

Tim McNevin
Australian Education
Union ACT Branch

PO Box 3042
Manuka, ACT 2603 Australia
02 6272 7900
email: tmcnevin@aeuact.asn.au

Flexibility vs. protection in managing teachers work – navigating a way forward

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Background

In June 2001 the Australian Education Union published a report *TAFE Teachers: Facing the Challenge*. That report drew on research undertaken by the AEU Federal Research Officer Michaela Kronemann undertaken in the second half of 2000. The aim of the project was 'to look at the changing nature of teachers' work and workload, the impact on teachers' lives, and the priorities they see for union action'. The research was based on responses to a survey sent out to 2000 TAFE members across Australia. The report highlighted that teachers across the country 'are doing additional, unpaid work which appears to be equivalent to something like 6500 positions Australia-wide.'

The report identified a wide range of activities that had led to the overwork and these included preparation, administration, program coordination, cuts to teaching staff, changes in delivery and curriculum and reduced job security/greater casualisation.

'Over half of all teachers listed funding cuts as one of the five changes that had the most impact on their work, and nearly half listed the constant change and restructure.'

Throughout 2000 the Australian Education Union (Tasmanian Branch) and TAFE Tasmania implemented a trial of a 'method of measuring and managing the work of TAFE teachers.' In the introduction to the Memorandum of Understanding that covered the trial it is noted that '(t)he impetus for change to the way TAFE teachers' work is measured and managed arises predominantly from the introduction of Training Packages with the emphasis on on-the-job vs off-the-job assessment and delivery. Alongside this both parties acknowledge the need for TAFE Tasmania to be flexible and responsive within the VET sector whilst operating within the parameters of the Tasmanian TAFE Teachers Award 1995'.ⁱⁱ The trial set an annual load for hours of work per annum inclusive of delivery activities (including direct learning, distance learning and workplace assessment) and development activities. Fundamental to the trial was the idea that 'planning will be required to manage a teacher's work' within the framework of the trial.

In 2002 ANTA commissioned a VET Policy Advice project looking at 'Measuring Teacher Time in Flexible Delivery'.ⁱⁱⁱ The manager of that project was Elizabeth McPherson of the Canberra Institute of Technology. The project included the following outcomes/outputs/deliverables; set of principles for allocation of teaching hours to teachers undertaking flexible learning and a set of guidelines on teaching practices that reduce workloads by teachers involved in flexible learning. The project included the use of focus groups to provide feedback on the proposed model and to provide anecdotal feedback on teachers' roles and the ways in which their time is being measured. The feedback indicated 'that a flexible approach to measuring the time needed by a teacher to perform their flexible learning roles cannot be described by a single formula or a "one size fits all" solution, and that informed negotiation between teachers and their managers may be the only solution possible.'

In January 2003 the Australian Education Union National TAFE Council AGM debated a policy on 'The Changing Nature of Teachers Work'^{iv}. This policy sought to provide guidance to AEU Branches and Associated Bodies with regard to navigating their way through the issues presented to them by the evolving nature of teachers' work. That policy states that 'flexible learning is regarded by many as distinct from traditional modes of delivery. While this may have been useful; in dealing with the emergence of flexible learning, it is more appropriate now to consider all modes of delivery holistically.'

The policy goes on to say that '(t)he diversity of modes of delivery and student needs means that workplaces, teams and individual TAFE teachers must be empowered to develop working time arrangements that best meet local needs and circumstances. However, in an environment of resource scarcity and existing work overload, there is a real danger that local flexibility would merely exacerbate the exploitation of TAFE teachers.

To avoid workload "flexibilities" becoming exploitive (sic), and to meet the obligation to ensure workplaces and work processes free (sic) from overwork injury, a necessary precondition for local variations in workload arrangements is a clear framework, negotiated with the Union and where appropriate incorporated into TAFE Teacher awards or agreements.'

