less attractive and there will be an increase in the number of managerial staff coming off contract and retaining their permanent status.

What's wrong with a clause that does that? Contracts exist and they are unregulated.

What is the USU strategy?

We don't really care. We are disappointed that they don't understand what we are doing. It makes no sense to deny the reality that many, many and probably most, band 3 level 4 and executive band employees are on contract now, and bugger all of them have had the right to agree, to get a loading for the loss of tenure or to have a guaranteed rollover.

What we are unhappy about is that they misrepresent things and our claim. We are also unhappy that they have told the LGEA that one of their concerns is that they don't like the idea that employees who they regard as already being "highly paid" should get another 10% that would be better spent spread amongst their members in the wages staff.

Don't believe the bull.

Yours sincerely,



Ian Robertson
Secretary