

## **AUSTRALIAN EDUCATION UNION N.T. BRANCH**

**January 24 2012**

### **SUBMISSION TO ACTU INSECURE WORK CAMPAIGN**

#### **INSECURE WORK IN NORTHERN TERRITORY PUBLIC EDUCATION**

The AEU NT Branch represents all public education workers including Principals, Senior Teachers, Classroom Teachers, Assistant Teachers, tutors, Inclusion Support Assistants (Special Education) and school council employees in a range of employment supporting school students and programs.

The AEU NT also represents Lecturers in Vocational Education employed at Charles Darwin University, Batchelor Institute for Indigenous Tertiary Education and the Alice Springs and Darwin Correctional Centres.

As the principal union representing these employees, we are aware of the increasing use of contract employment, casual employment and insecure forms of employment especially the job security of Indigenous education staff in schools. This trend has been rising since 2006 while contract employment of all teaching staff has been the custom and practice for some years before this for all new teachers arriving in the NT as external recruits, the pattern has become embedded, despite lobbying of Government in the NT, advocacy by this union for a reduction in the proportion of employees who can be on temporary appointment, and despite the body of evidence that this is detrimental to the outcomes for students in the many remote communities across the Territory where teacher (and other education staff) retention is less than 50% in “hard to fill” locations.

#### **Background**

Prior to self-government in the NT (1978), all employees in public education were assigned to their positions through the Commonwealth Teaching Service; all were offered permanent employment after commencement in Darwin, Alice Springs or a remote location. In 2011 the NT Government under the Office of the Commissioner for Public Employment through the Department of Education and Training employs over 4,400 staff in public schools we now have over 50% of teaching staff on temporary appointment (fixed term contracts) and the majority of assistant staff and tutors on casual hourly paid (school council) contracts from one school term to another. This submission will examine the extent and range of

insecure forms of employment in the sectors and regions of the Northern Territory with examples drawn from 2006 to 2011.

We will outline our Industrial and political campaigns including the period of the application of Work Choices on our area of coverage.

A significant factor in our union's awareness of the extent of insecure employment is the extension of our coverage in 2006 to include all administrative officers and casual employees employed in schools outside Darwin and Alice Springs. This arose due to discussions with our colleagues in both the CPSU and the LHMU in the NT and nationally. The AIRC issued a change to the coverage rules and the arrangements for the AEU to cover these employees.

When we actually began working to recruit members from the "bush" locations and regional centres of Nhulunbuy, Katherine, Tennant Creek and Alice Springs we were confronted with a mostly unionised sector of the employees of the Department of Education who were severely disadvantaged by the nature of their employment arrangements and the low level of awareness of their rights. We are proud to have made some modest increase in the inclusion of these workers in our union, but are hampered by the fact of their terms of engagement, mobility of some workers (Aboriginal Assistant Teachers are relatively mobile unless engaged in study programs, are required by law to attend funerals and community ceremonies; as a result they are frequently terminated as employees and not re-employed for lengthy periods of time unless they receive union representation.

### **Early Years (0 – 5)**

Currently there are 183 Early Years (Child Care – Licensed and Unlicensed locations) run by the Education Department and Children's Services with a high proportion of casual and part-time staff. In the unlicensed category of Out of School Hours Care, Family Day Care and Remote Child Care Centres/Crèches, there is no standard requirement for Early Childhood qualifications for staff who are not managers of programs.

In licensed programs Certificate level and above qualifications are required and some locations employ qualified Early Childhood Teachers. The AEU NT is not able to locate data about this sector to indicate the rate of casual or temporary appointments to teaching and Child Care roles, but the anecdotal evidence is that casual hourly paid employment is the norm. Many of the 38 remote child care centres are co-located with Education Department Primary Schools, yet they are largely un-regulated in terms of employment matters.

### **Schools**

There are 138 Primary Schools run by the Department of Education (DET) and 155 Schools in total across the Territory which cater for all students from Transition to Year 12. In 2010-11 at these locations there were **273 Assistant Teachers (FTE 163.45), 2317 Classroom**

**Teachers (FTE 2007.23)** [Source Department of Education and Training Annual Report 2011] who are designated with either temporary fixed term contract or permanent appointment to the NT Public Service by DET. The AEU NT has figures based on HR documentation from 2010-11 which suggests approximately 400 Classroom Teachers are on temporary contract for 12 months or less: a proportion which fluctuates as contracts are not renewed, or repeated offers of fixed term employment are offered. Rollover of contracts is common, and for beginning teachers there is less security as the Probation process in DET schools can drag on for over 12 months due to changes in staffing at the new recruits' schools.

The data for Assistant Teachers and Administrative Assistants who work with students in school is available in one form from the Public Service Commissioner's Reports, (State of the Service) and indicate a critical turnover of employees by commencement and termination as being possibly as high as 60% over two annual reporting periods. The work of the AEU NT in all Government schools suggests the proportion of these employees on casual short term contracts is unacceptably high and the majority of the employees in these classifications are Indigenous local staff who have always and can be expected to remain in their local community or nearby within language and clan associations.

The casualization of the Assistant Teacher Workforce has been increased by the reliance on Federal Employment funding through CDEP which allows for School Councils to employ local staff who are looking for work on hourly paid "top up" to be full time employees, but with no security of employment. AEU NT has collected samples of evidence from over 40 remote schools where over 100 employees in 2008 were on School Council employment "contracts" paid by Centrelink with top up for hours worked. Many worked a five day week at 6 hours paid per day, with no holiday pay, no sick leave, and no accrued benefits for long service. These are among the most vulnerable and disadvantaged members of our union.

### **Charles Darwin University**

The AEU NT covers a wide range of Vocational Education & Training staff employed at all campuses of the CDU and in Remote locations. Remote staff travel to deliver Accredited Training to small numbers of students where there is a "business need". The terms of all new employment in VET are Fixed Term contract and tenure for all lecturers, with the exception of a small number who have been employed since pre- CDU incorporation and Act of NT Legislative Assembly in 2004, and some in tenured positions since the Northern Territory University employed secondary teachers with Trades Training Certificates (1980's).

As the driver of all VET delivery is a competitive tendering for the education and training there is a tendency for all staff to work in isolation to deliver the highest number of Actual Hours Curriculum (AHC) and to complete Units of Training Packages to continue the financial viability of their courses (and their employment). This practice, though widespread, is not

aimed at the educational outcomes for disadvantaged students, and while there are programs to support Indigenous VET (DEEWR, NT DET VET in Schools) the employment of CDU staff on fixed term contracts of 6 months or 12 months does not encourage outcomes in Trades, completion of Certificates in a range of training packages. The rate of turnover of VET staff in remote course delivery is high (2008 -9 over 35%), renewal of contracts is not common if an employee is unable to deliver all Course units in a set time frame as this is regarded as a performance issue. At the time of writing this submission, the AEU NT was still not able to confirm the figures from CDU HR of; -

- Rate of casual lecturer positions by percentage of employees: 2008 -2010
- Rate of fixed term less than 24 months contracts renewed (or not) since 2008
- Rate of casual or fixed term in Remote workforce: Lecturers and support staff employed in Nhulunbuy, Katherine, Tennant Creek, Alice Springs and remote sites across the NT.

### **Batchelor Institute of Indigenous Tertiary Education**

The Vocational Education lecturers employed by BIITE experience very similar employment conditions but with an added dimension of a much smaller employment pool to cover regional and remote delivery to all eligible Indigenous students. An increase in online delivery has led to increased workloads for some VET lecturers especially in the Preparing for Tertiary Studies courses with students who have limited experience with Standard Australian English. Turnover rates are proportionally similar to the Charles Darwin University.

