



ACTU Independent Inquiry into Insecure Work in Australia

AEU Tasmanian Branch Submission

Prepared by Jeff Garsed (Research Officer)

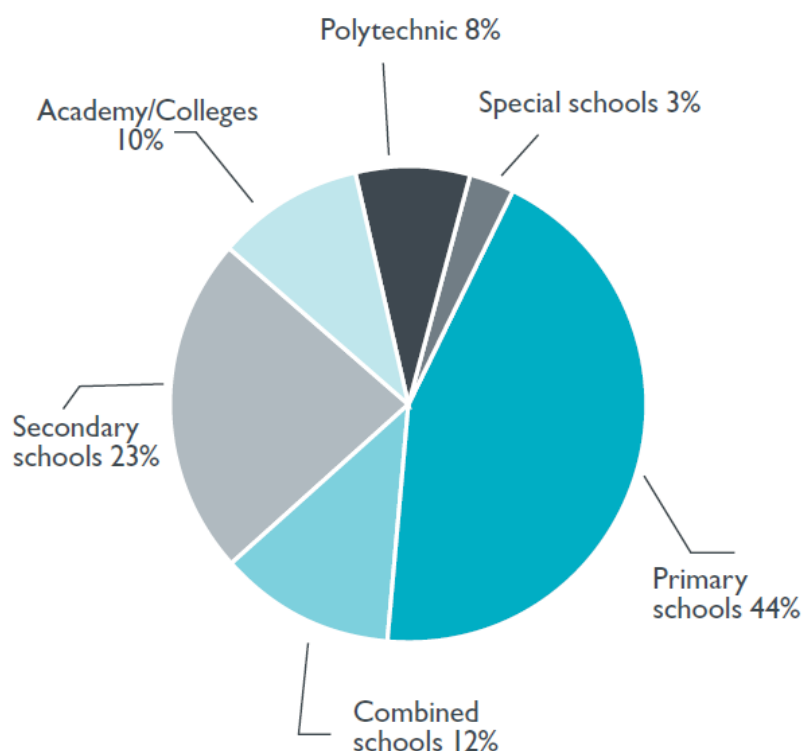
1. Overview of union and Tasmanian Education Industry

The Australian Education Union (AEU) Tasmanian Branch has a total of 6387 members (financial and non-financial) as of 1st December 2011. Teaching staff represent 86.3% or 5298 financial members and various education support staff 13.7% or 845 financial members. In the schools sector, the Union's teacher member density exceeds 90 per cent.

DOE Employment Statistics

DoE Data of Schools and Polytechnic Employees	
Total DoE Positions	9611
Head Count	9076
FTE	7027.62
Teaching Positions	6901
Allied Health Professional Positions	127
Technical Employees Positions	668
Teacher Assistants Positions	1921
Individuals identifying as Indigenous Australians	116

Schools Sector and Polytechnic Employees



(Source: DoE 2010-11 Annual Report)

Skills Tasmania Employees

Formerly part of TAFE Tasmania, Skills Tasmania is a statutory authority independent of the Tasmanian Department of Education which focuses on the workplace training needs of industry. Skills Tasmania employs some 300 teaching and non-teaching personnel.

AEU Membership

AEU Membership General Statistics	
Total Members	6387
Members Currently Financial	6143
General Division Teaching Members	5118
TAFE Division Teaching Members	449
Support Staff Members	820
Members by Employment Status	
Permanent Positions	7808
Temporary Positions (No casual employees included in this data)	1803

Employees Covered by the AEU and Other Unions

AEU has sole coverage of DoE and TAFE sector teachers. AEU and CPSU have joint coverage of many of the below-listed non-teaching positions. United Voice and CPSU have sole coverage of the remainder of Tasmanian Public Sector Education positions.

Department of Education Positions	
Aboriginal Education Officer	Special Education Advisor
Aboriginal Education Worker	Special Events Co-ordinator
Advanced Skill Teacher (AST)	Special Teacher Aide
Assistant Principal	Speech & Language Pathologist
AST - Early Years Learning Leader	Speech Pathologist
Autism Consultant	Student Counsellor
Bus Attendant	Support Teacher
Campus Leader	Teacher
Campus Principal	Teacher Aide
Home School Liaison Officer	Teacher Aide General
Instrumental Musician	Teacher Aide Special
Laboratory Technician	Teacher Aide Technical
Lead Principal Jordan River Learning Federation	Teacher Assistant
Lead Teacher English-Literacy - Campania DHS	Teacher Learning Support Leader
Librarian	Teacher Librarian
Library Aide	Team Leader
Library Technician	Technical Employee
LINC Manager	Technical Assistant
LINC Operations Coordinator-Customer Services	Tutor of the Deaf
LINC Service Coordinator Info Services	Unit Leader
Literacy Co-ordinator	VET Student Assistant
Manager	Workforce Learning Leader
Participation Assistant	Workforce Project Officer
Pathway Planning Officer	Workforce Sector Leader
Principal	Youth Learning Officer
Principal Educational Review Officer	Youth Networker
Principal Projects Manager	Youth Officer
School Library Aide	Youth Support Officer
School Psychologist	Youth Worker
Social Worker	