The AEU policy identifies key elements of such a framework as:

- time and funding for individual and team professional development,
- adequate time allowance for planning and development,
- adequate time allowance for delivery and assessment,
- adequate time allowance for evaluation and maintenance,
- adequate time allowance for administration and other responsibilities.

It is against this backdrop and within this context that the Australian Education Union (ACT Branch) conducted its 2002 CIT Teachers' Workload Survey.

Australian Education Union – ACT Branch 2002 CIT Teachers' Workload Survey

Methodology

The *2002 CIT Teachers' Workload Survey*^v was conducted over 2 one month long data collection periods. The periods chosen were chosen because they did not represent periods of unusually high activity associated with periods of assessment or enrolment. The first period ran from 18 March until 12 April and the second from 13 May to 7 June.

The survey instrument was first trialed in a limited capacity with teachers at the Weston Campus of the Canberra Institute of Technology. The purpose of the trial was to determine the suitability of the survey instrument and to test whether or not conducting the survey would in fact present a workload issue for survey participants. As a result of the trial the survey instrument was amended to more accurately reflect demarcations between classifications of teaching and related activity. The survey instrument also asked teachers to identify whether or not they were employed on either a full-time, permanent part-time, part-time or casual basis

The resultant categories for reporting were:

- Teaching – defined as direct student contact – duties traditionally recorded on duty allocations and regarded as teaching
- Incidental – included preparation for classes, marking, assessment, Banner (CIT electronic application for recording student enrolment, attendance and assessment), reviewing literature, developing learning resources, photocopying, roll books, professional development
- Communication – included use of e-mail and Web CT (CIT electronic application for internal communication and online delivery)
- Co-ordination – included timetabling, teacher co-ordination, program co-ordination

- Liaison – included with students, industry, telephone, face to face meetings (excluding Staff, Department, Faculty meetings)
- User Choice – including signing competency record books, marking learning guides, on-the-job visits/assessments, developing learning guides, compliance checks, record keeping, phone calls, roll books, signing off apprentices, following up training plans
- Meetings – included staff, department Faculty meetings
- Other – included time spent travelling between campuses for classes, projects, Learnscope, anything not covered above.

Membership of the AEU ACT Branch TAFE Division stood at 312 in March 2002.

The survey instrument was distributed via the AEU network of 'Local Area Contact Persons' (LACP) within the CIT. A letter was sent to the LACP (attachment A) asking that a meeting be scheduled in their work area where a briefing could be provided to members of the detail of the survey and an invitation extended to participate in the survey. Those members that indicated a willingness to participate were then provided with a survey instrument and the accompanying covering letter (attachment B and C). A follow up letter was then sent to each LACP (attachment D) reminding them of the survey and encouraging them to seek participation from members in their work area.

86 responses were received over the 2 survey periods. 23 of the responses were identified as invalid due to the incomplete nature of the information provided.

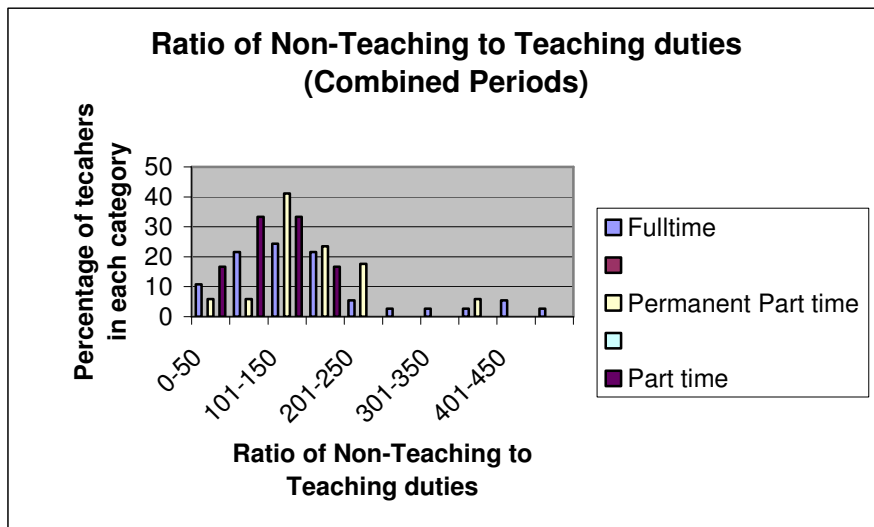
Responses were collated and summarised into a spreadsheet.

