

The problem with periodic PhD employment

A compilation of material from NTEU Fightback, April to December 2021

1. From the team which brought us the JPF: a new proposal for casuals... (April 2021)
2. Periodic PhD employment will not solve the casualisation crisis (June 2021)
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1. From the team which brought us the JPF: a new proposal for casuals...

(first published in an NTEU Fightback NoConcessions email, 19 April 2021)

We were intrigued by this item on the Monash Casuals Network twitter feed a couple of weeks ago:



It seems to have been news to casuals and others in the Monash NTEU branch that "the NTEU" was deep in negotiations with management. Presumably "the NTEU" in this case is the national office.

This is not a good sign.

Monash VC Margaret Gardner of course was one of the chief negotiators with the NTEU's national office for last year's wage-cutting "jobs protection framework". Monash management used the JPF to impose pay freezes and then cut jobs anyway, leading to a [quarter-of-a-billion dollar](#) operating surplus for 2020.

With details so sparse, it's an open question whether this proposal would actually "reduce the levels of insecurity in employment" or whether it would entrench job insecurity and reduce pay, while giving the appearance of doing something.

Would these fixed term contracts include pay during semester breaks? Would the ludicrously low time allocations for academic work continue to mean that casuals are underpaid? If management is so serious about “reducing levels of insecurity”, why does this proposal not include PhD qualified casuals? (hint: PhD holders have a significantly higher hourly rate).

One of the most striking aspects of the proposal is, it would exclude staff who aren't studying.

A factor here is, there is an Award restriction on the use of fixed term contracts for teaching. This restriction was a job security measure won in the 1980s, and is incorporated into pretty much every enterprise agreement in the sector. One of the main loopholes though is, this prohibition on fixed term teaching positions doesn't apply if the fixed term employee is a student.

So this “periodic, fixed term, teaching heavy, student only” form of employment seems carefully designed to deliver the cheapest possible way of getting teaching done for management, by dodging Award restrictions that would usually stop the widespread use of fixed term labour for teaching. [note added Dec 2021]

Is the whole proposal a step towards a US model where most teaching is done by postgraduate students, the vast majority of whom will be dumped at the end of their studies in favour of a new round of low paid casualised workers?

Similarly, at USyd many PhD qualified staff were told at the start of 2021 that they would no longer be employed, with lower paid staff without PhDs to be employed instead. Many of the victimised casuals at USyd have now been reemployed, but this Monash proposal seems to be pushing in the same direction.

A dubious proposal, set to be hurried through by a concessionary national leadership after secret negotiations: 2021 is looking more and more like 2020.

This shows the importance of active unionists setting the agenda for bargaining, rather than allowing the vice chancellors and the NTEU national office to cook up deals on the quiet. And yes, for anyone interested in a detailed discussion of tried and tested methods of actually reducing job insecurity, check out our selection in [Clauses Worth Fighting For](#).

2. Periodic PhD employment will not solve the casualisation crisis

(first published in an NTEU Fightback NoConcessions email, 25 June 2021)

It's not hard to work out ways to seriously address casualisation and job insecurity.

Examples include:

- A conversion clause which actually works.
- Payment for all hours worked.
- An increased casual loading – to recognise that casuals don't get a paid research fraction and to reduce the cost savings for management of employing academics as casuals.
- Equality in sick leave, super, and anything else which gives management an incentive to casualise the workforce.

Clauses like this are being discussed around the country as enterprise agreement campaigns get underway – our online resource [Clauses Worth Fighting For](#) and Robert Boncardo's [recent article](#) in Overland provide useful examples.

But there's another approach doing the rounds which we're less impressed with. This is the proposal cooked up between management at Monash Uni and the NTEU's national office a few months ago, to offer fixed term "periodic" teaching contracts to PhD students only. Students with these positions would get increments, leave entitlements, an expectation of regular work (on an unspecified but low fraction) – and the sack after they finish their PhD. Despite its limitations, on the face of it this would seem to increase job security – at least for part of the casualised academic workforce.

We're skeptical.

As we [wrote at the time](#) when these discussions came to light:

With details so sparse, it's an open question whether this proposal would actually "reduce the levels of insecurity in employment" or whether it would entrench job insecurity and reduce pay, while giving the appearance of doing something.

Since then, versions of this idea have popped up on several campuses, though details (for instance, the actual draft clauses, pay levels and fractions) are still absent.