### **Prison Lecturers**

Until 2010 all VET lecturers employed in the NT Correctional Centres by the Department of Justice, were on compulsory fixed term contracts. Normally of 12 months duration their contracts were renewed in some cases, 9 times. The AEU NT ran a campaign to gain permanent employment in the two prisons for the around 20 lecturers who also were working full time for equivalent of 0.8 salary due to shut down of education programs for one day per week. After several attempts over Enterprise Bargaining with the employer from 2005 and 2008 to gain security of employment the 2010 Teachers and Educators Agreement finally enshrined the offer of full time and permanent employment.

### **Quality Education and Secure Employment**

In 2006 the AEU NT confronted the growing rate of contract employment for teachers and support staff. The number of permanent vacancies for teaching positions occupied by teachers in particular, on short term contracts was over 800 in a total teaching workforce of only 2,300. The union campaigned for employment on a permanent basis for all school

based officers as a priority and after some negotiations between the Commissioner for Public Employment and the Department of Education the union had a compromise arrangement in the Agreement. Offers of permanency would be made by the end of 24 months to employees who had continuous appointment. This saw an immediate improvement in the unacceptably high level of insecure work in schools. There had already been a standing agreement in the EBA from 1999 about the conditions of contract employment for teachers with acknowledgement that some locations were regarded as “hard to recruit” for teachers. The parties agreed to directly offer permanency to outside recruits before offering these positions as contracts.

It is the classic argument of eternal vigilance; as the creeping use of short term contracts to all the locations regarded as “hard to recruit” and by 2010, every new recruit to the NT schools division was offered a contract of 12 months (or less) on commencement. This is not taking into account their locations which include the official “hard to fill” vacancies. We are campaigning for permanent vacancies to be offered as permanent positions following a probation period.

The AEU NT took this up as an industrial issue and in 2011 the CE of the Education agreed that more offers of permanency should be made and that he would undertake to work through the process to achieve a quality, stable teaching workforce. This campaign is ongoing.

### **Classroom Teachers**

The “hard to recruit” locations include the township schools in Tennant Creek and Category 3 (the most remote) schools from Lake Nash on the Queensland border with NT to Docker River and Kintore on the south and western borders. The AEU NT is working to recruit members in these locations who are on contract employment. This is increasingly a challenge with some new recruits wanting to distance themselves from union activity as they perceive it to have a negative impact on their career prospects. Some have stated to the AEU Organiser, “I don’t want you to do anything about my contract problems as I might not get offered any continuing work”. Such impacts when teachers and other staff are extremely isolated, contribute to this union’s concerns for the safety and mental health of teachers. In 2011 the campaign to have individual members write and directly request an offer of permanency around the end of their probationary period (usually 12 months) has seen some improvement in the level of insecure work in our most remote workplaces. The 2010 Agreement contains strong provisions for limiting the use of temporary contract employment in the Department of Education in the NT.

### **Senior Teachers and Highly Accomplished & Leading Teachers**

Senior Teachers are selected on merit and their positions are permanent, however an increase in the number of these employees on Higher Duties Allowance or temporary

appointment, due to the vacancy being nominally held by another employee who may be on paid leave, performing other duties outside their school, or on leave without pay is a concern as all such positions are assigned to schools or school support functions such as Special Education, Literacy and Numeracy Advisory roles, and over 90% of these positions are generated from the Enrolment data and based on students' needs. Temporary appointment to senior teacher roles destabilises the workplace and creates insecurity for whole teams of teachers not just the one who occupies a position temporarily.

In 2007 the NT Government held a review of the Teachers of Excellence Program. The review recommended changes to the manner of these highly respected teachers who remained in the classroom and received a renewable classification as TEP 1, 2 or 3 were all permanent employees. The outcome of the review was to make the process less secure for any teacher who completed the extreme rigours of evidence based achievement, and that the renewal of the recognition of staff was subject to annual review. This was agreed as an outcome of the Review of the scheme, but the effect is further stress on employees who are already performing a recognised level of excellence in teaching.

