



22 January 2022

Dear members

During a meeting with the ED: HR on Friday afternoon, the unions were informed by Dr Zulu that EMC had resolved that staff must return to work. He said he would make his draft communication available to us but that the decision had been made and the communication would be circulated to staff on Monday (24 January). The unions were told they could comment but there would be no changes to the decision and document.

The draft communication as shared is attached and save for some grammatical changes, is the notice that went out on Monday 24 January 2022.

The unions are sharing their response sent to Executive management on Sunday and the ED: HR's response to that. These messages are attached.

The unions acknowledge that the employer has the right to say when, how and from where their staff are required to work in accordance with their conditions of service. However, this right comes with obligations on the part of the employer and the unions view management's stance as being scant on how these will be addressed. These are the unions' concerns:

1. The communication is not clear and appears contradictory in parts;
2. Lacks any information of whether the institution has actually done an assessment of the state of readiness for staff return;
3. No clarity on the checks and balances in place to ensure that provisions that are expected of Colleges and Divisions are aligned to the assessment and risks;
4. The University has virtually been closed for almost two years, no information on what has been done to ensure ventilation systems are functioning optimally, whether intense cleaning has taken or will take place; the provision of sanitisers, adequate soap and water, safety shields at desks, etc.;
5. The message refers to immediate presence but contradicts this in the same point by stating sections are to "develop a gradual staff return plan";
6. The reference to immediate is also of grave concern, seeing as at this time the unions are not aware of the University having attended to the comments in points 1) to 4) above;
7. There has to be a needs-based assessment – the time line for this and who will be responsible to check this, many line managers have already read this message and instructed staff to return immediately;
8. There is a further contradiction where three months is mentioned as being aligned to the end of the first semester;
9. The message is effectively issuing a vaccine mandate, as it tells staff the vaccine is available and the previous health and age restrictions are lifted but it appears the University does not have the courage to be open and frank about this;

10. All staff are required to return and students are returning, yet there is no absolute requirement for vaccination and there is no requirement for regular testing, what protection is there for staff and students from possible infection?
11. There are staff who will refuse to vaccinate (with no mandate) and staff medically advised not to vaccinate and employers are required to make reasonable accommodation. There is no mention of how this will be managed and it thus appears that without stating openly there is a mandate that the University feels it is thus absolved of the obligations that come with such.

The unions note that the reply is that the unions' comments "have been considered by management in preparation of staff return" but the communication is so lacking in context that this cannot be the case.

The response from the ED: HR is that he "will be sharing a comprehensive report to the Staff Return Committee on Monday next week". The unions are represented in this committee and this is the very committee that should have dealt with these concerns prior to the instruction. There was a meeting early December 2021 but none of the concerns have since been addressed.

For those staff who were attending to work from their offices previously, there were needs and health assessments. For those who have not yet returned, the unions will be informing management that they will be instructing their members not to return to campus until such time as the above concerns have been addressed and issues resolved.

Issued collectively by NEHAWU, NTEU, UKSU