



DECISION

Fair Work Act 2009
s.185—Enterprise agreement

UNSW Global Pty Ltd
(AG2019/3796)

UNSW GLOBAL EDUCATION (TEACHING EMPLOYEES) ENTERPRISE AGREEMENT 2019

Educational services

DEPUTY PRESIDENT SAUNDERS

NEWCASTLE, 24 DECEMBER 2019

Application for approval of the UNSW Global Education (Teaching Employees) Enterprise Agreement 2019.

[1] An application has been made for approval of an enterprise agreement known as the *UNSW Global Education (Teaching Employees) Enterprise Agreement 2019 (Agreement)*. The application was made pursuant to section 185 of the *Fair Work Act 2009 (Act)*. The Agreement is a single enterprise agreement.

[2] The Agreement lodged as part of the application for approval contained an error in clause 11.9.1. On 30 October 2019, the Applicant filed an amended version of the Agreement pursuant to section 586 of the Act correcting the error in clause 11.9.1. I am satisfied that the correction should be made and that it is appropriate to do so pursuant to section 586 of the Act.

[3] The Employer has provided written undertakings (*Undertakings*). A copy of the Undertakings is attached in Annexure A to this decision. I am satisfied that the effect of accepting the Undertakings is not likely to:

- (a) cause financial detriment to any employee covered by the Agreement; or
- (b) result in substantial changes to the Agreement.

[4] The views of each person who the Fair Work Commission knows is a bargaining representative for the Agreement have been sought in relation to the Undertakings.

[5] Pursuant to subsection 190(3) of the Act, I accept the Undertakings. The Undertakings are taken to be a term of the Agreement.

[6] Subject to the Undertakings, I am satisfied that each of the requirements of sections 186, 187, 188 and 190 as are relevant to this application for approval have been met.

[7] The Independent Education Union of Australia and the National Tertiary Education Industry Union being bargaining representatives for the Agreement, have each given notice under section 183 of the Act that it wants the Agreement to cover it. In accordance with subsection 201(2) of the Act, I note that the Agreement covers the organisations.

[8] The Agreement is approved and, in accordance with section 54 of the Act, will operate from 31 December 2019. The nominal expiry date of the Agreement is 31 December 2021.



DEPUTY PRESIDENT

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Annexure A

IN THE FAIR WORK COMMISSION

FWC Matter No.:
AG2019/3796

Applicant:

UNSW Global Pty Ltd

Section 185 – Application for approval of a single enterprise agreement

Undertaking- Section 190

I, Glenn Jacob, Head of Human Resources at UNSW Global Pty Ltd, give the following undertakings with respect to the *UNSW Global Education (Teaching Employees) Enterprise Agreement 2019* ("**the Agreement**"):

1. I have the authority given to me by the Applicant to provide this undertaking in relation to the application before the Fair Work Commission.
2. The Applicant undertakes that in the event of an inconsistency between the terms of the Agreement and the National Employment Standards (**NES**), and the NES provides a greater benefit to an employee, the NES provision will apply to the extent of the inconsistency.
3. In relation to these rates of pay, the Applicant undertakes to pay the rates as follows:

Casual Academic Teachers	
Activity	Per hour (including the casual loading) \$
Tutorial (one hour of delivery and two hours associated working time)	104.62
Tutorial (one hour of delivery and two hours associated working time) (where academic holds a Doctorate)	118.74
Repeat tutorial (one hour of delivery and one hour associated working time)	97.94
Repeat tutorial (one hour of delivery and one hour associated working time) (where academic holds a Doctorate)	97.94
Technical demonstration (one hour of delivery and one hour of associated working time) (Laboratory Rate 2)	69.74

4. The Applicant undertakes that a Casual Academic Teacher required to undertake supervisor examiner duties will be paid at a Tutorial Rate as provided for by the Agreement.
5. The Applicant undertakes that the rate for discrete marking is Non-Classroom Rate 2 of the Agreement.
6. The Applicant undertakes that if a Casual Academic Teacher holds a doctorate, they will be paid at a Tutorial Rate as provided for in the table at Undertaking 3.

7. The Applicant undertakes that casual teachers and tutors/instructors who would be classified at Level 6 under the *Educational Services (Post-Secondary Education) Award 2010 (Award)* and work in circumstances that would entitle them to the Non-Classroom Rate 1 under the Agreement, will be paid at the Non-Classroom Rate 2 of the Agreement.
8. The Applicant undertakes that casual teachers and tutors/instructors who would be classified at Level 7 under the Award and work in circumstances that would entitle them to the Laboratory Rate 1 under the Agreement, will be paid at the Laboratory Rate 2 of the Agreement.
9. The Applicant undertakes that a casual employee delivering online courses as provided under clause 9.21 of the Agreement will have a minimum engagement of 2 hours.
10. The Applicant undertakes that it will apply the provisions of clause 10.3(f) of the Award in respect of part-time employees and their entitlement to be paid at the appropriate overtime rate for work in excess of the hours mutually arranged (except where hours are averaged). The appropriate overtime rate is provided at clause 9.1 of the Agreement.
11. The Applicant undertakes that it will apply the provisions of clause 14.5(a) of the Award in respect of casual employees and their entitlement to be paid a daily rate where the engagement is for more than five hours. The daily rate to be paid is seven hours at the relevant casual rate.
12. The Applicant undertakes that it will apply the provisions of clause 15 of the Award in respect of any employee who is entitled to an Award allowance, to the extent that the Award provides a more beneficial entitlement for the employee.
13. The Applicant undertakes that all exams and marking will be supervised by permanent ongoing staff.
14. The Applicant undertakes that teacher employees who would be classified as Levels 10, 11 or 12 under the Award will be paid the greater of the Award or the Agreement rate when performing work which would be paid at the "Non-Classroom" rates under clauses 7.4 & 7.5 of the Agreement."
15. These undertakings are provided on the basis of issues raised by the Fair Work Commission in the application before the Fair Work Commission.



Signature

19.12.2019

Date