

The National Tertiary Education Union perspective

Josh Cullinan, National Industrial Officer, NTEU

G'day everyone and particularly welcome to the NTEU members that are here today. I will touch a little bit on the recent research we did but I was also wanting to give a bit of a perspective in terms of the NTEU. I wanted to start though by apologising a little bit for the perspective that's about to come. Next week we're hosting our first casuals conference or session on casual academics conference in Melbourne. We anticipate that the NTEU's perspective will probably change. At that conference we're bringing together about 60 or 70 casuals and sessionals from almost every university and we're hoping that there will be a new view of the NTEU and for our claims in the future.

Although this is mostly where we're at there will probably be some changes after this so hopefully we'll be able to communicate that as well through the website.

What I wanted to talk about as well was these key things, some of the sectoral specific issues that we identify. I just want to talk a little bit about contingency. We've touched on some of that but I wanted to go to that maybe in a more bold way and then talk about some of the mechanisms for change and some of the things that we've done.

The first thing that I wanted to touch on was the academy itself. I think even today and certainly over the past few months when we've been working on this project for the last 12 months particularly, we struggled to identify who the academy is. We've heard about academic staff and casual staff or academic staff and sessional staff.

It's clear that the academy needs to grapple with the issue that sessional and casual staff are part of the academy. In terms of grappling with that it really comes to that question that [unclear] raised earlier which was about teaching and research and the nexus between those two and about how that's funded and how that's structured.

Just in terms of the teaching and research nexus I think we need to be clear about some of the reasons why we don't have the numbers in terms of casual staff. We've heard today about a couple of universities and the NTEU's aware that there's at least 60,000 or 70,000 sessional and casual staff in terms of not guest lecturers but broader involvement at the university level which would put of the headcount of all academic staff, 60% to 70% of all academic staff would be sessional or casual staff.

We don't hear about the numbers about that because it does go to quality and it does go to what students choose. If you know that your university that you've chosen is mostly going to be teaching you from sessional staff that don't have their research funded, who don't get any of the good entitlements that other staff get, you might make a decision about where you want to go.

If you know what sort of qualifications the broad bulk of staff are going to have that are going to be teaching you, you might make decisions about that. Generally we found these are quite secretive figures. Universities have most of this information. [unclear] certainly has a good cohort of it. They report on the full equivalence. They don't talk about how many actual people.

One of the big concerns that I have is we've got agreements which actually provide for student/staff ratios but they explicitly exclude casual staff so they'll say we aspire to a student-staff ratio of A to B not including sessional staff. So the teaching and research nexus, I mean,

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I think all of you probably know it's very important to the NTEU. How we go forward in terms of the cohort of staff that effectively is a teaching only of staff is a very big question for the NTEU and something that we need to struggle with. Next week hopefully will be a start of that discussion because of the involvement of more actual casual members in that.

Funding is probably the biggest issue that we face and it's been touched on earlier today. The financial constraints are really what the basis is for leading to the widespread use of casuals. There's also a secondary issue in terms of that and that's the use of budget centres so even broken down to the department or the school level there's a sense from the academic leaders that that group or that they need to use sessional staff to meet their own budget needs rather than considering that everyone's actually employed by the university.

We don't actually have a system where the university is broken into a hundred different finance units. They might say they are but the reality is it's one employer and perhaps we've let that go too far in terms of the mechanisms by which people argue that they have to meet some kind of budgetary lined and therefore can use casuals.

The last point is about the HEWRRs, Higher Education Workplace Relations Requirements. As the union we've always considered them to be an attack on the union. They're an attack really on institutions and not staff and what they meant was that unions had to overcome all sorts of hurdles to be able to have basic representation rights. What they meant for casuals was that previously we have actual numerical limits that we negotiated into agreements on how many casuals can be employed by an institution.

They haven't necessarily been successful. We've just gotten them in but they were systems to start trying to account for the number of casuals, concessionals at each institution. With the HEWRRs they were wiped out.