The AEU represents education workers in the public sector. Public sector education institutions represent by far the largest employer (more than 70 per cent) in the education sector in Tasmania and is comprised of more than 200 schools and educational settings across the state. Non-government education and training forms the remainder of the sector, having 79 schools and campuses of schools with Catholic schools comprising the largest group of these. The Independent Education Union (IEU) Victoria-Tasmania represents education employees in the non-government sector of the education industry in Tasmania.

2. Prevalence of Insecure Work in Tasmanian Public Sector Education

The Tasmanian Department of Education has fixed term and casual employees in workplaces across Tasmania. Whilst some casual employment is deemed necessary, the AEU sees the preferred form of employment in education to be permanent. This view accords with the State Service Commissioner's Direction No- 1. (outlined over page).

As well as fixed term teachers, there are also teachers employed on a daily basis as casual relief to cover classes where regular teachers are absent. These employees have no accumulated long service leave, holiday pay or sick leave entitlements but are paid at casual rates equal to roughly one 200th of a teacher's annual salary or a little over \$400 per day, for a four year trained teacher who has reached the top of the salary incremental scale.

A range of school support staff including Teacher Aides, Library Technicians, Aboriginal Education Workers, School Bus Attendants and some Administration Staff are employed on a fixed term basis, and even those who are permanent are not paid for 52 weeks of the year. Many school Support Staff doing the same work in other state jurisdictions are paid for 52 weeks work. Being stood down without pay for eight weeks a year makes these staff among the poorest paid workers in the public service.

Insecure Aspects of Employment in Tasmanian Public Sector Education

Support Staff Reclassification

Many school support staff including teacher aides had been on low state service job classifications and consequently had very low rates of pay. The increasing complexity and difficulty of teacher aide work with students with disabilities provided a call for reclassification of the work of teacher aides to take the changing nature of this work. In 2011, the AEU was successful in gaining reclassification for a number of these employees effectively providing many of them with pay increases of in excess of 10 per cent. Under this reclassification, on October 1st 2011, Band 2 Teacher Aide moved to 39963 per annum.

School Support Staff Annual Stand Down

AEU believes it is demonstrable that Teacher Aides, Library Technicians, Aboriginal Education Workers, School Bus Attendants and some Administration Staff will only be treated equitably when they are paid for 52 weeks of the year, in line with their interstate counterparts. It should be noted that school Support Staff, earning on average \$20,000 per annum (due to the limited hours they can work), are among the poorest paid workers in the Tasmanian public sector and being stood down without pay for eight weeks a year contributes significantly to the financial hardship experienced by many of these workers.

Until recent years, permanent Tasmanian school Support Staff have been paid for only 40 weeks of the year. The AEU has made a small gain on this to the extent that Support Staff can now elect to make up an extra two weeks of work over the course of the year to be paid a total of 42 out of 52 weeks. They may also elect to have their pay for 42 weeks spread across 52 weeks. Neither of these options provides an adequate solution to school Support Staff stand down.

School Support Staff Insufficient hours of employment

Many permanent school Support Staff who have been working additional hours to their substantive FTE have been unable to gain top up hours. This has left many on very low incomes.

School Support Staff Lack of Appropriate Breaks

Under the Tasmanian State Service Award, School Support Staff can be required to work for 5 hours before they are entitled to a meal break. No provision is made under the Award for any other kind of break, yet by custom and practice school staff they normally do have a morning tea break of about 15 minutes. When Support Staff are working in non-school settings, such as on school excursions, they can frequently be required to be on duty continuously for up to the full five hours without a break.

High proportion of Fixed-term Teachers

Due to the DoE's perceived need to have "flexibility" in the employment of appropriate teaching staff, the percentage of teachers who have been employed on a fixed-term basis has at times reached in excess of 20 per cent of the teaching force. This has been a level which is unacceptable to the AEU, so efforts have been made to keep this level to a maximum 10 per cent.

The preferred mode of employment in the Tasmanian State service is permanent. The Tasmanian State Service Commissioner's Direction No- 1 places limitations on Agencies use of fixed-term and casual employees, and allows for a common process of conversion to permanent for most employees. Conversion to permanency for teachers has additional provisions, originally under Education Ministerial Direction No. 15 and renegotiated under a new State Service Commissioner's Direction No. 15. This allows teachers after two years (six school terms) of unbroken fixed-term service to be offered permanent status as either Flexible Teaching Pool (FTP) for a defined period (up to 4 years) followed by a substantive appointment, or to be offered a substantive teaching position within that period.

