

Australian Education Union boasts of time in lieu gain as schools crisis escalates

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The Australian Education Union (AEU) in Victoria has boasted of a Fair Work Commission ruling that expanded school teachers' time in lieu compensation for attending camps, and required an additional \$130 million in government funding for school budgets.

After Fair Work ruled last month on the case brought by the union against the Department of Education, AEU state president Meredith Peace (annual salary and benefits \$247,000) declared it an "important win," with "significant new funding reduc[ing] the pressure on schools to provide time in lieu to staff." Such statements have since been amplified in numerous union bulletins and newsletters sent to union members and schools.

None of the AEU's boasts hold water. At most, the Fair Work decision serves to plug a glaring hole left by the state Labor government's refusal to commit any additional funding to cover a minor concession on time in lieu for camps that was agreed to with the union as part of last year's highly regressive, wage cutting industrial agreement.

The government and AEU knew that signing off on new time in lieu provisions without matching funding would create significant disruption. The funding gap that existed for the first six months of 2023 saw numerous schools cancel or cut back on camps and other extra-curricular activities. One camp operator told the *Age* that 20 percent of schools were deferring or shortening bookings. These events provide important experiences for children, exposing them to new environments and developing their social skills.

The Fair Work ruling appears to provide a degree of certainty for schools managing camp arrangements, but it does nothing to meaningfully reduce teacher workloads.

When the AEU promoted the time in lieu provisions

during last year's industrial agreement negotiations, the Committee for Public Education (CFPE) characterised these and other purported gains as "amounting to crudely smeared lipstick on the pig." (See: "Vote No to Australian Education Union wage cutting agreement with Victorian Labor government!")

This has since been borne out. The union imposed a massive real wage cut—for the next four years, teachers and school workers receive a nominal pay rise of just 1 percent every 6 months. The official inflation rate is currently 6-7 percent, with cost of living on essential items such as housing, electricity and groceries rising substantially higher than that.

At the same time, arduous workloads remain in place. The AEU-Labor government agreement did nothing to reduce the excessive administrative duties and standardised testing requirements that have contributed to a staffing crisis driven by teachers quitting the profession. The agreement involved a reduction of 1.5 hours a week in face to face teaching, but this was offset by other giveaways, including the reduction of out-of-the-classroom professional practice days from 4 to just 1 a year.

Teachers still have one of the largest weekly teaching loads among OECD (Organisation for Economic Co-operation and Development) education systems. A survey released last March by the Australian Institute for Teaching and School Leadership found that more than one-third of teachers across the country planned to leave the profession before reaching retirement age, with workload the leading problem.

The new time in lieu provisions do nothing to address this. Exactly how they are implemented is left to individual schools. Teachers are supposed to be repaid, either with reduced working hours or with financial payment, for mandatory hours worked outside of the

official 38-hour work week.

This 38-hour provision is a fiction—it is impossible to complete the various tasks now demanded of a classroom teacher within this time. An AEU survey of 10,000 teachers in 2021 reported that average weekly hours worked was in fact 53, that is, an average of 15 hours unpaid overtime is carried out by each fulltime educator.

Nevertheless the 38-hour week is the basis for calculating and paying out (or acquitting, in the Department of Education’s jargon) time in lieu.

Accrued time in lieu can be claimed by teachers through three mechanisms—acquittal without replacement, acquittal through replacement by a relief teacher, and payment at the hourly rate of pay. The first method, acquittal without replacement, can mean in effect that principals instruct teachers to stay off site for a designated time. If, for example, a teacher was owed an hour of time in lieu, they can be instructed to be at school on a given day for 7 hours rather than the mandated 8 hours. This does nothing to reduce that teacher’s work, so tasks will be done at their home rather than their classroom.

Time in lieu in the form of payment at the hourly rate of pay is limited when accrued on camps. The Fair Work ruling recognised that teachers are “on call” when supervising overnight, but added that those not “on duty” between 11 p.m. and 7 a.m., i.e. awake all night dealing with students, will only receive 50 percent of their regular hourly wage.

There is a definite element of diversion in the AEU bureaucracy’s promotion of the time in lieu question.

While individual teachers are left to log their extra working hours and negotiate with principals on the repayment of time in lieu, the entire public education system is falling further into crisis. The state Labor government in Victoria has maintained the lowest per student funding of public schools in the country. The federal Labor government of Prime Minister Anthony Albanese has likewise cut real spending for public schools, while entrenching the lucrative flow of public funding for private schools, including the most exclusive. Australia has one of the most privatised and socially polarised school systems in the world.

The AEU apparatus is complicit in the ongoing assault on public education. At the state level, it has imposed countless regressive industrial agreements that

suppressed teachers’ wages while facilitating the imposition of excess workloads and regressive pedagogical and assessment requirements, including NAPLAN (National Assessment Program – Literacy and Numeracy). A fight for a properly resourced school system, including decent working conditions for teachers, requires the building of rank-and-file committees in every school—a perspective that is alone advanced by the Committee for Public Education.

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