Conditions of Employment

Professional Staff

1 September 2014
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GENERAL INFORMATION
For full details of the terms and conditions of appointment, statutes and regulations of the University or the University of Melbourne’s enterprise agreement, you should consult the following:

- the University’s Policy Library (http://policy.unimelb.edu.au/);
- The University of Melbourne Enterprise Agreement 2013 (http://hr.unimelb.edu.au/benefits/conditions/agreement); and
- the University Calendar (http://www.unimelb.edu.au/unisec/calendar/).

STAFF INFORMATION
University Staff are responsible for maintaining their own personal information online via Themis Self Services which allows staff to:

- View and maintain personal information
- View pay information
- View and apply for a range of leave types as well as initiate various other HR transactions
- View employment information
- Record incidents relating to EH & S.

Staff are responsible for ensuring that their essential information, such as qualifications, banking, address and personal contact details and emergency contact details are up to date and accurate.

Misrepresentation of qualifications in respect to your employment or association with the University is a serious matter and may constitute misconduct or serious misconduct and result in disciplinary action, including termination of employment.

Instructions on how to get started in Themis, including creating a Themis account, are available at the Themis website:
http://themis.unimelb.edu.au/support/getting_started
1 CONDITIONS OF APPOINTMENT

Appointments of Professional staff are made in accordance with the terms and conditions of employment prescribed by University statutes, regulations, enterprise agreement and policies and procedures as they apply to the work that is undertaken and as varied from time to time.

All staff members are officers of the University responsible ultimately to Council for the performance of their duties and are required, under the direction of the Head of their Department to consult with their Supervisor in relation to the performance standards expected.

Any questions on conditions should be addressed to the Head of the Budget Division. Although an applicant or employee may be in correspondence with the Head of Department concerning the conditions of appointment, it should be noted that only statements over the name of the Vice-Chancellor, Senior Vice-Principal, Head of Budget Division or Executive Director, Human Resources commit the University.

2 TYPES OF EMPLOYMENT

2.1 Continuing

Continuing employment means ongoing employment with no fixed end date.

Special conditions apply to staff employed on Research Continuing Employment (Contingent-funded) contracts. For more information, see *The University of Melbourne Enterprise Agreement 2013*.

2.2 Fixed-term

Fixed-term employment is for a specified term or ascertainable task. Start and finish dates, or the terms of expiry are incorporated in the letter of offer. If a fixed term employee is required to work less than the normal weekly ordinary hours specified for a full-time employee they will be termed as part-time.

Fixed-term employment is limited to the following categories:
- specific task or project,
- research,
- externally funded contract employment,
- new organisational area,
- sudden and unanticipated increase in enrolments,
- disestablished area,
- measures to provide security of employment,
- replacement staff member,
- recent professional practice required,
- pre-retirement contract,
- fixed-term contract employment subsidiary to studentship, and
- apprentices or trainees.
Details of these categories of fixed-term employment are available in *The University of Melbourne Enterprise Agreement 2013*.

### 3  PROBATION AND CONFIRMATION

The conditions of employment provide that new appointments are generally made on the basis of a probationary period. A copy of the position description will be provided to the employee with the contract of employment. Any specific criteria to be satisfied within the probationary period will also be included in the letter of offer.

The purpose of the probationary period is to establish whether an appropriate match has been made between the person, the job and the work environment, and whether a good working atmosphere has been established within the work group. Probation procedures do not replace normal procedures for dealing with grievances, or with termination of employment.

Appointments will be offered subject to a probation period of three months for appointments up to one year and six months for appointments of more than one year or continuing. Formal advice of confirmation of appointment will be provided to individual employees.

### 4. PERFORMANCE DEVELOPMENT FRAMEWORK

The University places a high priority on staff development. The Performance Development Framework recognises and enhances a high performance culture that supports continuous individual and organisational development. The PDF will:

- encourage individual team and work unit planning which is both linked to organisational goals and supports short term and longer term career development options;
- enable performance objectives to be set that are consistent with and reflect the responsibilities of the position;
- involve clear articulation of performance expectations and assessment of performance which is fair, equitable and relative to opportunity;
- ensure clarity with respect to roles and responsibilities;
- encourage productive working relationships and a focus on outcomes;
- provide on-going feedback, coaching and support;
- promote appropriate and timely career planning and development;
- recognise and value individual and team achievements and contributions; and
- encourage open dialogue to enable the staff member to provide feedback on the supervisor’s performance as a supervisor.

The Performance Development Framework will not apply to casual staff members.

### 5  INCREMENTAL PROGRESSION

Where eligible for incremental progression, staff members may only be considered for incremental progression if they have participated in the Performance Development Framework.
Increments will be awarded where the staff member has demonstrated satisfactory or above performance in their performance development review.

6 TRANSFERS
While appointment is generally made to a specified position, the University may, after due consultation and consideration, transfer an employee to other positions at a future time should circumstances require such action.

7 EMPLOYMENT MEDICAL
The University has a statutory responsibility to ensure a healthy and safe work environment. Part of that responsibility is to ensure an appropriate match is made between the potential employee and the tasks he or she is required to undertake. Pre-employment medical assessments are part of that process.

The employment health assessment procedures are designed to ensure, as far as possible that:

- the physical capacities of the employee are adequate for the work tasks;
- the intended work activities do not aggravate a pre-existing condition;
- work will not precipitate an illness or injury in a susceptible person;
- the prospective employee is not posing a risk to themselves or others in the proposed work environment.

Part B and C of the Health and Hazard Assessment Questionnaire (HHAQ) will be completed and provided to the prospective employee, completes Parts A and D containing relevant personal details as part of the offer of employment. Formal medical examinations will only be carried out for those staff whose occupation or state of health puts them at risk of occupational illness or injury. The questionnaire must be completed and submitted to the Occupational Health Nurse BEFORE the staff member commences employment. The information contained on the HHAQ is confidential and stored in the office of the Occupational Health Nurse.

All new employees have an obligation to advise of any pre-existing injuries or disease.

8 ENVIRONMENT, HEALTH & SAFETY
All staff are required to take reasonable care for their own health and safety and that of other personal who may be affected by their conduct. OH & S responsibilities are published at:

http://safety.unimelb.edu.au/topics/responsibilities/ and include additional responsibilities applicable to supervisors and managers.

9 PROOF OF DATE OF BIRTH AND EVIDENCE OF WORK RIGHTS
All staff must have the right to work in Australia for the duration of their employment. Before commencing employment and receiving salary payments, new employees are required to supply proof of date of birth and evidence of their right to work in Australia. New employees must provide:
• an Australian or New Zealand passport; OR
• another form of photo identification issued by an Australian government agency and one of the following:
  o a full Australian birth certificate for a person born before 20/8/1986
  o a full Australian birth certificate for a person born after 20/8/1986, showing that at least one parent was born in Australia
  o New Zealand birth certificate
  o an Australian or New Zealand citizenship certificate
  o confirmation of enrolment to vote in Australian state or federal elections; OR
• a passport issued by another Government with an appropriate work rights visa

Staff members are required to notify the University of any changes affecting their right to work in Australia, including any changes to their visa status or attainment of Australian Citizenship and must provide updated copies of relevant documentation.

10 SALARY
Salary is paid fortnightly in arrears.

11 SALARY PACKAGING
Salary packaging allows employees to change the structure of their remuneration package and take non-cash benefits in lieu of salary.
Staff may sacrifice up to 100% of gross annual salary and an annual administration fee may apply on specific benefits.

The University reserves the right to review the Flexible Remuneration Package and may amend aspects of the scheme at any time.

Should legislative or other changes result in an increase in the costs of FRP to the University, the University may elect to discontinue remuneration packaging from the operative date of the change, unless the staff member pays additional cost, in which case the University will continue the remuneration packaging option.