Data outcomes

Ratio of Non-Teaching to Teaching Duties

Anecdotal evidence had for some time indicated a significant growth in the time required by teachers for the 'Non-Teaching' duties that they were required to undertake. An analysis was done within the data in an attempt to substantiate, or otherwise, the claims that were being made by teachers with regard to this growing imbalance.

For the purposes of this analysis 'Non-Teaching' was identified as including all categories other than teaching duties.



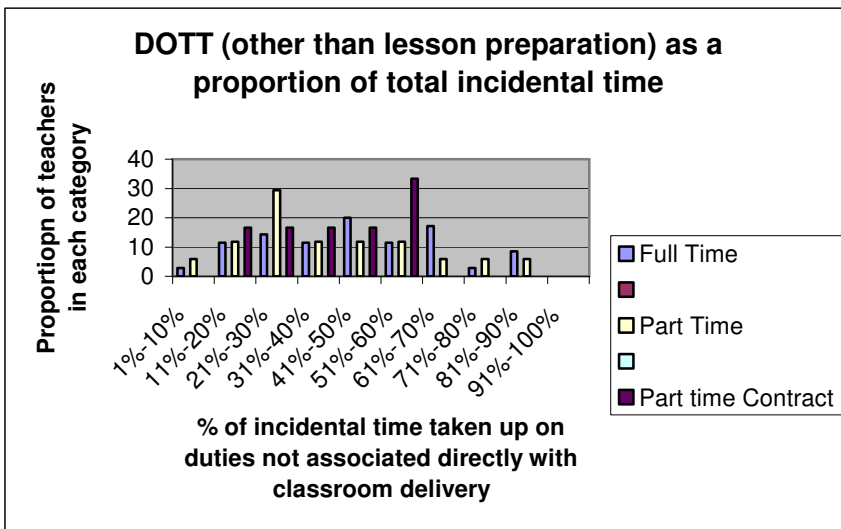
The resulting chart demonstrates that:

1. for full time teachers 78% of those surveyed reported the ratio of Non-Teaching to Teaching duties as between 50 and 200 %, within this cohort 43% reported this ratio as between 100 and 200% and 17% reported this ratio as between 150 and 200%.
2. for Permanent Part-time teachers 66% of those surveyed reported the ratio of Non-Teaching to Teaching duties as between 50 and 200 %, within this cohort 58% reported this ratio as between 100 and 200% and 8% reported this ratio as between 150 and 200%.
3. For Part-time teachers 100% of those surveyed reported the ratio of Non-Teaching to Teaching duties as between 50 and 200 %, within this cohort 66% reported this ratio as between 100 and 200%.
4. The data indicates that for all respondents 70% of those surveyed reported the ratio of Non-Teaching to Teaching duties as between 50 and 200 %.

As the role of a CIT Teacher has evolved in response to the environment in which a teacher is asked to operate the range of duties being asked of teachers has expanded. An increasing level of administrative responsibility is being born by teachers – the impact of this is to ‘squeeze’ the amount of time that a teacher has available to them to prepare for delivery as an increasing amount of that time is dedicated to these ‘Duties Other Than Teaching’ (DOTT).

An analysis of the data supports this claim.

Lesson preparation was excised from the data relating to ‘non-teaching’ and a comparison was done of the time taken on the remaining non-teaching duties (identified as DOTT) and ‘Lesson Preparation’.



