

University of Melbourne response to Senate Select Committee on Job Security Questions on Notice

Q: Headcount on insecure appointments (fixed term and casual); and clarification on what percentage of total staff are employed on casual contracts?

Table 1 below provides a breakdown of both headcount and FTE for the academic and professional workforce at the University of Melbourne based on the three categories of employment type – continuing; fixed term; and casual for the peak month of May 2021.

Academic workforce

To accommodate the broad and complex work offered through our curriculum and research programme, the University typically engages a substantive number of individuals as casual academics throughout the academic year to deliver a relatively small proportion of full-time equivalent work in comparison to the overall academic workforce. Hence, the size of the casual academic workforce can be overstated when looking solely at the number of individuals (i.e. headcount) engaged by the University. To illustrate:

- a) focusing on our peak academic month of May 2021 we see for May that our casual academic workforce represented **47%** of our total headcount but were utilised to deliver **18%** of the overall full-time equivalent hours of the entire workforce.
- b) This is also evident when considering casual paid hours for 2021 (**table 2**) where:
 - **97%** of casual academics worked less than **0.4** full-time equivalent; and
 - **74%** of casual academics worked **0.1** or less of the full-time equivalent.

Professional workforce

As with the academic casual workforce, the University typically engages a large number of individuals (i.e. headcount) in casual employment to perform to perform a broad range of work in the professional, administrative and support occupations areas of the University (Professional Casual). However, the Professional Casual workforce deliver a relatively small proportion of full-time equivalent work throughout the year in comparison to the overall professional workforce. To illustrate:

- a) peaking over the months of June through to August 2021, our Professional Casual workforce represented **22% of our total headcount** throughout June to August but were utilised to deliver **9% of the overall full-time equivalent hours** over the same period.
- b) This is also evident when considering casual paid hours for 2021 (**table 3**) where:
 - **91%** of professional casuals worked less than **0.4** full-time equivalent; and
 - **58%** of professional casual worked **0.1** or less of the full-time equivalent.

Table 1: Workforce by Headcount and FTE All Academic and professional staff – peak month, May 2021

HEADCOUNT	Continuing	%	Fixed term	%	Casual	%	TOTAL
Academic	2,323	26%	2,427	27%	4,261	47%	9,011
Professional	3,180	58%	1,080	20%	1,228	22%	5,488
Total	5,503		3,507		5,489		14,499
FTE	Continuing	%	Fixed term	%	Casual	%	TOTAL
Academic	2,089	43%	1,908	39%	868	18%	4,865
Professional	2,987	69%	966	22%	368	9%	4,321
Total	5,076		2,874		1,236		9,186

Table 2: Casual paid hours in 2021 – Academic

Paid Hours	Equivalent to FTE*	Number of Staff
less than 18.85 Hours	< 0.01FTE	1643
18.85 - 94.25 Hours	0.01-0.05FTE	2951
94.25 - 188.5 Hours	0.05-0.1FTE	1607
188.5 - 377 Hours	0.1-0.2FTE	1277
377 - 754 Hours	0.2-0.4FTE	655
More than 754 Hours	> 0.4FTE	241
Grand Total		8374

*1 FTE = 1885 Hours in a year

Table 3: Casual paid hours in 2021 – Professional

Paid Hours	Equivalent to FTE*	Number of Staff
less than 18.85 Hours	< 0.01FTE	397
18.85 - 94.25 Hours	0.01-0.05FTE	702
94.25 - 188.5 Hours	0.05-0.1FTE	396
188.5 - 377 Hours	0.1-0.2FTE	477
377 - 754 Hours	0.2-0.4FTE	364
More than 754 Hours	> 0.4FTE	221
Grand Total		2557

*1 FTE = 1885 Hours in a year

Q: FTE breakdown by gender of the professional and academic workforce

Table 4 below provides a breakdown by gender of the FTE of the casual academic and professional workforce at the University of Melbourne for the peak month of May 2021.

Casual academic workforce

The casual academic workforce is split by gender based on total casual academic paid amount for 2021 with women representing a slight majority of 52.6% of the casual academic workforce, men representing 46.8%, and 0.5% representing other gender identification/undisclosed.

