

NSW casual teachers await decision

TAFE NSW part time casual teachers are still awaiting the New South Wales Industrial Relations Commission's decision in respect of the NSW Teachers' Federation claim on their behalf. The award variation, lodged by the Federation at the start of spring 2003, seeks pro rata salary and award conditions for part time casuals teaching eight hours or more per week.

For teaching the same hours over a year as their permanently employed colleagues, part time casuals at present earn less than 60% of the full time wage. Access to leave conditions is extremely limited.

In common with all casual workers, their insecure employment promotes a culture of intimidation and exploitation that is coveted by avaricious employers. The majority of part time casuals, fearful of losing their employment if they voice objections, rarely speak out.

The casualisation of NSW TAFE teachers has escalated over the almost decade-long term of the Carr Labor government, with part time casuals subsidising public education by what is believed to be hundreds of millions of dollars.

The proliferation of TAFE 'casual' teachers has also provided an additional windfall to state coffers. Many have been employed for so long they qualify for Long Service Leave. In a shocking revelation during the case, a Department of Education and Training (DET) witness admitted that

when a part time casual teacher is terminated, they are not advised of their entitlement as no central records are maintained.

The DET's evidence revealed there were 15,446 TAFE part time casual teachers in 2002 (the majority were women), compared with 4,850 permanently employed TAFE teachers in NSW.

'many teach the same hours as teachers employed on a full time basis'

Federation's powerful case was underpinned by detailed affidavits submitted by part time casual and permanent teachers including head teachers. As a number of permanent teachers had been previously employed as PTCs, they able to provide informed, experienced comparisons as to the nature and extent of the work, paid and unpaid, performed by part time casuals. The evidence supported the claim that many teach the same hours as teachers employed on a full time basis and have equal or higher qualifications than their permanent colleagues. They perform many hours of unpaid duties and administrative work, undertake staff development on their own time and expense, and

spend many unpaid hours counseling students and coordinating/liasing with colleagues.

The NSW Department of Education and Training strenuously opposed the case, asserting part time casuals do not undertake the same duties as permanent teachers, despite the logical implications of the ratio of casual to permanent teachers; and those who do carry out the same duties are compensated for this work via payments provided for in the current award. They claimed pro rata pay and conditions would present great administrative difficulties due to the variation of their teaching programmes, despite such variations often being the norm, rather than the exception.

Demonstrating the government's determination to maintain its two-for-the-price-of-one workforce, the NSW Assistant Treasurer and Minister for Industrial Relations intervened to provide evidence on the economic impact on the state, should the case be successful.

Casualisation of TAFE teachers is occurring across the country in one form or another, and in many places these teachers are now the mainstay of the day-to-day operation of their organisations. Their coerced 'donation' to the public purse is at considerable personal sacrifice – financial security, lifestyle, quality family life and health, all suffer.

NSW casual teachers await decision cont...

There are three possible outcomes to the application: granting of the claim in toto; an amended variation, possibly increasing the minimum number of hours required for pro rata; or outright rejection.

A favourable decision will grant part time casuals teaching eight or more hours per week pro rata pay and conditions. Such a decision would set a powerful precedent for casual TAFE teachers across the country. It may even indirectly lead to the creation of more full time positions, which may be considered easier to administer. It would have ramifications for casual workers generally, due to recognition that those employed on a regular ongoing basis, are not 'casual'.

An amended variation in which the minimum eight hours is increased, whilst still technically a 'win', would exclude many from qualifying. It would also facilitate manipulation of the award to reduce casual hours below the minimum required, thus

negating mandatory granting of pro rata pay and conditions.

Rejection of the claim will exacerbate the casualisation of the TAFE NSW teaching workforce.

'Casualisation is exploitation.'

In the event of an amended or rejected claim many will be forced to seek jobs in industry, where there is a better chance of obtaining a secure position and a living wage.

The decision in this landmark case will be of extreme interest and critical importance to all other casual workers and unions and should also be of interest to those fortunate enough to have permanent employment. Employers who retain a high level of

casual workers will be awaiting the decision with some trepidation.

An unfavourable decision will encourage those who profiteer at the expense of their employees, condemning more and more workers and their families to subsistence wage survival.

Casualisation is exploitation. It is an indefensible indictment on employers, in particular public sector employers who if not active participants, condone it.

Whatever the outcome of this claim, we have the satisfaction of having worked to right an injustice. If we allow the society we nurture to discriminate unchallenged against 'casual' workers, we have no right to call ourselves 'teachers'.

Written on behalf of the NSW TAFE Part Time Casual Teachers' Special Interest Group.



Reclaim your time...

...by using Watsonia Publishing's complete range of support materials for the Business Services and IT Training Packages.

Developed to help you prepare and deliver a quality learning environment, our computer training resources help assist you reduce your preparation time and focus on other aspects of your job... or life.

- ✓ Learning Guides
- ✓ Study Guides
- ✓ Teacher Resource Toolkits
- ✓ Accurate & easy to follow instructions
- ✓ Learning Guides in two different formats
- ✓ Special Educational Pricing

Contact us now for a **FREE** inspection copy
ph: 1300 655 488
email: info@watsoniapublishing.com
web: www.watsoniapublishing.com

wp:
Watsonia Publishing