The resulting chart demonstrates:

1. for full time teachers 40% of those surveyed reported that they were spending more than 50% of their total incidental time on DOTT. 8% of respondents reported that more than 80% of their incidental time was being taken up on DOTT.
2. for permanent part-time teachers 29% of those surveyed reported that they were spending more than 50% of their total incidental time on DOTT.
3. For part-time teachers 33% of those surveyed reported that they were spending more than 50% of their total incidental time on DOTT
4. The data indicates that 36% of all respondents were spending greater than 50% of their total incidental time on DOTT.

A copy of the 2002 CIT Teachers' Workload Survey Report is included as attachment E

**Pilot conducted at CIT of 'Measuring Teacher time in flexible learning'
Semester 1 2003**

In 2002 the NCVET, at a glance publication '*Flexibility through online learning*' consolidated a range of research in an effort to 'increase the vocational education and training (VET) sector's understanding of the pedagogical, technical and managerial aspects of flexible learning.' The key findings reported in that research paper included:

- 'The changing role of teachers and the way they are working to provide flexible training needs to be acknowledged and supported
- A range of strategies has been identified to overcome key barriers to the successful adoption of online delivery, the most important being induction programs, cost reduction strategies for delivery, use of e-business approaches, teachers professional development and improved recognition of their work roles and the funding models being used.'^{vi}

The Trial process

The AEU and the CIT agreed that a trial of a process of local negotiation between a teacher and their immediate supervisor might provide some insight into a possible way forward in satisfying both the workload concerns of teachers and the operational requirements for the CIT. The trial followed on from the 2002 ANTA VET Policy Advice project looking at 'Measuring Teacher Time in Flexible Delivery', the 2002 AEU Australian Education Union – ACT Branch 2002 CIT Teachers' Workload Survey and the discussions that had been occurring between the AEU and the CIT concerning the experiences of teachers and the CIT regarding the impacts of these workplace issues. The trial allowed for local flexibility in negotiations regarding a teacher's workload while at the same time providing some protections for the teacher as part of those negotiations.

The trial was limited to 2 Departments within one Faculty of the CIT in semester 1 2003 and had 6 teachers participate. The trial allowed for a teacher to enter into negotiations with their immediate Supervisor as to how their individual workload could be managed within the scope of the CIT TAFE Teachers' Award and Enterprise Bargaining Agreement.

The negotiations were to take into account the five elements of the negotiating framework identified earlier as part of the framework from the 2003 AEU Federal Conference decision namely:

1. time and funding for individual and team professional development,
2. adequate time allowance for planning and development,
3. adequate time allowance for delivery and assessment,
4. adequate time allowance for evaluation and maintenance,
5. adequate time allowance for administration and other responsibilities

A briefing sheet was provided to participants in the trial and this is included as attachment F. Information sessions were held with participants prior to the trial being initiated and an advisory committee was established for oversight of the pilot with representation from the Faculty involved in the trial, the Human Resources Department at the CIT and the Australian Education Union.

A schedule of meetings were established to provide feedback on the progress of the trial and an evaluation process was agreed by the Advisory Committee for the conclusion of the trial to review the process, seek meaningful feedback from participants and navigate next steps.

Professional development was offered to participants prior to the participation in the trial in 'Negotiation skills' with the intent that the professional development would assist teachers and their Supervisors in the negotiation process.

Outcomes of the trial

Interviews were held with the teachers that had participated in the trial at the mid point of the semester and at the conclusion of the trial. A summary of the feedback from the participants in the form of an interim report is included as attachment G.

A number of issues from the feedback are worthy of highlighting:

1. The perception of participants was that the lead up to the trial which included introductory meetings, explanations and professional development led to the perception, in the minds of some participants, that the process was going to be onerous and adversarial and this had led to some anxiety on the behalf of some of the participants.
2. The principal constraint on the negotiations was the departmental budget that Heads of Department need to operate within and the teachers' awareness of these budget constraints.
3. The capacity for local negotiations was constrained to some degree by the conditions identified within the CIT TAFE Teachers' Award.
4. While the negotiations were able to identify priorities in a teacher's workload it had been difficult to negotiate in advance specific hours for specific tasks in flexible learning situations.
5. It is difficult to separate out flexible learning from other teaching and coordination – when negotiating a teachers' workload consideration needs to be given to the complete workload for that teacher.

