

Professor John Dewar AO BCL, MA (Oxon), PhD (Griff).
Vice-Chancellor and President

9 March 2022

Mr Mark Fitt
Committee Secretary
Senate Economic References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Via email: economics.sen@aph.gov.au

Dear Mr Fitt,

Re: Inquiry into the unlawful underpayment of employees' remuneration

Please find attached our response to three questions taken on notice during the Committee's Public Hearing on 22 February 2022.

Thank you for the opportunity to appear before the Committee and provide evidence to this Inquiry. Should further information be required please don't hesitate to contact my office.

Yours sincerely



Professor John Dewar AO
Vice Chancellor and President

Mailing address

La Trobe University
Victoria 3086 Australia

T + 61 3 9479 2000
E J.Dewar@latrobe.edu.au
latrobe.edu.au

MELBOURNE CAMPUSES

Bundoora
Collins Street CBD

REGIONAL CAMPUSES

Bendigo
Albury-Wodonga
Mildura
Shepparton

Senate Economic References Committee

22 February 2022

Public Hearing into the unlawful underpayment of employees

HANSARD:

Senator FARUQI: You said 4,000 casual staff had been underpaid. Could you take this on notice: how many out of those 4,000 staff were women?

Ms Sterry: We can take that on notice.

La Trobe response:

Of the 3,973 current and former La Trobe University casual staff who were underpaid over the six-year period (from 1 July 2015 to 30 June 2021) 2680, or 67 per cent are women. This is broadly consistent with the female to male gender split of La Trobe's current total workforce profile of which 64 per cent identify as female.

Senate Economic References Committee

22 February 2022

Public Hearing into the unlawful underpayment of employees

HANSARD:

Senator FARUQI: What about on a head-count basis?

Prof. Dewar: Yes, it's dropped on a head-count basis as well. I can give you those numbers. It's dropped from about 4½ thousand in 2016 to 3,300 last year.

CHAIR: Senator Faruqi, my apologies. We are a bit behind time. Would you mind putting some questions on notice?

Senator FARUQI: I can put them on notice. I want to know how many of the 4½ thousand have actually been converted and not got rid of.

Prof. Dewar: Okay, we can—

Senator FARUQI: I can ask further questions on notice.

La Trobe response:

In relation to the 4,500 casual staff that were employed by the University in 2016, we do not keep records of how many of these staff were successful in securing ongoing employment with La Trobe University. This figure includes both professional and academic casual staff members.

Unfortunately, we do not hold this data or have it to hand. Although we could possibly retrieve this information, the process of doing so will take some time, requiring us to compare the names of casual staff from six years ago against the names of both current and former fixed term and continuing staff members. This is a manual process and will additionally require verification to determine that the two records are indeed the same person.

By way of context, casual staff remain on the University's system for a period of three months after their last pay period before they are declared 'inactive' on the system. Casual staff members are not otherwise removed from the system by the University except in exceptional circumstances (e.g., misconduct).

In 2021, La Trobe converted seven professional staff from casual employment to ongoing roles in accordance with the amendments to the *Fair Work Act 2009* following a review of over 1600 current professional and academic casual staff. The *La Trobe University Collective Agreement 2018* provides for a casual conversion right for professional staff. Professional casual staff may apply for conversion and fewer than 10 individuals have made such an application under the current Agreement.

We are pleased that, as part of our Transformation Program undertaken in 2021, 28 casual staff members (18 academic and 10 professional) secured either continuing or fixed term roles with La Trobe.

Senate Economic References Committee

22 February 2022

Public Hearing into the unlawful underpayment of employees

HANSARD:

Senator FARUQI: It seems like a very clear pathway to me, to circumvent these issues, which is to provide secure employment for your staff. I just want to clarify something. When you were talking about payments, your first payment will be to cover six years and comes to \$3½ million, from what I understand.

Prof. Dewar: Yes.

Senator FARUQI: And you said an additional payment of around \$2½ million will be paid, and that will capture the last six months. Is that correct?

Prof. Dewar: And underpayments for marking. There are two elements.

Senator FARUQI: So \$2½ million, which is further amounts owed for marking, a detailed assessment of which is currently being undertaken.

Prof. Dewar: Correct.

Senator FARUQI: Marking seems to me to be quite substantial. What period does that relate to and is that over and above the \$2½ million?

Prof. Dewar: The marking assessment relates to the same six-year period, and the estimated underpayment is included in that \$2½ million figure.

Senator FARUQI: So the marking as well?

Prof. Dewar: Yes. We don't know exactly what the figure is yet, because the audit has yet to be completed. Our estimate at the moment is that we need to make provision for about \$2½ million.

Senator FARUQI: Could you provide us the final figure once the audit is complete?

Prof. Dewar: We could indeed.

La Trobe response:

La Trobe anticipates the audit will be completed to remediate all outstanding underpayments to affected staff in April 2022. Further details can be provided to the Committee once the audit has been completed and staff have been notified of the outcome.