

Present

Pippin Anderson, John Bolton, Clive Chandler, Faridah Chebet, Shadreck Chirikure, Sheila Clow, Bette Davidowitz, Shari Daya, Rob Dorrington, Richard Drummond, David Erwin, Kathleen Evans, Emma Fergus, Terri Grant, Thulane Gxubane, Michal Harty, Charles Hellaby, Rob Ingle, Ian Jay, Jeff Jawitz, Peter Johnston, Maria Keet, Mariola Kirova, Michelle Kuttel, Johannes John-Langba, Dirk Lang, David Lincoln, Tim Low, Helen Macdonald, Iain Macdonald, Patrick Marais, David Maralack, Mark Massyn, Tom Moultrie, Maanda Mulaudzi, Caroline Ncube, Gideon Nomdo, Saul Nurick, Sophie Oldfield, Neill Robertson, Roman Roth, Andrea Rother, Julian Smit, Kathryn Stinson, Dave Strugnell, Hussein Suleman, Christine Swart, Francois Toerien, Mohohlo Tsoeu, NienTsu Tuan, Thomas van Heerden, Catherine Ward, Bernhard Weiss and Ingrid Woolard

Apologies

Collen Adnams, Neil Armitage, Veronica Baxter, David Benatar, Brigitte Brice, Di Cooper, Carryn de Moor, Mqhele Dlodlo, Jane English, Paula Ensor, Carren Field, Christopher Gilmour, Fiona Hermann, Catherine Hutchings, CT Gaunt, Salma Ismail, Graham Jackson, Claudia Kalil, Tara Kuhn, Murray Leibbrant, Karen Le Jeune, Janice McMillan, David Marais, Heather Marco, Pat Mayers, Peter Meissner, Ulrike Rivett, Christine Rogers, Fiona Ross, Jean Paul van Belle, Chris von Klemperer, Jenny Whittal and Nigel Worden

In Attendance

Shirifa Hellaby (AU Administrator)

1. Welcome and Apologies

Tom Moultrie (President of the AU) extended a welcome to everyone present.

2. Confirmation of the 2013 AGM Minutes

Acceptance of the minutes was proposed by Bernhard Weiss, seconded by Charles Hellaby and duly accepted by the meeting without further comment or correction.

3. Matters Arising

From the AU Executive side, the matters which will be discussed today are in the full agenda.

4. President's Report

A full copy of the President's and committee reports had been circulated via email prior to the meeting and is mainly a list of activities that the AU were involved during the year and issues it would be faced with during 2015.

In Summary:

a. Acknowledgement and thanks to former AU President, Bernhard Weiss

Tom informed the meeting that he was not the President who was elected in 2013. In May 2014, the Union's President, Bernhard Weiss took the position of Deputy-Dean in the Faculty of Humanities. Due to a conflict of interest, Bernhard had to tender his resignation from the Union Executive.

Tom expressed his thanks and gratitude to Bernhard for the following: his work during the first half term of office of the Union Executive; for the healthy state which he has left the Union; for his long years of service both as President and Vice-President on the Union Executive. The meeting acknowledged Professor Weiss' contribution with applause.

b.) The position of the Union

Tom informed the meeting that the Union is in a far better state than it has ever been for several years. The Union has 620 members, which is a representativity of just over 55% members and includes all ranks of academic staff. More work is required but the role and activities of the Union over the last three years have helped to cement its role in representing staff interests and this has provided a platform for further growth of the Union.

c.) Union's Finances

Financially the Union is in a good shape as Ian Jay (Treasurer) will report. It is the agreed long-term policy that the Union should seek to accumulate sufficient reserves to be able to fund its activities without University support in case the last-mentioned decides to withdraw its contribution to the Union's finances. Tom reported to the meeting that the Union is making good progress towards this.

The proposal to discuss the change in the membership fee structure will be discussed as a separate item.

d.) Participation in University structures

Tom informed the meeting that the Union is participated in a number of university structures over the last year.

- i. Institutional Forum (IF): There is a quasi-legal requirement that the Union participates in the IF, which is a body consisting of students, the three staff Unions and the University administration to provide advice and guidance to Council on a range of University matters. The Union's experience with the IF is that it has been somewhat dysfunctional, as there is seldom a quorum and the issue of governance, is something the AU Exco will take up in the next year to ensure that this Forum can actually play a meaningful role as mandated by the legislation.
- ii. UCT Retirement Fund (UCTRF): Tom expressed his thanks and gratitude to Dave Strugnell, who represented Union members on the UCTRF. Tom indicated to the meeting that the workload of this committee is particularly arduous and time-consuming.
- iii. Campus Access Management Forum: Given the recent crises around parking on campus, the Union has motivated successfully for the reconstitution of this forum, which provides some basis for channelling the real concerns about parking and staff access to the following campuses: Upper, Medical School and Hiddings. The Union hopes this will provide the basis for going further with the parking issue which is also one of the demands being lodged with the University this year.

Besides the above Committees, the Union has been represented on a number of other University committees including the Academic Freedom Committee, the Time Table Committee, Staff Development, The University Transformation Advisory Committee, Physical Risk Co-ordinating Committee and the Occupational Health and Safety Forum.

Tom expressed his thanks and gratitude to all those members who offered their time, expertise and service in representing the Union on the above committees.

In addition to those formal University structures, the Union has 2 informal structures to channel staff members' concerns directly to the University administration; these are the Consultative Forum for Academic Staff Matters (CFASM) and a specific forum dealing with HR issues. These forums allow the Union to articulate those concerns directly to the University administration without having to set up special meetings.

Activities over the year

i. Salary Negotiations:

These include the Salary Negotiations for 2013-2014 and those were largely successful. The Union attained an increase which is just a bit less than was mandated by the Pay Policy. Large increases at other institutions in the last year have left UCT slightly behind in terms of academic salaries.

ii. Soft Funded Academic Research Staff (SFARS):

The Union went through an extensive negotiation about rights for Soft Funded Academic Research Staff (SFARS) and again processes have been set in place to allow the Union to monitor and track the University's policies and practises involving SFARS, which will provide the basis for further work going into the future. One of the bigger achievements this year is that a survey was sent out a few weeks ago, which members should have received via email. The survey is intended to identify the number of SFARS employed in the University who are not covered by the General Operating Budget (GOB). It is one of the arguments that the University could never inform the Union how many staff members are employed under SFARS conditions. Tom encourages members to complete this survey.

iii. Leave Policy:

The Union has renegotiated changes to the leave policy. The past policy stated that the academic leave month was *de facto* in January and the Union has argued for several years that it not possible for staff to have leave then when they have to write supplementary exams, do course administration or prepare for new courses. The policy has now been changed to 22 working days leave per year to be taken at a time convenient to the staff member and HoD, in addition to the week between 25 and the New Year, which does not form part of the annual leave. The Union hopes that this change in the leave policy would contribute to the well-being of staff.

iv. Conflict of Interest Policy:

Earlier in this year, staff would have received a letter included in their CoE notification requiring staff to list all possible conflicts of interest including those of the staff member and their family members with the University. The Union raised a number of concerns for what it saw as being an overreach of this policy for requiring disclosure of information, which often staff members might not have nor wish to disclose or view as relevant. Through negotiation, the Union managed to obtain some degree of clarity on what is intended by this conflict of interest policy articulated to staff members by the Executive Director of Human Resources. The Union will take this matter up again later in the year to ensure these kinds of problems do not arise in the next year. One of the

problems which might arise is whether the University has even managed to capture and make use of the information captured last year.

v. Retirement Age:

The Union has also taken a leading role in taking forward discussions on the retirement age. There are a variety of suggestions which has been proposed by the various forums of the University. Margaret Orr has been appointed by the Vice-Chancellor to lead a task team to consider post-retirement discussions and options within the University. In addition to this, the University has taken the initiative to make immediate provision for highly-rated academic researchers who are possibly being endangered of being poached possibly by other institutions.

Ingrid Woolard will report on these processes later.

vi. Grievances:

The Union has handled a number of grievances over the last year and 17 have gone through some form of formal stage or discussion with the Grievance Group. These involve around issues of Probation, ad-hominem promotions and some substantive issues on unfair labour practises. As has occurred in the past, the Union contributed towards legal fees for staff members where there is a fundamental principle at stake in terms of either overall policy for the University or for a particular individual whose rights or interests have been compromised.

vii. Issues in 2014-2015 which will occupy the Union's time:

- a. The impression received is that the University is facing a systemic problem regarding government funding, both in terms of the research and student subsidies it receives. This will have a strong effect on the University's cash flow as income from government is one of the major sources of its income over the next five to ten years. This has implications for the salary negotiations not only for this year but for future years. One of the problems which will arise is that the Pay Policy is effectively self-equilibrating. If staff gets below the expected increase in one year, it comes through directly in the following year. Increases above what the market gives one year, should mean a below inflation increase the next year. But if there is a systemic risk to the University of its finances, that self-equilibrating mechanism will fail. One of the questions the Union would have to deal with is the question of the Pay Policy (which expires in 2015) and how it fits into proposing an alternative means where the Union and the University will go about negotiating and settling its differences on pay policy negotiations.