As the Monash Casuals Network pointed out at the time, this concept seems to be a significant step towards a US model, where a huge amount of teaching is done by "grad students" – as a low cost alternative to getting teaching done by academic staff in ongoing roles, with a proper fraction for research and engagement as well as teaching.

“Periodic PhD employment” takes two less-than-ideal forms of employment (“periodic” – ie, only paid for part of the year, and “fixed term” – ie, not permanent) and combines them to create a new category of low paid academic employment. It’s one thing for PhD students to get some experience teaching. But it’s quite another to create yet another category of low-paid, insecure teaching work with no research fraction.

It’s a long way from the secure, ongoing jobs with full research fractions which staff and our students deserve. Rolling out this model could have some pretty bad outcomes.

At the very least, we should be asking

- What guarantees will there be that this new form of employment won’t take work from existing casuals, especially as graduate students are paid less than casuals with PhDs?
- What guarantees against management getting more and more teaching done in this cut-price way, rather than employing ongoing staff with full entitlements?
- Where are the model clauses, which would enable union members to see what’s actually proposed in detail?
- Where are the costings, from Monash at least which is where this proposal originated?

So, what’s behind this sudden desire from Monash management to promise more secure employment? It’s not like we have any special inside source of information, but our best guess is this:

- First, of course, management is under pressure from discontented, vocal and (in some places) increasingly organised casualised employees. But there’s more to it than that.
- Second, as a product of the machinations over the federal government’s anti-worker and mostly-failed Omnibus Bill, there is now a casual conversion clause in the Fair Work Act. This clause is quite weak – allowing management to avoid converting casuals to permanent on ill-defined “reasonable grounds”. But it creates further avenues for agitation and potentially legal action, which might prompt management to look for a less troublesome way of keeping alive a model of low paid academic employment.
- Third: offering fixed term employment would be one way of dealing with this pressure. But the Academics Award puts severe limits on the use of fixed term employment for academic teaching – with one notable exception being, fixed term employment of students.

So shifting in the direction of a US “grad student” teaching model would provide a neat solution to these problems for management, while preserving a low paid and insecure employment model for a very large slice of academic teaching.

Of course, we’re looking forward to seeing the detail. But we don’t think anyone should accept “PhD Periodic Employment” as a substitute for ambitious claims to tackle casualisation – and building the industrial strength we’ll need to win them.

3. NTEU National Council 2021 – Motion F2d Periodic Employment

This motion was moved by Katie Wood and Francine Chidgey. It was voted down -- 33% in favour, 61% against, 5% abstaining.



Periodic Employment

National Council notes:

NTEU members at Monash University were first notified that the union and management were in negotiations about a new fixed term periodic PhD mode of employment in an all staff email sent by management on March 30 this year.

Since then, various similar proposals for “periodic” employment have surfaced at a number of universities, including as an item on management’s log of claims at the University of Sydney.

As the Monash Casuals Network observed, this proposal seems to a significant step towards a US-style model where low paid “grad students” do a very large proportion of the teaching on low wages.

So far there have been no costings or model clauses released to members which would allow a detailed evaluation of this proposal.

There have been many proposals circulated by casualised workers and other NTEU members to address the crisis of casualisation in the sector. These include payment for all hours worked, stricter conversion clauses, payment of an additional loading or hours to recognise that casuals are not paid for research or administration. However the idea of instituting a new form of fixed term employment on a low (non-PhD) wage which terminates upon the PhD being completed has not been one of these.

In the previous round of enterprise bargaining, new clauses governing “periodic” employment were included in the University of Melbourne EA. Despite claims that this would provide a new pathway for casuals, this has not been the case.

None of the versions of this proposal include a ratio or limit on how much teaching could be done by workers employed under this mode, raising the possibility that teaching work could over time be shifted from ongoing staff with a research fraction.

National Council therefore:

- Directs the National Executive to release any available details of proposals for "periodic employment", including draft clauses and costings in relation to these proposals.
- Believes on the available evidence that these proposals will likely lead to the creation of a new form of low paid, insecure employment, which is therefore no solution to the crisis of casualisation across the sector.
- Believes that fighting for a dramatic rewriting of casual clauses to enforce payment for all time worked, conversion, and extra payment to remove economic incentives for managements to casualise their workforces, is a preferable course of action to pursuing these proposals for fixed term periodic employment.

MOVED: (Katie Wood)

SECONDED: (Francine Chidgey)