From the perspective of the Advisory Committee, the absence of dedicated administrative support for the trial was a factor that, if addressed, may lead to a more effective trial particularly if the trial were to be extended.

A copy of the report on the outcomes of the CIT Trial can be found at attachment H

CIT Enterprise Bargaining Agreement 2004 Mapping a way forward

The principal tenets of the AEU CIT Teachers Enterprise Bargaining claim presented as part of negotiations with the employer in the ACT were:

1. Satisfactory salary outcomes
2. Increased opportunity and access to professional development
3. Meaningful addressing of the workload pressures teachers at all levels within the Institute are experiencing.

As part of the EBA claim a number of initiatives were presented aimed at addressing workloads at a systemic, Faculty, Department and local level.

The negotiations have been productive in the main and have led to the position where a trial of a process will be run with the view to 'replacing the current system of annual teaching

hours/professional development hours with a system of negotiated, integrated workloads subject to a set of agreed guidelines and an agreed implementation plan.'

A copy of the 'without prejudice' clause is included as attachment I.

The trial is an extension of the 'Measuring Teacher time in flexible learning' trial referred to earlier which was carried out in Semester 1 2003. The lessons learned from the 2003 process will inform the process for the 2004 EBA trial process.

The clause includes the key elements of the framework from the January 2003 Australian Education Union National TAFE Council AGM decision. It establishes a review process and provides and acknowledges a process for recourse for the individuals concerned if they are not happy with the process.

The trial will be overseen by a joint Working Party and the Working Party will draw representation from all teaching classifications affected by the trial, where possible. Dedicated secretariat support and specialist human resource support in order to ensure the sustainability of the trial.

The trial process and framework is an example of the application of the notion of a 'free range animal enclosure' identified in the Spring 2002 edition of the Australian TAFE Teacher^{vii}. In that edition I wrote an article identifying the 'new paradigm' required to meet the challenges that technological change, teaching practice evolution, the impacts of the so called 'industry led system', financial constraints and the proliferation of flexible delivery present to our existing industrial frameworks.

My comments in 2002 presented the irony and simultaneous quandary that most TAFE systems are being faced with across the country; how do we accommodate 'flexible' delivery within what is sometimes seen as a relatively 'inflexible' award system? How do we ensure protection for teachers against the ever increasing workload pressures associated with teaching while still allowing the flexibility that is increasingly necessary to accommodate the diversity of teaching practice?

The 'free range animal enclosure' concept suggests that we need to be seeking to establish environments within which a degree of freedom can be practiced with regard to local flexibilities while at the same time requiring that these freedoms exist within prescribed boundaries.

ⁱ *TAFE Teachers: Facing the Challenge*, Michaela Kronemann, Federal Research Officer, Australian Education Union, Southbank Victoria. 2001

ⁱⁱ Memorandum of Understanding between the Australian Education Union (Tasmanian Branch) and TAFE Tasmania 1 January 2000 – 31 December 2000

ⁱⁱⁱ Australian National Training Authority, *VET Policy Advice 2002 Project, Measuring Teacher Time in Flexible Learning* <http://flexiblelearning.net.au/policies/year2002/home.htm>

^{iv} Australian Education Union 2003 National TAFE Council AGM policy decision 'The changing Nature of Teachers Work' <http://www.aeufederal.org.au/Tafe/policies/NatureTeachersWork.pdf>

^v Australian Education Union – ACT Branch; *2002 CIT Teachers' Workload Survey Report*

^{vi} NCVET, *Flexibility through online learning – At a glance*, Australian National Training Authority, 2002

^{vii} *Flexible delivery: defining a new paradigm*, Tim McNevin; The Australian TAFE Teacher, Vol. 36, No.3/Spring 2002.