### **Indigenous Employment Strategies & Retention**

The DET Annual Report 2010-2011 states that there are 26 Indigenous identified employees on Traineeships in government schools, 12 of these are not in teaching support roles as they are full time Cadetships. 273 Assistant Teachers who are mostly Indigenous employees in remote schools are recorded on the Staff by Classification list for 2010-11, but the Full Time equivalent of these employees is 163.45. This indicates the use of part time permanent positions; however, the AEU NT is recording with a school by school approach the number of these employees who are temporary or casual occupants of permanent positions. The work in progress suggests this low paid and part time employment is even more insecure as our case files show over 60 employees documented across the NT. This means a proportion of Assistant Teachers (who bring Multi-lingual skills and interpreting to their classrooms for the majority mono-lingual full time classroom teachers) are among the most insecure employee group with little recourse to application for a permanent position, as their jobs are not advertised when vacant.

Other Indigenous Employment and Training Schemes are operational with the NT Government and in partnership between DET and Batchelor Institute for Indigenous Tertiary Education (BIITE). These include the Certificate in Education and Working with Children with Special Needs as well as Early Childhood courses. Students are able to work and study if they are in employment but if for any reason their employment is interrupted, or terminated due to positions being re-assigned or enrolments at their school drops, they are out of the job and cease to have study support. This group of workers and those on CDEP, as referred to in our Introduction are extremely vulnerable to policy and program changes in the Dep't of Education. Security of employment is no longer the norm (as it was in the Native Welfare

and early years of self-government in the NT, and since 1999, a decline in Indigenous full time permanent employment in government schools has occurred.

### **Support Staff**

Inclusion Support Assistants (ISAs) and Indigenous Tutorial Assistance Scheme (for Literacy & Numeracy improvement )(ITAS) programs are funded by the Australian Government and are delivered in NT Schools with a strict hourly paid casual form of employment. As the funding is devolved to the School Council, in the case of larger schools a pool of money for the engagement of numbers of ISAs and ITAS Tutors is able to be used flexibly as directed by the Principal. In small schools (the NT having over 80 schools, not including Homelands, where less than 30 students are enrolled) this is much harder to arrange in employment terms. School Councils do not have expert financial and Human Resource management in all cases; and this can lead to many irregularities in the casual employment (hourly paid, no sick leave, no holiday pay) and payment of staff. The AEU has dedicated itself nationally and in the NT to supporting these casual employees and is working through the Organiser for the Central Australian half of the NT to engage these members in campaigning for decent working conditions and standardised pay with the goal of ensuring that the budget of the NT DET will finally recognise their jobs as permanent and ongoing.

The career path for many workers who start as a tutor is to qualify as a specialist in a growing and essential field of education services which is dealing with children who have learning difficulties and who are disadvantaged. These workers are a priority in the development of proper industrial campaigns to achieve security of employment.

### **Conclusions**

There has been a trend in School and TAFE/VET employment in the public sector over the past 10 -15 years of increasing reliance on and encouragement - whether overt, in policy such as the employment of nearly all Principals in Government Schools on Executive Contracts, or covert by use of funding arguments to limit permanent employment in some classifications. This has been and continues to be a challenge to unionism, as well as a career and financial barrier to the most marginalised and disadvantaged sectors of our education communities in the Northern Territory.

CDEP is still relied on to employ Indigenous staff in Tennant Creek, Borroloola, Lajamanu and many other remote schools, despite the Australian and NT Government winding back or terminating most of this program. Elements of colonial treatment of remote Indigenous people who want to work in schools and early childhood centres continues today.

This submission has tried to highlight the damage to individuals and communities arising from the continued and in some cases, extensive reliance on insecure employment for our schools, colleges and Vocational Training.