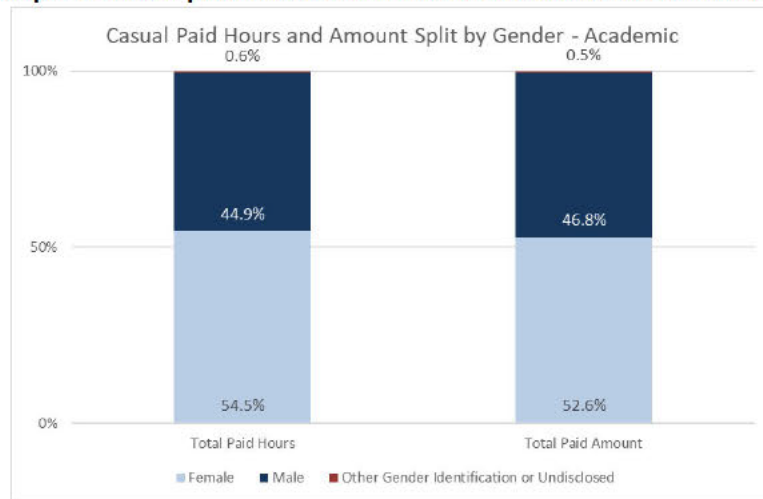
Professional and administrative casual workforce

As demonstrated in graphs 1 and 2 below, based on total paid casual amount for 2021 more women are engaged in the Professional Casual workforce with Women representing 60.5% of the Professional Casual workforce and Men representing 38.9%, and 0.6% representing other gender identification/undisclosed. This is representative of the gender split across the entire Professional workforce.

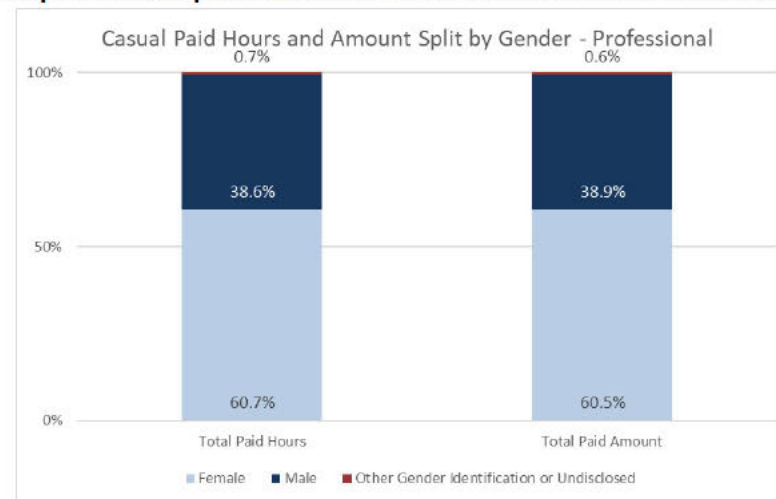
Table 4: FTE of casual Academic and professional staff – peak month May 2021

	Academic	%	Professional	%	TOTAL
Female	460	53%	221	60%	681
Male	402	46%	145	39%	547
Other	5	1%	2	1%	7
TOTAL	867		368		1,235

Graph 1: Casual paid hours and amount for Academic staff for 2021



Graph 2: Casual paid hours and amount for Academic staff for 2021



Q: How did the National Employment Standards casual conversion process proceed; and what number of staff who were informed they not being converted?

In addition to the University's own review of the new casual conversion provisions introduced in the Fair Work Act 2009 (Cth) (FW Act) last year, we also sought external legal advice to further inform how to identify which employees would meet the legislative criteria for being offered conversion from casual employment.

The University subsequently took a number of steps to identify any casuals eligible for conversion and or met the criteria for being offered conversion.

Firstly, the University established a dataset of the entire casual employee cohort to be assessed and applied a number of filters (e.g. employment in 2021 but not in 2020 [new starter], breaks in service, those who worked low number of hours and the like) to identify casual employees who were not eligible for conversion in the first instance. Through this process, **56 employees** were also identified as transitioning to other non-casual roles and so were also removed from the casual conversion review.

