

LA TROBE CASUALS NETWORK SUBMISSION: INQUIRY INTO UNLAWFUL UNDERPAYMENT OF EMPLOYEES' REMUNERATION

OVERVIEW

- The underpayment of casual staff is systemic and widespread at La Trobe University.
- A systematic, transparent and accountable investigation process is required to discover the extent of underpayment and to contact all workers who have been underpaid.
- A review of casual employment procedures is required to ensure that underpayment does not continue into the future.

BACKGROUND: HOW UNDERPAYMENT OCCURS

PIECE RATES

This issue affects mainly casual teaching staff, who are paid piece rates for writing and delivering lectures, running workshops and tutorials and for marking. These rates do not accurately reflect the time required to fulfill the task required.

Marking rates are most egregious: La Trobe casual teaching staff are paid between 40 and 90 minutes per student per semester, with this rate being streamlined across all departments in 2021 to no more than 45 minutes per student per semester. Students may produce up to seven pieces of assessment per semester, or up to a combined word count of 5,000 words. In the 45 minutes assigned for marking, academics are expected to analyse for grammar, content and analysis as well as provide detailed feedback and comments. Often casuals are required to perform double marking and attend marking moderation meetings

MISCLASSIFICATION

Misclassification occurs when work is paid at a rate that is not appropriate for the activities being performed. Misclassification is the norm across the School of Life Sciences and in the School of Education, where teaching staff are routinely paid at the incorrect rate of “Other Academic Activity” for delivering tutorials, which means staff are being underpaid by 67%. Misclassification also routinely occurs where professional and research staff are paid at a rate inappropriate to the level of seniority or qualification required for their work duties. For example, it is common practice to pay staff at Research Assistant or Professional HE02 casual rates for course and curriculum design.

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NON-PAYMENT FOR WORK OR FOR ESSENTIAL WORK ACTIVITIES

Attendance at lectures is not paid for casual teaching staff at La Trobe University at all. Attendance at marking and moderation meetings and meetings with students are rarely paid. Casual professional staff are frequently unpaid for work “lunches” which are essential to their work activities. Casual professional staff are also routinely paid for only one or two hours at a time, undercutting the required minimum of hours per casual shift.

LA TROBE CASUALS NETWORK SURVEY RESULTS

In 2020, the La Trobe Casuals Network wrote and administered a survey of casual staff. There were 140 respondents. Of the respondents:

- 63% indicated that they had been unpaid for work in 2020
- 71% had had to work on public holidays or outside normal business hours (casuals are not paid penalty rates)
- 32% had been instructed to fill in time sheets inaccurately
- 43% had been instructed to alter their marking practices to speed up the process
- **49% feared repercussions if they asked to be paid for all hours worked.**

A NORM OF UNDERPAYMENT

Comments by casuals within the survey reveal the extent to which underpayment, non-payment and misclassification, and the inadequacy of the marking time allowances, is a widespread cultural norm at La Trobe University:

The time allowed for marking is very unrealistic, given one is expected to supply detailed comments.

[One of the hardest things was] marking

*Being hired as a casual tutor, but **having to fulfil the tasks of a coordinator and only getting paid as Other Academic Activity** for all tutoring etc.*

*Forgot to add **listening to online lectures and preparing tutes** because SC [subject coordinator] hasn't done it to **unpaid work**.*

Not being paid properly for marking.

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*The subject co-ordinator designed a piece of assessment that required students to submit a tutorial 'answer' each week for marking. I had approximately 120 students, so that meant 120 papers to mark each week over ten weeks of tutorials. I claimed this as marking time under my contract. After submitting my first timesheet, the subject coordinator emailed me to dispute my claim for payment: he didn't understand why I was claiming this marking time. I had to push back quite firmly to get this time recognised and remunerated. If I hadn't, **he was expecting me to mark 1,200 papers over the semester for free.***

*... Work on content and subject that is not running and therefore payment was not received. Exceeding marking hours. **Unrealistic expectation to get marking complete in a short period of time.** Casuals need to take on a lot of marking to earn enough money. Expectation to **help subject coordinator with final results without payment.***

***Constantly being asked to claim less than what I was paid.** Doing the job of the unit coordinator because she had so much extra work to do and was swamped also. In a strange way I was relieved to be unemployed this semester because it greatly helped my mental health, despite now being broke.*

*Lecturer not communicating. **Telling us to provide brief comments but students wanting more feedback***

*Being asked to teach into a course that I had convened in 2019 but is now run by a permanent colleague. **I was offered payment for 8 tutorials in a subject consisting of 12 x 3 hour seminars.***

*I haven't had one correct pay cycle in 2020 - I have to constantly follow up with my supervisors, school admin, and HR to find out why my hours aren't being approved. There have been multiple issues with my approver changing and confusion as to who my hours for approval are being sent to and why. **I'm essentially performing unpaid work to make sure I'm paid properly.***

*I have been asked to **take on tasks and responsibilities people classified higher than me normally do.** Designing schemas for data collection, analysing systems for suitability, data management.*

***I have performed a lot of unpaid work during the last 3 years.** My understanding is many full time academics are completely unaware of what they can and cannot request the casual academics to do for the limited (2 hours) pay for conducting a class.*

*Some **coordinators hassle us casual academics throughout the week and during weekends as well** (throughout the semester) as if they think we are being paid a full time salary to be available any day of the week. This is very common among lecturers on probation who are continuously trying to please students at the cost of casual academic staff. Some give the excuse that they work in the weekend, hence expect the casuals to do the same.*

*For roles where I was only involved in marking for a subject some coordinators/lecturers have **directed all student queries and emails to me and requested me to provide individual consultation** to large numbers of students on how their assessment was marked etc . all while **I was only paid for a few hours of marking.***

*Marking. **I have been paid less than half the amount I have worked marking assignments this year.***

COVID-19 AND CASUAL WORK

The results of the survey also indicate that the response to the COVID-19 pandemic has intensified underpayment and non-payment for casual staff:

*Since starting my role at La Trobe in 2012, I have put many unpaid hours into supporting students and improving the course content and delivery. **During semester 1 many unpaid hours were spent ensuring transition to online learning was successfully achieved** and students felt supported. The treatment of casuals during this pandemic has been nothing short of deplorable.*

*... The move to online teaching has **decreased the paid hours but increased the workload** especially associated with responding to student emails. This means that there is a lot of unpaid work occurring and **we are being paid at a demonstrator rate not tutorial rate**. This has meant there is additional admin and time required to respond to student emails, schedule zoom meetings, set-up zoom polls, look at the poll responses and level of engagement of the students, and record attendance. However **none of this is reflected in the amount of time we are paid for**. The amount of time we are given to mark assignments **does not reflect the amount of time required to properly read, assess and provide feedback to the students**. This ultimately means that **either students do not receive the support and feedback they should or the staff are doing extra unpaid work in their own time**. In my experience it has always been the latter where **staff will spend time doing unpaid work just to make sure the students receive enough support and feedback to understand the content...***

*Casual demonstrator pay has never been entirely fair but you could leave your work behind once the session was over. **Now we are responsible to a certain extent for our students outside of paid hours**. Further, we have been told that we won't have jobs at all next semester....*

*In Semester 1, 2020 I was responsible for running all the workshop classes in a third-year subject. When the COVID-19 pandemic hit and all teaching moved online, **my workload jumped from 10 - 25 hours per week**. I expressed concern to some senior academic staff about my increasing workload and **my growing number of unpaid work hours**. The response I received shocked me - **I was explicitly told to spend less time responding to student emails and forum questions to minimise my unpaid hours**.*

*Casual demonstrators were responsible for rewriting all the lessons for online learning. That's not in our job description and we were underpaid for it. **Our hours were cut to 1/3 of what we usually get but our class sizes increased**.*

*Classes have been compressed from 3 hrs to 1hr. **We are not paid for the extra work involved in compressing 3hrs into 1** and the associated preparation of materials for online teaching.*

*Students are requiring heaps more email support about their essays/tech support/personal support. Instead of asking in the Zoom class, they email me before and after. It's frustrating. They are missing the network of classmates and they are less likely to ask me "the silly questions" over Zoom. Learning is harder for them and **hence teaching is harder for me**.*

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I believe I am underpaid for [the] subject refresh. I am given a certain number of hours that is paid at 'other academic activity' rate that is non-teaching. But I am developing content, curriculum, assessments and designing the learning spaces!

Marking is harder as the lack of face-to-face feedback makes it tricky, and the unwillingness of students to stick around to chat. ***Prep time has increased*** in terms of getting attendance reports, setting up zooms, dealing with student issues that would normally be taken care of in class. Students are requiring more guidance and hand-holding than previous years.

In addition to normal preparation we are now expected to organise zoom sessions and organise students. Increased emails and more responsibility for students. Zoom session are paid for an hour but the content is from a 3 hour prac and often run out of time... The students also receive an online module which we have not been forced to complete but to teach the class you really need to perform the module yourself, adding an extra 30 mins. ***While some of these tasks are optional I consider them to be vital prep and these are all in addition to the existing prep required.*** If you do not do this extra work then the sessions are very stressful and difficult. We are also expected to spend time familiarising ourselves with new software and sometimes complex functions within them. ***This takes more unpaid time.*** Then we run sessions having no idea what to expect, how it will run and often have to improvise when it goes wrong, which it frequently does. ***Not to mention I've had to upgrade my internet to be able to handle it.***

KEY RECOMMENDATIONS:

BACKPAYMENTS TO CASUAL STAFF

Approximately 3,000 casual workers are engaged at La Trobe University in any given year. Given that workers are eligible for up to 6 years of backpay after their duties have taken place, a sustained effort must be made to contact and inform all current and former staff who are eligible to seek remuneration. For such a process to be conducted fairly it is integral that the process is transparent, fair and in consultation with a relevant oversight body.

The investigation process must be efficient and transparent, and must be accessible to ex-staff without a current MyHR or La Trobe email account. An information sheet explaining underpayment and how the investigation has arisen should be made available to all eligible staff so that they fully understand their entitlements.

Applicants should also be informed of their options, should they wish to contest the determination of the investigation.

RECTIFYING CURRENT PRACTICES TO AVOID FUTURE UNDERPAYMENT AND NON-PAYMENT.

- **Piece rates should be abolished to avoid future underpayment for both teaching and marking duties.**

We recommend the abolishing of piece rates to ensure the fair and just payment of casual university workers. This is particularly important in relation to marking where casuals should be paid for the accurate amount of hours necessary to conduct our duties.

- **The University should conduct a review into 'Other Academic Activity' and how this code is applied.**

Any teaching staff who is running a class where they impart information and run student activities has the reasonable expectation of being paid at the tutorial rate, as has been reinforced by the Monash Casuals Network data submission to this Inquiry.

- **Staff should be paid for *all* work and *all* essential work activities:**
for example, attendance at lectures, meetings, work lunches and training.