Equally we had the systems where specific numbers of fixed term staff could be employed. They also were wiped out. We know that in 1998 when we won our award about fixed term staff that more than 10,000 positions were created that were ongoing and fulltime so we know that that was a successful system.

We also know about AWAs being used. I think that history will tell us that AWAs is going to be a dirty word but there are universities that used AWAs specifically to try and cut off casuals. It wasn't just academic. It was general staff casuals probably more often. It was the intervention of the union at Swinburne University at the start of this year that stopped them putting all their sessional staff onto AWAs.

Some universities have argued the only way you're going to get all of your pay as a salary sacrifice into superannuation is to be on an AWA. We've had a large number of people at the retiring end of their career say I'll take it then.

The next point I wanted to touch on was the contingency issue and that really goes to the first point and that's the sessional myth. I guess I read and work with policy agreements all day most days which can be a little bit boring but the fact is that [unclear] pointed out earlier that sessional staff are only identified specifically as a category staff at UTS. Monash calls all their casuals sessional staff. I think one of the Queensland universities calls its sessional staff - type of trades or halls of residence type staff are called sessional staff, not even academic. So I think that there's this bit of a myth about what sessionals really are. The fact

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is that people are employed casually or under some kind of casual arrangement. Even that's a bit of a myth because they're not employed by the hour or very few are.

This is where it comes to the next point, that what we're really talking about, except for some obvious exceptions such as one-off guest lecturers or tutors that are required at the last minute. Even in terms of those tutors that are required at the last minute if it's a choice between 22 and 30 you know that 22 are going to be employed. It's a question about whether you need the next eight. Maybe they're last minute tutors but the first 22 aren't.

The point is that we're really talking about staff who would be ongoing or fixed term in any other circumstances so why are they sessional? Why are they casual? The fact is because it's money. It's because they save a hell of a lot of money. It's easy enough to give 26 to 38 weeks maternity leave if all of your young women are going to be sessional or casual and they won't get it. You can give that to all the staff and there's a whole range of other entitlements that ongoing staff and some fixed term staff enjoy that sessional and casual staff just don't.

Fixed term staff are another category of contingent staff that other countries would talk about as being contingent. They don't have the same casualisation as Australia does. They would use fixed term or other arrangements instead. Part-time not by choice is something I wanted to throw in there, the point being that if the position's advertised as part-time they could be seen as a contingent position.

Then there's casual which is what I've been talking about. All the point of having contingent staff really relies on insecurity, so insecurity allows you to pay less, insecurity makes it more difficult to be able to get industrial outcomes and makes it much more concerned about what your response is going to be to student evaluations. So we've heard a lot from staff that say I'm concerned about failing anyone, I'm concerned about giving any hard feedback because what happens if I get a bad student evaluation?

It also makes it much more insecure in terms your supervisor for your research higher degree, so how do you actually raise an issue? What about my marking rate or what about this rate or what about that, if they're actually your supervisor as well? Which are two compounding issues really because the rest of Australian employment that has casual work they just don't usually have those two and a couple of other types of insecurities. Usually it's just your employment. You're concerned about losing your job and you'll lose your money and how are you going to support your family.

We've heard all sorts of anecdotes all over the country. We've had divisional conferences in every state. Some of them have been mentioned here, universities that don't pay for the first eight weeks, universities that pay by book vouchers. Some universities ban casual and sessional staff from applying for internal positions. There's all sorts of arrangements which make it much harder for sessional and casual staff.

I guess that comes to what are some of the mechanisms for change. One of the things that I was thinking about in terms of that very first session about the whole of institution approach is there is an element of change, some of the culture of the academy and I think almost every different group of general staff would put that in any event. The real issue here is the education in the academy about what sessional and casual employment means.

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I think 25 years ago there was a tutoring and social tutoring or whatever that arrangement was. One of the concerns now is that not only has level A been casualised but level B's been casualised as well. So we've got a lot of teachers and a lot of subject coordinators now who are on casual contracts.