Items that can be packaged are:

• Additional Superannuation
• Car Parking (University Provided)
• Ian Potter Museum of Art Membership
• Laptop/Notebook Computers
• Mobile Phones
• Motor Vehicles (Novated Leasing)
• QANTAS Club (Lounge) Membership
• Sport and Recreation Membership Fees
• Superannuation Employer Contributions
12 SUPERANNUATION
UniSuper is the superannuation fund prescribed under the Enterprise Agreement 2013 and the University requires all staff members to join an appropriate plan as a condition of employment. UniSuper details are contained in the enclosed information booklet from UniSuper.

Defined Benefit Division and Accumulation 2 – The salary for the purpose of member and employer contributions to the Defined Benefit Division and Accumulation 2 is determined in accordance with the definition of “salary” in the UniSuper Trust Deed (as amended from time to time).

13 ANNUAL LEAVE
A full time staff member accrues 20 days of annual leave in each year of service (pro-rata for part-time employees). Leave is for recreational purposes and should be taken annually. Staff members and supervisors should work co-operatively to ensure that leave balances are within maximum limits. Staff with excessive leave balances will be directed to reduce their leave balances.

Staff members who are employed on fixed term contracts must take their full annual leave entitlement during the term of the contract, unless otherwise agreed by the University. The University reserves its right to require a staff member on a fixed term contract to work out the entirety of the contract and receive payment for accrued but untaken annual leave upon cessation of the contract.

14 ANNUAL LEAVE LOADING
An Annual Leave Loading is paid annually (usually in December).

15 LONG SERVICE LEAVE
A full-time staff member is entitled to 13 weeks long service leave at the completion of 10 years service with the University (pro-rata for part-time staff). The purpose is to recognise the staff member’s service and to enable the staff member to have a lengthy period of relaxation. Staff members and supervisors should work co-operatively to ensure that leave balances are within maximum limits.

16 RECOGNITION OF PRIOR SERVICE
The University has agreements with certain other organisations for reciprocal recognition of service for the purpose of determining long service leave entitlements. Staff members whose service with other organisations is recognised by the University will have their entitlements determined solely by university rules, even if these differ from those of other organisations. New employees must apply within twelve months of commencement of employment with the University of Melbourne for recognition of any prior service with other organisations.
17 PERSONAL/CARER’S LEAVE
Full-time staff are entitled to fifteen day’s paid personal/carer’s leave for each year of service, which will accumulate if not taken. Personal/carer’s leave may be accessed for sick leave or carer’s purposes.

Full time staff are entitled to an additional 5 days of non-cumulative carer’s leave which will be utilised prior to staff utilising their cumulative leave entitlement. Part-time staff members are entitled to personal/carer’s leave on a pro-rata basis.

18 UNIVERSITY HOLIDAYS
The following days are currently observed as University holidays:

- 1 January (New Year’s Day) or, if that day falls on a Saturday or Sunday, the following Monday;
- 26 January (Australia Day) or, if that day falls on a Saturday or Sunday, the following Monday;
- Good Friday and the following Monday and Tuesday
- 25 April (ANZAC Day);
- The day observed to celebrate the anniversary of the Sovereign;
- 25 December (Christmas Day) or, if that day falls on a Saturday or Sunday, the 27 December;
- 26 December (Boxing Day) or, if that day falls on a Saturday or Sunday, the 28 December;
- the days between Boxing Day and New Years Day; and
- any such other days, as the Vice-Chancellor shall declare.

Where any day is gazetted in addition to, or in substitution of, any of these days by proclamation or legislation, then that day will be observed as a University holiday.

Labour Day and Melbourne Cup Day are not observed as University holidays.

19 NOTICE OF RESIGNATION
Professional staff members are required to give two weeks’ notice in writing of resignation.

20 RETURN OF UNIVERSITY PROPERTY, RECOVERY OF OUTSTANDING OVERPAYMENTS OR LOANS
If at the end of employment the staff member owes money (including as a result of any amounts overpaid to the staff member or a loan from the Staff Welfare Fund) to the University then, to the extent permitted by law, the University may offset that money against any payments that it is legally obliged to make to the staff member.

The staff member agrees to return all University property to their Manager before the end of their employment. The staff member acknowledges that the University may also request the staff member to return University property at any time and the staff member agrees to comply immediately with any request to do so.
21 **PAID OUTSIDE WORK AND DIRECTORSHIPS**

Full time Professional staff may undertake paid outside work beyond the weekly hours of work established in the contract of employment provided it does not compromise the staff member’s time commitment to the University. In exceptional circumstances, paid outside work within normal working hours may be approved, provided that the operational efficiency of the Unit is not affected and the time commitment to the University is not compromised.

Approval for paid outside work must be obtained in writing in advance of the work being undertaken and can only be approved by a Head of Department or Dean if the staff member has professional indemnity and third party insurance, the staff member provides written confirmation from the body for which the work is to be carried out that it acknowledges that the work is undertaken in a private capacity, and the staff member obtains a written release from that body from any liability that may arise in connection with the work being undertaken.

Cost recoveries will be made for the use of University equipment or services.

No staff member may, without approval, become a director of a public or private company or organisation (other than those which are of a charitable or non-profit nature, or formed to deal solely with private affairs). In these circumstances, the staff member should seek approval if there is any conflict of interest between the work for the University and the board membership.

The Vice-Chancellor, on advice from the Head of Department and Head of Budget Division concerned, considers applications for permission to hold a directorship.

22 **STAFF EDUCATION SCHEME**

Time off to attend classes may be available for approved educational courses, subject to certain conditions.

23 **RESPONSIBILITIES OF UNIVERSITY STAFF**

The University expects all staff to maintain a high standard of conduct and work performance, and to observe standards of courtesy and fairness in dealing with students, members of the public and other staff. At all times the rights, duties and aspirations of others are to be respected.

The **Responsible Conduct of Staff Policy** and related **Procedures** outline these expectations in detail, with selected matters referenced below.

The Code of Conduct for Research covers ethical issues which may arise during the course of research.

23.1 **Personal behaviour**

Staff are expected to:
• Perform their duties professionally with skill, care and diligence using authority fairly, observing relevant Acts, regulations, Awards, Agreements, Policies and Procedures.

• Respect the opinions and beliefs of others and their right to practice their beliefs.

• Comply with the Discrimination, Sexual Harassment and Bullying Procedure and treat others fairly and equitably, irrespective of race, disability, religion, cultural background, sexual orientation, age and marital status, and will not engage in harassing, bullying and discriminatory behaviour.

23.2 Conflict of interest
Staff are expected to act in the best interests of the University when carrying out their duties and must not allow their own interests or the interests of others to interfere with that obligation.
Staff are expected to avoid, or where necessary to disclose and manage, conflicts of interest in accordance with the Conflict of Interest Procedure.
Staff members are occasionally offered favours or gifts. Staff should exercise caution before accepting such favours or gifts from persons who could benefit or be perceived to be benefiting by influencing them. The giving and receiving of gifts in the course of employment is covered in the Gifts Procedure.

Conflict of interest situations may arise from close personal relationships between staff and students for whom the staff have a duty of care. Such relationships may have the potential to cause harm to students, staff and the University. Staff must ensure that their relationships with students are professional, trusting, and respectful, and in accordance with the Staff-Student Relationships Procedure.

23.3 University Finances, Equipment and Resources
Financial procedures and systems are designed to ensure the University is publicly accountable for expenditure of monies entrusted to it. Staff are expected to observe the highest standards of integrity in financial matters. Fraud or theft by a staff member will normally result in dismissal and, where appropriate, legal action will be taken.

In addition, staff are expected to:
• use and manage University equipment and resources economically, efficiently and for legitimate University purposes
• secure University equipment and resources against theft or misuse
• ensure the proper expenditure of University funds, avoiding personal, extravagant or wasteful expenditure
• minimise their environmental impact by complying with the University’s environmental policy and environmentally sustainable practices
• protect the privacy of others and maintain appropriate confidentiality regarding personal matters and information obtained in the course of their employment.
23.4 **Computer equipment and software**  
Staff are expected to comply with the Use of IT, Phones and Equipment Policy, and associated procedures, governing the use of the University’s computing and network facilities, including internet, email and mobile phone usage, and to avoid excessive personal use of the University’s electronic communications systems that may create additional cost to the University.

23.5 **Staffing decisions**  
Many staffing decisions are made by committees composed of other staff. Representatives on such committees are not to divulge information confidential to the committee.

Partners, family members or friends of staff may only be employed where an appropriate independent merit selection process has been observed. Situations in which partners, family members or friends are in a direct supervisory relationship with each other should be avoided.

23.6 **Equity and Diversity**  
The University is committed to a work environment that is free from discrimination on the grounds of race, gender, religion or other attributes and in which employment decisions are made on the basis of merit. In all their dealings, staff members should abide by the Equal Opportunity Policy. Behaviour or actions that constitute discrimination, sexual harassment, or bullying are unacceptable and will not be tolerated.

23.7 **Health and Safety**  
The University seeks to ensure a safe and healthy workplace. Staff members must abide by safety procedures, ensure that no unsafe areas or practices go unreported and take reasonable care for the safety of self and others. Supervisors are responsible for safety in their work area.

23.8 **Outside work**  
Staff members must work only on University related activities during working hours unless they have some other arrangement approved. Outside work can only be undertaken in accordance with University policy and procedures, and should not involve a conflict of interest with University duties.

23.9 **Breaches of these Obligations**  
Staff are required to adhere to the letter and spirit of the obligations in this clause. Staff who become aware of breaches of these conditions by others should bring their concerns to the attention of their supervisor or a senior staff member of the University. No staff member will be disadvantaged as a result of taking such action, and as far as possible information will remain confidential.

Breaches of these conditions may result in disciplinary action, and possible termination of employment.
24  STAFF-STUDENT RELATIONSHIPS AND CONFLICT OF INTEREST

The University has policies and procedures to address situations such as those outlined above. The Responsible Conduct of Staff Policy and Staff/Student Relationships Procedure prohibit behaviour on the part of staff that may compromise their position of trust with students. The University requires staff to avoid conflicts between a personal relationship and professional responsibilities.

Any staff-student relationship is expected to be based on the following principles:

- That staff recognise their professional and ethical responsibility to protect the interests of students, recognise and resolve conflicts of interest, to respect the trust involved in the staff-student relationship and to accept the constraints and obligations inherent in that responsibility.

- To have a close personal relationship with a student to whom one has a duty of care is likely to involve serious difficulties arising from the power disparity inherent in the staff-student relationship. In general, such relationships should be avoided. In some circumstances an initial sexual approach to a student, or engaging in a sexual relationship with a student constitutes sexual harassment and can be the subject of complaint under the University’s Discrimination, Sexual Harassment and Bullying Procedure or to an outside body. Some relationships may disrupt the teaching and learning environment for other students and colleagues.

- Relationships with family members or with friends or associates in the University environment may raise ethical and professional issues, including conflicts of interest.

- In a situation where a staff member is or has been involved in a sexual or other close personal relationship or is a family member of the student, the staff member would have a potential conflict of interest between the personal relationship and their professional responsibilities. The staff member should not be involved in decision-making or other processes which could advantage or disadvantage the student (or could reasonably be perceived as advantaging or disadvantaging the student). Relevant decisions or processes include, but are not limited to: selection for entry into any undergraduate or postgraduate course offered by the University; assessment; selection for any scholarship or prize; honours or postgraduate supervision; preclusion or disciplinary matters; or determining access to resources.

- If participation in any of these processes cannot be avoided, the conflict of interest must be discussed with the Dean or Head of Department or other appropriate person, and alternative arrangements to safeguard the interests of all parties must be made. The matter must be treated in an absolutely confidential manner.
• Decisions made at the most senior levels in the University have wide-ranging effects. It is unsatisfactory to rely on alternative arrangements to deal with conflicts of interest arising from a sexual relationship between a person at such a level and a student. Accordingly, anyone who is involved in or has recently been involved in a sexual relationship with a currently enrolled student, should not seek, accept or retain a position at the level of Dean or above.

In exceptional circumstances, if, for example, the relationship pre-dated the enrolment of the student, these procedures may be varied by the Vice-Chancellor, in consultation with the Executive Director Human Resources.

### 25 BALANCING WORK AND FAMILY

The benefits of the family-friendly workplace include:

- high morale and productivity and a positive secure working environment
- reduced employment costs associated with recruitment, training, absenteeism, and workers’ compensation
- the flexibility to re-negotiate work or work hours when an event or life cycle phase occurs requiring a change to different working conditions.

University policies, practices and programs provide for increased flexibility when considering the needs of individuals who are concerned with balancing work and family. Full details of various family-friendly University policies can be obtained from the Human Resources policies in the University’s Policy Library on the internet [http://policy.unimelb.edu.au/category/Human+resources](http://policy.unimelb.edu.au/category/Human+resources)

The following policies provide a basis for discussion and negotiation when family situations need more flexible work arrangements:

- Fractional & Part-time employment
- Job Share
- Reduced Working Weeks Scheme
- Home Based Work for Professional Staff
- Flexible Working Hours
- Contract Employment

Leave for family reasons may be under the following policies:

- Parental leave
- Personal/carer’s Leave
- Compassionate/Bereavement Leave
- Leave without Salary

Other issues to be considered in ensuring that the workplace is fully supportive of employees with family responsibilities:

- Pregnancy and work
- Return to work following leave
- Caring for dependant adults
- Childcare
- Career breaks & maintaining workplace links
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- Breastfeeding

Information on the University as a family-friendly employer can be found in the Best HR Practice Kit: Work and Family

Children on Campus
The University acknowledges that many staff combine family with work responsibilities. The University will continue to make all reasonable efforts to ensure that there is no direct or indirect discrimination on the basis of parenthood.

The University recognises that:
- the care of children is not confined to the social and private realms of life; and
- family responsibilities may be the concern of any adult.

The University aims to provide leave, benefits and child care facilities which reasonably accommodate the competing roles of students and employees with respect to their family responsibilities.

Staff may, when it is appropriate and safe to do so, bring one or more children to the University to enable the parent to attend classes or the workplace.

Requests by staff or students to bring their child(ren) to the workplace or classroom shall be considered by managers and supervisors and. Staff should request permission from their Manager or Supervisor to bring their child(ren) to work, Managers and Supervisors must fully consider the University’s legal obligations not to put at risk the health and safety of both children and staff when considering requests. The ultimate responsibility for the safety of all persons on campus resides with the University, and the University cannot accommodate a child where this could create a situation of danger, stress or undue irritation to the child, the parents, other staff or students. The University therefore reserves the right to decide whether a child should be permitted in, or should be allowed to remain in, any particular location.

Children are not permitted in practical classes held in laboratories, workshops or clinics.

Access to Specific Areas
Certain areas may have supplementary policies or guidelines relating to children that must be in line with overall University policy.

Supervision
The University requires that children brought onto the campus be under the supervision of a parent or guardian at all times.
Definition
Campus: includes all the University’s campuses, field and research stations, buildings, grounds, vehicles, farms, commercial operations and other locations under the University's control.

26 PERSONAL INFORMATION/PRIVACY
The University of Melbourne complies with the provisions of the Information Privacy Act 2000 and the Health Records Act 2001 in its treatment of personal and health information. During your employment we will collect and store personal and health information about you. The University will take all reasonable steps to ensure that the personal information it holds is accurate and complete and that it is protected from misuse, loss, unauthorised access or disclosure. The University will not disclose your personal information to a third party without your consent unless required or permitted by law. The University’s Privacy statement is found at http://policy.unimelb.edu.au/MPF1104

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