Casual Relief Teacher Workload

What is expected of relief teachers varies widely across schools. This is difficult to control because relief teachers feel they must comply with local school requirements in order to ensure further employment.

Teacher Under Employment

A number of teachers are unable to gain the FTE work that they require. This has been particularly so for women who at some time left teaching to have children and who were told that there would be full time work for them when they wanted to return to teaching. After returning to teaching, many have spent a number of years on low FTE and been unsuccessful in gaining improvements to this. Similarly, new teachers who have been working fixed term on less than full time over their first two years are offered FTP status at the average FTE.

TAFE Sector Sessional Teachers Pay

The former TAFE sector, now Skills Tasmania and the Polytechnic comprised of some 800 teachers and other education workers, has 15 per cent of teaching staff who are sessional teachers employed on a casual as needs basis. Whilst hourly pay rates for sessional teachers contain a 67.50% loading when compared to a full time permanent teacher working a maximum annual teaching load of 750 hours per annum and earning the top non-promoted teacher rate of \$83,000, a sessional at the top rate (see table below) would earn only a little over \$54,000 per annum.

Classification	Loaded Hourly__Rate (67.50%)	Salary Scale Teacher
Sessional Employee 1	\$54.62	Band 1 Level 3
Sessional Employee 2	\$57.59	Band 1 Level 4
Sessional Employee 3	\$60.39	Band 1 Level 5
Sessional Employee 4	\$63.51	Band 1 Level 6
Sessional Employee 5	\$66.73	Band 1 Level 7
Sessional Employee 6	\$69.83	Band 1 Level 8
Sessional Employee 7	\$72.25	Band 1 Level 9

3. Union Efforts to Counter Insecure Employment

Summary of Insecure Employment in Tasmanian Public Schools and AEU Responses

Employee Category	Issue	Type of Insecurity	AEU Response	Level of Success
School Support Staff	Low pay/ lack of recognition of skills	Lack of recognition for work done	Campaign for reclassification	Successful, but now need to remove stand down
School Support Staff	Annual Stand Down	Inferior rights and entitlements, including limited or no access to paid leave	This issue has become AEU Tas key industrial priority	Some removal of stand down has been achieved and there is still some way to go
School Support Staff	Insufficient hours of employment – unable to gain top up hours	Low and fluctuating pay	Negotiated process of recognising those support staff who have worked over their substantive hours	Some success but limited additional work in schools makes it difficult to achieve additional hours
School Support Staff	Lack of appropriate breaks. TAs work 5 hours before entitled to a break	Inferior rights and entitlements Lack of voice on conditions and work organisation	Yet to be addressed	None yet
Teacher (fixed term)	High proportion of fixed term teachers	Lack of security and/or uncertainty over the length of the job	Call for a fair process of conversion to permanent after 2 years ongoing employment	Government agreement to introduce FTP status Requiring DoE to identify fixed term positions as only for the purposes of filling in for an absent permanent teacher
Teacher (casual)	Workload and what is	Lack of voice in the workplace	AEU bulletins to workplaces	Difficult to control as relief

relief)	expected of relief teachers varies across schools		spelling out what should be expected of relief teachers AEU assists relief teachers	teachers comply with local school requirements to ensure potential further employment
Teacher	Under employment – unable to gain required FTE; particularly women who left to have children and new PRTs	Low pay	AEU register of teachers who have returned to teaching with insufficient hours The Union progresses the issue on a case-by-case basis	Diminishing student cohort means fewer teachers are required, so minimal success
TAFE Sector Sessional Teachers	Pay compared with permanent teachers is low	Lack of remunerative recognition for work done	Attempts to gain pay improvements for sessionals in agreement negotiations. Limitation on the percentage of professionals	Limited success on improving pay rates of sessionals relative to permanent teachers Some success in limiting the number of sessional teachers

4. Employer Attitudes

School Support Staff Annual Stand Down

Although there has been some improvement to stand down and an offer to annualise salaries resulting in the same pay spread over 52 weeks and a successful reclassification of the work of TAs, the final removal of stand down has been resisted. The reason cited for this refusal to make further improvements has been the cost. DoE estimates appear overstated at \$10 million. The AEU believes these estimates are not realistic when the small number of employees for who this will apply is taken into account.

School Support Staff Insufficient Hours of Employment

The AEU has negotiated with the DoE to have a register of Teacher Aides who have been working additional hours and there has been an undertaking that the DoE will try to honour this providing these employees with the average of their past 3 years additional hours employment. However, recent state government budget cuts to the education sector have resulted in cutbacks to TA hours in many schools.

High proportion of Fixed-term Teachers

The DoE has long claimed the need for 'flexibility' in order to staff schools effectively. This perceived need for 'flexibility' has resulted at times in high percentages of staff on fixed term contracts. Whilst some improvement has been made on the issue of stand down for Teacher Aides, gaining employer support for whole of year employment for these staff has been resisted.

Casual Relief Teacher Workload

A relief teacher's day is calculated at five hours though they can be required at the school for up to seven hours. Schools employ relief teachers locally, so workload and what is expected of relief teachers varies widely and some schools seeking to get the best value out of a relief teacher's work day can make unreasonable demands.

Teacher Under Employment

The DoE offers to review teachers' substantive FTE upon request, although upgrade is dependent on availability of ongoing teaching work.

TAFE Sector Sessional Teachers Pay

Skills Tasmania has been seeking a separate teacher industrial agreement to that of the Polytechnic in order to gain further flexibility of arrangements they claim is necessary in order for Skills to be a competitive training provider able to respond appropriately to the workplace training needs of both employers and employees. The use of sessional teachers is seen by Skills as part of this flexibility.

5. Options for Solutions in Key Areas

Unless costing nothing or cost offsets can be identified, gaining improvement in conditions and pay for Tasmanian public sector education employees in the current state funding climate looks unlikely.

Ending Stand Down Teacher Aides and Other Support Staff

The AEU proposes that the Government negotiates a way of paying Support Staff an adequate wage for 52 weeks of the year, has had promises of solutions to the problem but ultimately little success.

The AEU recognises that it would be necessary for the government to phase in a system of full pay for Support Staff, so two possible models are outlined below for consideration:

1. Naturally, our preferred model would be to have all staff in schools paid for 52 weeks. This would allow Principals to have a real expectation, as they do of teachers of much more discretionary work from their Support Staff.
2. The Victorian model has the advantage of allowing schools to recall (in a defined manner) their Support Staff for a pro rata 6 days each year in one defined holiday period. This is a 48/52 weeks model where the Support Staff is paid at whatever level they work at for 48 weeks each year and then this wage is annualised. It is likely to be the cheapest model and certainly the easiest to manage (it will cost less as it only has to deliver, pro rata of 6 week salary not 8 or 9 weeks).

3. As a result of the Teachers' Aide Agreement 2008 Support Staff were given the option of working for an additional 2 weeks. This additional 2 weeks has been accepted by most Support Staff. There was also the option of being able to annualise this 42 weeks across the 52 weeks of the year, which would in theory make it a 42/52 model but the administration of this model has made it unattractive to most Support Staff. For example it does not allow the annualising of salary. Most Support Staff have a set amount of permanent hours but are then topped up to suit the needs of schools. On such a low wage, not being able to annualise all of salary makes the offer almost impossible for these employees to take up.

4. During negotiations the Tasmanian Government promised the AEU to further improve the situation for Support Staff re the number of weeks that are worked each year. Parity was one of the important issues addressed by Government during the PSUWA 08 agreement negotiations. We believe that with this in mind, it is time Support Staff were given parity with other states regarding this issue. Most states pay Support Staff for 48 or 52 weeks per year and they access school holidays in the same way teachers do. With this comes the need for a professional attitude to discretionary work that is not currently an expectation. Support Staff are no longer 'parent helpers', they are paraprofessional and deserve to be treated as such.

The AEU currently estimates that removal of stand down for DoE support staff will cost only around \$3.9 million on an education sector budget of in excess of \$1 billion.

High proportion of Fixed-term Teachers: Conversion to Permanent for Teachers

A Memorandum of Understanding was signed between the Tasmanian Labor Party in opposition and the AEU prior to the 1998 State election which included a determination to reduce the percentage of fixed term teachers in Tasmanian government schools.

The AEU has maintained that where a fixed term teacher is replacing a teacher who is on leave or secondment from the DoE, or the position is not ongoing, it is legitimate to have a fixed term teacher in that position. The AEU sees that where a teaching position is ongoing it needs to have a permanent teacher's name against it or be advertised or otherwise filled with a permanent teacher.

Following pressure from the AEU, the DoE now undertakes regular reviews of employment history to identify individual fixed-term teachers who have been employed for six complete, continuous and satisfactory terms of teaching classified under the Teaching Service (Tasmanian Public Sector) Award to determine eligibility for a change of employment status from fixed-term to permanent.

The fixed-term teachers deemed eligible for an offer of permanency at the end of Term 3 2011 were sent a written offer for consideration on 29 November 2011. Acceptance of this offer will enable a change in their employment status from fixed-term to permanent to be progressed under Commissioner's Direction No. 15. Any fixed-term employees who did not receive an offer and believe they are eligible for permanency, may request to have their situation examined.