I guess that part is one of the core things that the union wants to do because we have got a very large membership in terms of ongoing academic staff and we feel that that's part of our role, is to educate them about the exploitation and how it works and what's going on.

Then there's the other component to it which is what the union's bread and butter is and that's the industrial campaign. As I said next week we're meeting with casual and sessional staff members and hopefully they'll be able to lead that industrial campaign over the next two years which will probably see some significant outcomes. That in itself will drive some of the cultural change so by educating our ongoing members through that process will also be casual and sessional actions in there and what they [will and also] be helping to educate that.

Some of the key planks of that are going to be things like regulation through numerical limits. We'll be arguing for institution of different types of limits so that casual and sessional staff can't be continued to just be used holus-bolus. Some of the arrangements such as the sessional staff arrangements at UTS, maybe different types of ways of having career path progression, increasing the cost of using sessional staff. I think it's a pretty easy one.

I think the key plank really is about a fair day's pay for a fair day's work and that's something that I think no one can argue with. Just going back to that insecurity type issue as well, I should reiterate that of the hundreds of casual and sessional staff members that I've spoken to that have had an issue or had a story I've told almost every one of them I will prosecute it. You just bring me the detail and you come and sit down with me, I'll be in the Federal Court next week and we'll be able to do something about this and we'll get you back paid. They won't be able to do it again and not one of them has been prepared to do that.

They're too concerned about having a career, having the next job, passing their PhD and that is one of the most disappointing components of the action and so I guess bringing together people and working collectively is a core part of what we're trying to do. What we have done is over the past 12 months we set up a website. I don't know if you guys have seen it. It's unicasual.com.au. It's got a fair bit of information. We've launched surveys from that. We've got our publication on smart casuals which is also on the colloquium website and we've been able to disseminate a fair bit of information.

We've had state conferences in every state exception in the Northern Territory, not that it's a state, which have been really well attended, surprisingly well attended. Mostly non-members have attended those which has been quite positive for the union not because we just sign a few more as well but also to hear from different perspectives.

We've actually started developing branch based networks and one of the great things out of our campaign so far has been to be able to establish those networks in almost every branch to have a group of contacts whether they're a network in terms of some kind of email network. But most of them come together. They have contact with each other and that's important in terms of having people that are actually prepared to try and do something about what's going on.

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So all of you have sure worked with sessional staff and bringing them together but to be able to get together a handful of activists and say wait a sec this is wrong what's going on and to be able to share that with other people who are going through the same issues has been very important.

Next week we've got the conference and I'm sure we'll continue developing the networks at a state and national level as well. I guess the one point that, the one bit of research we've done has been based mostly around a survey we did over the first six months of this year and we had about 500 responses to it.

It was actually an organising tool. I'm not an academic so what we were trying to do was really engage with casuals and find out their issues. I hadn't set it up as some kind of research based document but because of the input we were able to get from a broad range of our membership we were able to have some of those key tools in it that we were able to analyse.

We haven't actually got the final results on that. Anne [Junah] who's I don't think here today, but she's been finishing that off over this week for next week's conference. We've certainly found quite a range of issues. It is targeted to people that are going to have some kind of concern about casual work. It would be unusual to just fill out a survey on a union website without having something to say about it.

At the same time we've had a lot of non-members fill it out and we've also been able to explore a whole range of issues and mostly go to all the things that we've already heard about in terms of industrial issues but also in terms of the collegial structures, inclusion at meetings, being paid for things.

One of the things that I'll just finish up on is something I haven't heard about today that [unclear] touched on, the issue of reasonably contemporaneous marking. In almost every institution I've been to someone raises it or lots of people raise the question of reasonably contemporaneous marking and what on earth reasonably contemporaneous means.

There's only two agreements which actually spell it out, La Trobe and ACU and they say it's within seven days. That issue in itself is a campaigning point that I think will be addressed in the next round of bargaining anyway but marking rates and the whole rate structure is a big issue for most sessional and academic staff. So I think that there's a lot there already. Cheers.