Tom informed the meeting that Ingrid Woolard will discuss Interest Arbitration further under item 9 of the Agenda.

b. AU position on external Union's activities:

Tom reported to the meeting that recently the Union was approached by a Support Group for Palestinians who requested the Union to express support for Palestinians particularly in the context of what is happening in Gaza. The Union's concern was already articulated that the motion put to the Executive was not one of direct academic interest. There are issues arising, for example, a global move afoot, calling for an academic boycott of Israel. Tom indicated to the meeting his view that this was an issue the Union should be considering and debating. How would the Union go about reconciling the principles of academic freedom versus an academic boycott? Tom suggests one of the things the next AU Executive could take forward with the Academic Freedom Committee, is to introduce a series of debates for academics about these contentious issues to get to the point where the Union can consider adopting positions which need not be parochial and can be about global events. It could also involve other South African

universities where their academic freedom is being possibly compromised or under threat by their administration. Historically, the Union tended to be parochial and can start to look beyond the walls of UCT by looking at how they can engage in broader debates about the roles of universities in societies and those of academics in society.

c. Acknowledgements and thanks:

Tom expressed his thanks to the Union administrator, Shirifa Hellaby who has kept the Union running through the transition between Bernhard and himself this year. Shirifa has been phenomenal in terms of organising the activities of the Union and ensuring communication to members have gone out.

Tom also expressed his thanks and gratitude for the members of the AU Executive in the last year for their service and to two people in particular: Ian Jay, the Treasurer, for his work ensuring that the Union finances remained stable and in good health; and to Ingrid Woolard, the outgoing Vice President who has provided Tom with an invaluable sounding board in taking the Union's activities forward.

Tom expressed another thanks to Bernhard for his work through the years.

Questions raised in response to the President's report by members at the meeting were:

- a. If anything has happened about Interest Arbitration?
- b. Was the Union approached in the consultation process round the Jammie Shuttle?

In response to the first question above, Tom's made the following comments:

- (I.) Interest Arbitration is on the agenda, item 9 and will be discussed by Ingrid Woolard.
- (II.) As Ingrid will explain, Interest Arbitration is being proposed by the University as an alternative means of negotiating between the Union and Management.
- (III.) Not much has happened until July this year when a workshop was held with Chris Albertyn, an academic from Canada who facilitated discussions between the Union and the University Executive on Interest Arbitration.
- (IV.) There has been no progress since then.
- (V.) Following a rather difficult start with the negotiations with the University, the Union removed Interest Arbitration for consideration.
- (VI.) One of the implications of Interest Arbitration is for the Union to give up its right to industrial action, which seems to be rash and precipitous.

In response to the second question above, Tom's comments were the following:

- a. The Union was not approached, but rather informed of the revised Jammie Shuttle schedule.
- b. Historically the Campus Access Management Forum existed, which was run under the previous Director of Properties and Services, John Critien, who retired at the end of last year. John Critien was replaced by Andre Theys.
- c. When Properties and Services wished to change the Jammie Shuttle route, the Union was sent a letter, along with other staff.
- d. The Unions met with Andre Theys informing him that he cannot make unilateral decisions but has to consult the Unions.
- e. As a result of the engagements with the Unions, the trial period for the re-routing of the Jammie Shuttle will be a shorter one.

- f. The Campus Access Management Forum is now being reconstituted.
- g. The process for the retendering of the Jammie Shuttle is expected to go out in 2015 and the Unions will be consulted about the service parameters of what goes into retendering.
- h. Properties and Services need to do the re-costing to decide how they could save if the Jammie Shuttle is re-routed.
- i. The main problem for the University is that the price of diesel has increased considerably and the Jammie Shuttle has become an expensive service to run.
- j. They are trying to find ways to make the Jammie Shuttle more cost effective and this would have to be done in consultation with students particularly, who are effected and with the Unions.
- k. The chaos of parking is another issue, which would require further consultations with Andre Theys and the Unions.

5. Treasurer's Report

a. Draft 2013 audited financial statement

A copy of the draft 2013 audited financial statement produced by Nolands (Mowbray branch) was made available to members via email. Ian Jay (Treasurer) provided an overview.

In Summary:

- The main source of funding is the Union membership dues, which is R298 546.00.
- The Union received a grant of R252 389.00 from UCT, which is to support the employment of the full-time Administrator.
- Investment income was R41 401.00
- This left the Union with a surplus of R344 253.00
- The total income was R592 336.00

b. 2013 Expenses

Ian presented the meeting with the income and expenses report for 2013 and reported the following:

- (i.) Legal and professional fees were R42 395.00, which represents 65.83% of the operating costs.
- (ii.) The Auditing expense was R9 120.00.
- (iii.) Operating costs was R12 887.00.
- (iv.) The Union managed to keep a tight control on its expenses.
- (v.) The total expenses were R64 402.00, which excludes the Administrator's salary.

c. 2014 Budget and 2013 Actuals

Ian presented the meeting with the proposed 2015 Budget and reported the following:

- (I.) The Union inflated the 2013 budget by 6% to generate the 2014 budget.
- (II.) The 2015 budget figures arise primarily from the expenses incurred in 2012.
- (III.) Once the Union has a complete picture of its expenses for 2014, the proposed 2015 budget will be reviewed towards the end of the year.
- (IV.) The reason the Union has been conservative with the budget figures is that annual costs might fluctuate from one year to the next.

d. 2014 Income and Expenses report

Ian presented the meeting with the 2014 income and expenses report and indicated the following:

- (i.) This report is the Union's income and expenses to date.
- (ii.) The Union can also track its membership dues on a monthly basis.
- (iii.) The Union has not yet received the University grant for 2014 so in effect; the Administrator's salary is paid from the existing Union's capital reserves.

- (iv.) Ian requested Bernhard to explain how the University calculates the grant they provide the Union.
 - (v.) Bernhard response was that there was a substantive agreement with the University which stipulates the pay level the last-mentioned will provide the Union.
 - (vi.) The Audit fees include the audit as well as the costs to Nolands to set up the Union as a tax-paying entity on SARS. Nolands had to back-date this application since the inception of the Union. This is a once-off expense, which the Union did not anticipate.
- e. Proposed 2015 Budget
- (i.) The Union inflated the 2015 draft budget by 7%.
 - (ii.) The major expense will be the operating costs, which might change at the end of the year once the Union has a clear idea what its expenses in 2014 are.

Questions or comments raised by members at the meeting were:

- i. The budget was double from what was spent, so is there a particular reason why this was not adjusted?
- ii. The Union managed to retain income which is just about more than what the University contributes so if the last-mentioned's support falls away, there will be very little left. This year's costs will be very realistic if the Union does not have the University's contribution, this means there will be very little slack.
- iii. What is happening with the investments? If the Union is trying to build capital and not touch it. How would these be optimised?
- iv. How much is the Union contributing towards the investment income and what is the purpose of the reserve funds?
- v. If the University permanently withdraws its support to the Union, then that itself would be an argument to increase membership fees.

In response to the above questions, Ian and Tom made the following comments:

- a. The original budget was based on the actual expenses of 2012.
- b. The Union cannot predict what the expenses would be for 2014 and hopes to attain a low operating cost. There is a limit what the Union can do and it is the intention to build capital. If the University decides that due to austerity reasons they withdraw their contribution towards the Administrator's salary falls away, it would have to build up enough reserves to function at its current level for at least 3 or 4 years.
- c. In the last year, the Union has not been called on to spend its legal reserve fund, which has been used to cover legal costs in the past.
- d. The point is not to grow the investments indefinitely but to get to the point where it is sustainable.
- e. The retained income figure goes into the investment accounts.
- f. The Union has a separate legal fund, which is currently at R73 000 to earmark legal challenges. The AU Executive makes a decision every year to transfer funds into the legal fund to ensure that there is support for grievances independent of the other Union funds.
- g. One of the proposals next year might be to reduce the membership dues on the basis that the income and expenditure would be matched more closely so the Union has a sufficient reserve if the University should change its attitude.
- h. The Union has no idea how much the University will contribute towards the salary of the AU Administrator in 2014.

6. Proposal: To move to a system in which the membership dues will be calculated as a percentage of salary

The issue to change the calculation of membership dues was initially raised at an AGM two years ago. There was a proposal from the floor that the membership dues should reflect the ability to pay rather than being a flat rate as it currently is. Although there was a quorate at the 2013 AGM, it was insufficiently attended to get a strong sense to whether this proposal should be pursued.

The last AU Executive canvassed its members via a Vula poll to ask whether they were in favour of changing the basis of calculating membership dues and the results were strongly in favour. Two-thirds of members voted, of which 66% of them were in favour to change the calculation of membership dues. After work done by Ian Jay, the Treasurer, the AU Executive decided to set dues at the rate of 0.1% of academic staff members' CoE rather than the current R50 flat rate. What this will mean using the current standard salary package rate; is Professors will pay R74 a month and lecturers about R40 a month towards the Union.

The effect of setting it at the 0.1% rate is that is close to being cost neutral relative to what the Union is currently obtaining from its membership. As what was discussed earlier, the Union is rapidly closing in on its target position of having sufficient reserves to cover three years of expenses should the University cease its contribution towards the Union's costs.

There is a possibility for the Union, at the next AGM to suggest reduce the 0.1% to a lower amount to try and match the Union's costs.

An alternative proposal submitted by David Benatar:

Tom reported to the meeting that he has been asked by David Benatar, who is on sabbatical to articulate an alternative proposal for members to consider. David Benatar's argument is the following: The equity of the Union is best served by all members paying a flat rate as all members benefit equally from the Union's activities regardless of their ranks. Individuals benefit from the current cross-subsidy as they rise through the ranks. In other words, they are effectively over paying when they are junior staff and pay less as a proportion of their salary as they rise through the ranks. Therefore there is a measure of equity nonetheless.

David Benatar requested Tom to put forward a counter proposal to this meeting, which is:

The meeting should first have a motion whether the Union wants to adopt a sliding scale fee, which is 0.1% of CoE as the basis for setting membership dues. Secondly, if this motion is passed, David Benatar proposes that this basis is reviewed after a period of two (2) years to see if it actually has one of its desired effects of encouraging greater membership amongst the junior members of staff.

Questions and comments that arose from the above counter proposal, namely whether the Union should adopt a sliding scale fee:

- (i.) What is the point of a more complex tax base for a very minor difference between Professors and lecturers? Would it affect a lecturer that much, the difference of R10? What is the point of the increased complexity?
- (ii.) There is a difference between equitable and equal. This is not equitable. We might say that we are not all paid the same and wonder if it is worth it, as it is only R50?
- (iii.) Members already agreed to it on the Vula poll, which was far more than those present in the AGM. Will this meeting now overturn the decision from Vula?
- (iv.) The issue of calculating membership dues on a percentage basis does allow the Union with some idea how to project forwards instead of having to annually decide what the rate will be and having a lot of discussions around that. Other Unions are doing a similar thing as it certainly streamlines and helps with forward planning. It is a very small percentage and do not think why juniors should cross-subsidise people who have a greater ability to pay. Therefore the equity argument falls away.

(v.) The money cannot be an issue, so is it an issue of principle? But surely it is the lower rank of staff members who use the Union more?

In response to the above questions, Tom made the following comments:

- I. This was a view articulated by lecturers at an AGM two years ago and the Union had to take it forward.
- II. It is not complicated, as the Union would inform the University administration to calculate the 0.1% from the member's CoE.
- III. Only the AGM has the power to make this decision.
- IV. A further advantage of moving to a percentage scale of 0.1% is that the salary increases are automatically accommodated every year.
- V. Question (v) is a moot point, as the grievances come at all ranks and very seldom from the top ranks. The last-mentioned generally have other ways of solving problems.

The following motion was put to a vote: that the Union implements the revised basis, which is 0.1% of CoE to calculate membership dues.

This motion was carried by a majority of the meeting.

The next motion from David Benatar was put to a vote, namely, that he would like the newly adopted policy to be reviewed at the 2016 AGM.

Questions and comments that arose from the above counter proposal are the following:

- 1) What is the basis for judging one versus the other, other than what equity would be? Can this be clarified?
- 2) One would be assuming that David Benatar's motion would be that once the original proposal is accepted then he wishes this to be revised?

In response to the above questions, Tom made the following comments:

- a. If this proposal led to a greater representation of junior staff within the Union, would be one of the tests David Benatar would wish to apply.
- b. If the proposal is accepted, it should be reviewed after 2 years.

The above proposal of David Benatar was carried by a strong majority in the meeting.

7. Election of the new Executive Committee for the 2014-2015 term

Tom informed the meeting that nine (9) current members of the Executive Committee have made themselves available to serve another term. When the Union sent out the documents for this meeting, it requested members to either nominate themselves or to nominate others to join the Executive of the Union. The Union received five (5) nominations, namely: Shadreck Chirikure (Department of Archaeology), Emma Fergus (Faculty of Law), Tim Low (Department of the Academic Programme), Kelley Moulton (Health Sciences) and Christine Swart (Department of Mathematics).

There are a total of 14 people nominated for the AU Executive. There were no further nominations for the AU Executive from the floor.

In terms of the AU Constitution, an election for the positions of office-bearers is required:

Tom Moultrie was nominated by Ingrid Woolard. Maanda Mulaudzi as Vice President was nominated by Bette Davidowitz and Ian Jay, as Treasurer was nominated by Kathryn Stinson.

Name	Position	Faculty	Years serving on AU	Standing for Re-election
Tom Moultrie	President	Commerce	2	Yes
Maanda Mulaudzi	Vice President	Humanities	2	Yes
Ian Jay	Treasurer	EBE	2	Yes
Bette Davidowitz	Elected	Science	5	Yes
Michal Harty	Elected	Health Sciences	2	Yes
Catherine Hutchings	Elected	CHED	4	Yes
Christine Rogers	Elected	Health Sciences	2	Yes
Roman Roth	Elected	Humanities	2	Yes
Kathryn Stinson	Elected	Health Sciences	2	Yes

The following members stood for election from 2 September 2014

Name	Position	Faculty
Shadreck Chirikure	Elected	Science
Emma Fergus	Elected	Law
Kelley Moulit	Elected	Health Sciences
Tim Low	Elected	Commerce
Christine Swart	Elected	Science

The meeting unanimously accepted those nominated as office-bearers and those standing for re-election.

8. Feedback on Salary Negotiations

Tom reported the following to the meeting:

- That the AU Executive had submitted its demands to Management at the end of June and seven weeks later, on 18 August received a response from the last-mentioned.
- The tone and the content of the response by Management were aggressive and insulting.
- Tom felt Management started negotiations in bad faith.
- One of the things Management tabled was if this Union did not to settle by 30 November they would take 6 weeks to implement any pay increases and these would not be back-dated.
- Management did not seem to accept recognition that they had taken 7 weeks to present a response and any delay might be of their own doing.
- The Pay Negotiation team, consisting of Tom, Ingrid, Shadreck and Maanda sent a strongly-worded response to Management a day later, and basically pointed out the following: That Management was commencing negotiations in bad faith; that the team was deeply troubled by their attitude towards the Union and would not be prepared to discuss Interest Arbitration as a mechanism for resolving future conflicts, which would involve abrogating the right to industrial action until further notice.
- Following that, Management called for a meeting on 1 September where the last-mentioned tabled a revised response, which was also accompanied by an apology for the original tone of their earlier demands.
- It would be a long-drawn out and difficult process of negotiation with Management this year.
- On the salary demands, the AU put forward a demand for 10.6% increases across the board, which would align it to the current agreed pay policy.
- The counter-offer presented is 8.6%.

- There is a 2% gap between the two positions. In the past, there used to be a wider gap in the initial demands lodged, but this time, the University is making a concerted effort to make a claim that both for this year and the foreseeable future the Pay Policy is not sustainable.
- One of the problems the Pay Negotiations team kept on pointing out to the University and which was raised earlier, is that the Pay Policy is self-equilibrating. If the University gives academic staff an 8.6% increase this year, they will be 2% lower where they should be. This should translate in terms of inflation, a 2% increase next year. So all that the University is doing is postponing and aggravating a problem depending on what happens to the pay line at other institutions.
- Management gave up on their demand that there would be no back-dating of pay.
- Management also wanted to impose odd measures on sick leave quotas and forms for academic staff, but the Pay negotiations team informed the University that the evidence showed that academic staff members were not the ones abusing sick leave. Management withdrew this demand entirely.
- Management initially proposed a demand that there be a tapering of disability benefits allocated to staff and the team suggested it had to be rejected pending further clarification.
- Another demand of the University was Interest Arbitration, and based on the 18 August communication to the Pay Negotiation team, which was demeaning, the team would not discuss it in the short term.
- The Pay Negotiation team will meet to provide a response to Management by the end of this week.
- In terms of the non-salary demands, which are: on parking; on environmental working conditions, i.e. the heating and cooling of offices; review of the doctoral funding model; funding for Master's degree for staff; an increase in sabbatical allowance; clarification on invigilation duties and getting a sense on what the compensation for Deputy Deans and HoDs is? If individual Faculties decide to impose austerity measures they would need to be aware how much their Deputy Deans and HoDs are costing their faculties.

Questions that arose in the meeting are the following:

- (i.) In the setting of the level for this 75th percentile is there any component of trying to predict where everybody would be at the next year? Who are we comparing ourselves with?
- (ii.) Curious to how the University makes decisions about staff salaries versus other types of investments. In the Faculty Board of Humanities, there was the question about how much money is spent on the refurbishment of classrooms, where millions are spent more than originally budgeted. The University could certainly manage a slower rate of classroom refurbishment and stick to the pay policy.

Tom's responses to the above questions are:

- a. No. The current pay policy is retrospective where every year in May, it looks at the following: where do UCT staff members lie, relative to the 10 comparative research-led institutions in the country; what are senior-lecturers, etc. paid? If UCT is behind that implies that the following year, it has to catch up. So UCT's pay policy always lags behind other institutions. The 75th percentile was a figure which is agreed upon in the pay policy. In general, UCT academic staff members are in the top quartile in the country in terms of expertise, teaching skills, research outputs, etc. What the pay policy did not allow for is that over time, UCT staff might become better than other staff in the country and should not be in the 75th percentile but perhaps in the 80th percentile. Alternatively, other academics might be working harder and UCT could be at the 70th percentile.
- b. The current pay policy has to be renegotiated in the context of interest arbitration as it did not allow for a review of the 75th percentile benchmark, which is the reason why the system is self-equilibrating.
- c. The AU will revisit the 75th percentile as it recognises there is a flaw in the current pay policy because it cannot be adjusted from one year to the next.
- d. If the University wishes to deviate from the pay policy, they have to say in the long term why it is not affordable and sustainable. Subsidies from government for the next five years will be largely reduced.

- e. If there is a systemic problem where the University cannot pay academic staff more, this will have implications for the future of the University.
- f. In the meetings with the University, they are not forthcoming about what their long-term solutions are.
- g. If staff members accept the 8.6% increase the University wants to offer, it would be difficult to get back to the pay policy in future.
- h. The Union has struggled to get clear responses from the University about the nature of the constraints they are facing.

Charles Hellaby thanked the Pay Negotiation team for their efforts on behalf of members.

9. Interest Arbitration

- Ingrid Woolard explained to the meeting what Interest Arbitration is and indicated that it is a mechanism for getting through a deadlock during demands. If your occupation is an essential service, like a fireman, for example, you do not have the right to strike, so how does one reach resolution during bargaining?
- Essentially what happens is that you allow all deadlocked bargaining decisions to go to an arbitrator who will ultimately decide on the outcome of the bargaining process.
- In the past, the Union has discussed whether the work of the academics constitutes essential services and decided that they do not.
- Management at the University is very enthusiastic that the Union should agree to Interest Arbitration and are not keen about the threat of its staff members going on strike.
- From the Academics Union side, the academics do not seem keen to strike.
- Management arranged a workshop on 1 July and the whole process was explained to both parties.
- Essentially what happens in Interest Arbitration, is when negotiations are deadlocked, both parties will agree to an arbitrator whom both parties will find acceptable. Arguments will be presented and the arbitrator will make a decision.
- There are two kinds of interest arbitration. One type is where the arbitrator can only make a decision either in favour of one party or the other. This is the final offer of arbitration. For example, if the Union demands 10 and Management 6, the arbitrator has to pick one of these 2 numbers.
- Open arbitration is where the arbitrator can pick any number between 6 and 10.
- Interest arbitration would probably be the method to select if there was a properly formulated pay policy.
- Given the way Management started the negotiations this year, the Pay Negotiations team removed Interest Arbitration from the discussion, as the Union wished to have the option to undergo industrial action if it reaches that point.
- The AU Executive would enter into negotiations with the University but will keep members informed about the process.

Questions and comments that arose from the meeting:

- a. As I understand it, under the Labour Relations Act, we would have recourse to arbitration anyway, so why would we elect to remove our potential threat to withdraw industrial action in favour of Interest Arbitration? We could use that route if it got to the point when we did not make any progress.
- b. If Interest Arbitration came in, would there still be a discussion period before the arbitrator steps in?
- c. Would rule to work apply?

- d. What happens if Management were to deviate completely from the Pay Policy and at the same time, wants us to give up the right to strike. Can we do utterly nothing about this?
- e. Both parties should have some sort of commitment to that process.
- f. Am I allowed to move that we decline to give up our right to strike? I do not think the University has anything to worry about, because getting us to strike will be really hard and do not know what they are worried about.
- g. Staff at the University of New Brunswick was on strike this year when the University ripped their contracts. Canada is not a perfect place.

In response to the questions above, Ingrid and Tom made the following comments:

- (i.) It would create some form of industrial peace, if, on an annual basis, the Union would indicate they would accept it, as it would be speedier to agree to Interest Arbitration. Suggestion is for the AU Executive to have a debate in the next AGM.
- (ii.) The view from this Exco, and also the previous one, is that it would take a lot to get staff members to undergo industrial strike.
- (iii.) Underlying this, there is a reasonable prospect of a beneficially mutual outcome and there has to be a degree of trust, which unfortunately Management shattered two weeks ago.
- (iv.) If the Union were to go the route of Interest Arbitration, the idea would be for a limited period of two to three years only and then to review the process.
- (v.) Going the CCMA route is expensive and delayed whereas for Interest Arbitration, if deadlock is reached, the Union can immediately opt for the arbitrator. This route might be beneficial.
- (vi.) Selecting Interest Arbitration will mean costs are involved. The Union would have to pay for its representation for the arbitrator and also cover half the last-mentioned's costs. In North America and Canada often the employer picks up the costs even if it is deemed to be equally split.
- (vii.) The Pay Negotiation has not commenced the discussions raised above with Management, as it had decided not to opt for Interest Arbitration.
- (viii.) Five years ago, the Union was close to industrial action where it initiated the process to the CCMA. It is clear that the Executive of the University is not keen for the Union to go that route again. At that time, there was still uncertainty whether the Union could get all its members to go on strike for any issue.
- (ix.) From the evidence, workers fair slightly better, on average out of Interest Arbitration.
- (x.) Yes. The bargaining process will occur the normal way. If deadlock is reached, and an arbitrator appointed, members will not be allowed to go on strike. However, members will be allowed to engage in other forms of industrial action, for example, able to picket and entitled to work to rule, etc.
- (xi.) The Union would have to trust the process, as it would be an arbitrator the Union would appoint in the case of a clearly articulated pay policy. The arbitrator would have to do the following: look at what would have been the likely outcome had collective bargaining proceeded; looked at comparabilities; what is occurring in the rest of the market; were the non-salary demands reasonable and finally, would we have the ability to pay.
- (xii.) On the things that resulted from the workshop in July is that the status of the pay policy is not clear within the Interest Arbitration environment. Does it have a binding force or not and how much precedence or weight is it given? Often things would have to be clearly specified beforehand otherwise potentially the University could tear up the Pay Policy and indicate it was in the past and does not matter.

- (xiii.) Interest Arbitration is actually better suited in this sort of environment where there is a pay policy for the arbitrator to work from. Interest Arbitration does not work well when a completely new set of demands are brought in where the arbitrator has no precedent to work with.
- (xiv.) Interest Arbitration works best in a climate of collegiality, trust and mutual interest. But the initial tone the Pay Negotiating team received from Management was anything but collegial.
- (xv.) The purpose of discussing it in this meeting was mainly for the Union to provide feedback to members. If the Union should consider going the Interest Arbitration route, they would arrange a meeting with its members and provide detailed information.

10. Update on the Post-retirement options

Ingrid reported the following to the meeting:

- At Senate last year there were some discussions about extending the retirement age and the result was that Senate's recommendation to Council is that the retirement age remains at 65.
- The Union suggested that there be an investigation into alternative forms of post-retirement options.
- In the beginning of this year, Management announced to Senate for noting that the University was looking to defer retirement for all A and B1 NRF-rated researchers. This was not up for discussion and Tom enquired how this exactly fitted into retirement options.
- Based on the above, there was some discussion between the Union and Management via CFASM that the NRF-rated researchers be considered within a broader discussion about general post-retirement options.
- At this Forum, the Union was informed that our concern would be noted but ultimately it was a Council decision.
- The same point was made by Tom at the Institutional Forum, indicating that the deferred retirement for NRF-rated researchers is not a bad policy, but consultations should have occurred more fully and discussed within a broader framework of thinking about the senior scholars programme, post-retirement teaching opportunities, etc.
- It ultimately went to Council and the Union's views were conveyed to them.
- Council passed the resolution that all A and B1 NRF-rated researchers would remain on the University's condition of service provided their NRF rating does not change.
- It was very an unsatisfactory process and the Union felt it was not consulted nor informed about this.

11. Open Forum/Any other business

- a. Find it interesting that so many people remain on after retirement as teachers with very little salaries for years so surprised that Management would not support teaching staff.
- b. In response to a query about the progress of the SFARS, Tom indicated that this has been discussed earlier. However, progress in ensuring the implementation in a number of concessions raised in the 2013-2014 rounds of negotiations was halted, as Andrea Rother was on contact sabbatical leave during the first half of the year. One of the new nominees to the AU Executive is Kelley Moulton, the Chair of the SFARS Steering Group as well as Kathryn Stinson who are there to advance SFARS interests within the AU.
- c. There does not seem to be a holistic policy when they appointed Margaret Orr on and managed to push the policy of the deferred retirement for A and B1 NRF-rated researchers through.

12. Closure

There being no further business, the meeting was adjourned at 14h20