



# *Australian Education Union*

## *Federal Office*

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Committee Secretariat  
Select Committee on Job Security  
Department of the Senate  
PO Box 6100  
Canberra ACT 2600

Email: [jobsecurity.sen@aph.gov.au](mailto:jobsecurity.sen@aph.gov.au)

Dear Chair,

### **Re: Senate Select Committee on Job Security**

I write to respond to questions taken on notice in the course of the AEU's 3 November 2021 appearance in a public hearing in this matter.

#### **Background**

In October 2021, the AEU filed a submission in this matter. On 3 November, Susan Hopgood, AEU Federal Secretary, and Angelo Gavrielatos, New South Wales Teachers Federation President, appeared for the AEU in a public hearing in this matter.

In the AEU's written submissions, and in its appearance before the Committee, the AEU contended that teachers in insecure work overwhelmingly prefer to be employed in permanent, secure work. In the course of the AEU's appearance the Deputy Chair of the Committee, Senator Matt Canavan, questioned and challenged this contention.

Chair, at the conclusion of the AEU's appearance, you invited the AEU to provide further written information regarding teachers' conversion from insecure to secure work. This letter provides the AEU's response to that invitation.

#### **Further information regarding conversion to permanent roles**

Teachers in casual and fixed-term employment overwhelmingly prefer to be in permanent employment. To demonstrate this preference, the AEU provides the following information:

##### *Teachers in Victoria*

The AEU successfully bargained for beneficial conversion clauses in the Victorian Government Schools Agreement 2017, and advocated for the creation of a complementary

Department of Education and Training recruitment and conversion policy.<sup>1</sup> Subsequent to the commencement of the Agreement and policy, in schools, there have been just under 15,500 staff (10,030 in the first year and the rest in subsequent years), including a significant number of teachers, that have translated from insecure to ongoing employment.

In TAFE, a similarly successful bargaining campaign to minimise the misuse of insecure employment, and increase offers of conversion, has significantly reduced the proportion of teachers in casual employment in TAFE, from 39% in 2018, to 23% in 2019, to 17% in 2020. It is difficult to provide the Committee with institution-specific data due to employer non-compliance with reporting obligations, however, we are aware that of the 26 TAFE teachers offered conversion by Victoria University, two-thirds of teachers accepted conversion, demonstrating significant interest in conversion to permanent employment.

### *Teachers in Western Australia*

From 2017 to 2019, the Western Australia Department of Education's Staffing Directorate reviewed the employment of teachers and school staff in casual and fixed-term employment, offering conversion to employees where appropriate. 422 employees (387 teachers, 13 school psychologists, and 8 school administrators) were subsequently offered to convert to permanent employment, with 408 employees accepting conversion, and only 14 employees not accepting the offer.

That is, over 96% of the teachers and school staff in insecure work who were offered to convert to permanent work accepted that offer. This demonstrates very strong demand among teachers for conversion to permanent employment.

### *Teachers in Queensland*

In 2018, the Queensland Teachers Union, an Associated Body of the AEU, and the Queensland Department of Education created a Memorandum of Agreement to facilitate the conversion of teachers from insecure to secure employment.<sup>2</sup> The QTU report significant take-up of conversion offers made under the Memorandum of Agreement.

### *Teachers in New South Wales*

The AEU, in its written submission and in its appearance, has presented damning evidence of NSW TAFE's *failure to make a single offer of conversion* to its more than 7700 insecurely employed workers. Below is an explication of NSW TAFE teachers' financial interest in conversion to permanent employment, and, conversely, NSW TAFE's financial incentive to maintain and exploit an insecurely employed workforce.

The exploitation occurs in relation to 'related duties' – a teacher's paid (or, as demonstrated below, unpaid) work outside of the actual teaching of classes, for example marking and lesson planning.

A permanently employed, full-time teacher typically performs 35 hours of work per week. Of this, approximately 20 hours is spent teaching classes, and a further 15 hours is spent performing paid 'related duties'. However, for teachers in insecure work, many of whom

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<sup>1</sup> *Victorian Government Schools Agreement 2017*, accessible [here](#); and 'Recruitment in Schools', Department of Education and Training, see p 6, accessible [here](#).

<sup>2</sup> The Memorandum of Agreement is accessible [here](#).

perform equivalent amounts of teaching duties to a full-time permanent employee, payment for ‘related duties’ is capped at 6 hours and 20 minutes per week. It is simply not possible to perform only 6 hours and 20 minutes ‘related duties’ each week – to do so would likely breach teachers’ professional compliance requirements. Casual teacher that perform less than a full teaching load are entitled to even fewer paid ‘related duties’ each week, exacerbating the issue. For example, a part time casual teacher teaching the equivalent of a half full time load of 10 hours per week is only entitled to 1 hour of ‘related duties’ each week. Many additional hours of unpaid overtime are regularly performed to meet the teacher’s administrative and professional compliance requirements.

As such, insecurely employed teachers perform significantly more than 6 hours and 20 minutes ‘related duties’ per week, the majority of which is accordingly unpaid work. This results in hundreds of hours of unpaid work per year, dwarfing any casual loading received by such employees.

Accordingly, in NSW TAFE, teachers in insecure work are significantly financially worse off than permanent employees. This provides a strong financial incentive for teachers to convert to permanent employees – and a similarly strong incentive for their employer to not offer or accede to requests for conversion.

#### *Teachers in South Australia*

The South Australia Branch of the AEU reports significant take-up of conversion offers among school and TAFE teachers: over 2019 and 2020 the AEU has assisted over 600 members in early education, schools, and TAFE to convert from insecure to permanent employment.

A 2020 survey by Redbridge Consultancy for the AEU found that approximately half of all early career teachers rated job security, permanency, and better pathways to permanency as their key challenges and interests at work. Responding to this strong interest of teachers in securing conversion entitlements, the AEU successfully campaigned for beneficial conversion provisions to be inserted in the recent *South Australian School and Preschool Education Staff Enterprise Agreement 2020*.<sup>3</sup> The Agreement provides for the creation of school-based Personnel Advisory Committees which, with union and employer representation, make recommendations as to whether conversion offers should be made.

Yours sincerely,

Susan Hopgood  
Federal Secretary

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<sup>3</sup> The *South Australian School and Preschool Education Staff Enterprise Agreement 2020* is accessible [here](#).