After applying the series of filters to the cohort of casual employees, **1,000 casual employees** remained for further consideration. A detailed assessment of the pattern of work performed by qualified employment lawyers and industrial relations specialists was undertaken for each of the 1,000 casual employees to determine whether each individual had worked a regular pattern of hours in the preceding six months of the review. Following this **review 298 casual employees** had been identified for further consideration.

Each respective Faculty and Division within the University reviewed the refined list of 298 casual employees to further consider eligibility for conversion, concentrating further on the pattern of hours worked and/or whether there were organisational reasons, as contemplated in the FW Act, as a basis for not offering conversion.

Following the individual Faculty and Division review 70 employees were identified as eligible to be offered conversion from casual employment to continuing employment. Offers of conversion were then made to the 70 eligible employees with 50 of those employees accepting offers to convert from casual employment to continuing employment.

On 20 September 2021 **7,599 casual employees** were advised that the University had conducted a review of their employment, were provided the basis and criteria for the review, and that they would not be offered conversion from casual employment. We note that the FW Act set out content that must be conveyed to the casual employee when communicating the outcome of the review. Given that the Fair Work Act casual conversion provisions were new, the University opted for a technical approach informed by its understanding of the law in its communication to casual employees.

On 22 September 2021 a **further 218 casual employees** were sent emails advising that they would not be offered conversion following the final review by the respective Faculty and/or Division.

Q: With regard to underpayment, how many staff who have come forward have been paid and how many are yet to be paid?

The following additional information summarises the payments made to current and former casual employees in respect of past time and attendance practices that were resolved through the dispute resolution process with the NTEU.

The University and the NTEU worked collaboratively to address concerns about practices in particular areas of the University for determining time and attendance of casual sessional lecturers and tutorials.

Specifically, the University and the NTEU resolved the following matters, which led to the University making payments in respect of the matters identified:

- a) Where the Faculty of Arts requests casual sessional tutors to attend lectures associated with the tutorial being taught, that attendance is work for the purpose of the Agreement and must be recorded and paid as such.

Consequently, **1,255** current and former casual employees were contacted and invited to make claims for previously un-reported attendance at lectures where requested by the University. The Faculty received **208 claims** which were all paid by the end of 2021.

- b) Where the Faculty of Arts and the Faculty of Fine Arts & Music engages casual sessional lecturers/tutors to assess students' work (other than marking that is undertaken during a lecture, tutorial or clinical session or could reasonably have been undertaken during that session), payment to the casual employee for marking is recorded and paid for the actual hours worked and not on pre-set performance measures or formulae. The University is not prevented from having performance measures for the purpose of managing this form of self-directed work.

Consequently, **1,922** Faculty of Arts current and former casual employees were contacted to claim for previously un-reported attendance undertaking marking. The Faculty received **530 claims** which were all paid by the end of 2021.

Further, **662** Faculty of Fine Arts & Music current and former casual employees were also contacted. The Faculty received **24 claims** which have all been paid by the end of 2021.

- c) Practise classes scheduled by the School of Mathematics and Statistics in the Faculty of Science were more appropriately classified as a tutorial under the Agreement.

Consequently, **328** Faculty of current and former casual employees were contacted to advise that their time and attendance at the relevant practice sessions had been adjusted to reflect the appropriate tutorial sessional casual rate. **All backpay adjustments** were paid by the end of 2021.

- d) Due to the incorrect information provided in the School of Computing and Information Systems (CIS) Guidelines (in the Faculty of Engineering & Information Technology), casual employees may have been underpaid for marking during their period of engagement with CIS.

Consequently, **537** Faculty of Engineering & Information Technology current and former casual employees were contacted and were invited to make claims for previously un-reported attendance undertaking marking. The Faculty **received 182 claims with 167 claims verified** as valid claims and have all been paid by the end of 2021.

The University is currently completing a review of its payroll processes and a separate casual employment review. The NTEU has also raised further new disputes that are still in progress and being considered by the University. The University has also received a small number of employee queries through the dedicated casual contact line. These reviews, disputes, and employee queries might, upon validation, identify further circumstances where remediation payments are required.

For further information please contact: