



3 May 2016

TAFE Northern Institute dispute update

The PSA has been receiving a large number of complaints from members and delegates around the increased use of temporary contracts. While TAFE NSW has a legal right to engage employees on temporary contracts, there are limitations on how and when temporary or casual contracts may be used.

The use of temporary positions should be limited to the following:

- Duration of a specific task or project
- To carry out the duties of a position that is temporarily vacant in situations such as parental leave
- To provide additional assistance in a particular work area
- In connection with the secondment or exchange of staff
- To undertake a traineeship or cadetship
- Any other temporary purpose.

The PSA (CPSU) believes that this last category has been misused. "Any other temporary purpose" must be along the lines of the temporary purposes as those listed above. This does not provide TAFE NSW with wide discretion to employ everyone on temporary contracts because it is for some other purpose they deem temporary.

The PSA has undertaken some preliminary investigations into the use of temporary

contracts and currently has disputes lodged with the Illawarra Institute, Sydney Institute and now the North Coast Institute.

PSA members reported that the North Coast Institute was advertising a number of temporary positions. These were investigated and the PSA came to the view that these positions are not genuinely temporary in nature.

A dispute was lodged with the North Coast Institute on 7 March 2016. Two teleconferences were held with TAFE NSW representatives regarding these temporary positions. You can find the letter regarding the dispute [HERE](#).

(http://psa.asn.au/wp-content/uploads/2016/05/160307_McGregorE_DisputeTemporaryPositions_A16-0322.pdf)

The positions affected are those recently advertised externally as:

- Educational Planning & Retention Officer
- Campus Infrastructure Service Officer
- Student Experience and Learning Infrastructure Officer; and
- Customer Care Assistant.

While the PSA (CPSU) believes all these positions could be filled by ongoing employees, the Educational Planning & Retention Officer position was the only one that could potentially be temporary in nature.

TAFE NSW reported these positions were

replacing a range of duties that a wide range of other people previously undertook. These duties would be required to be undertaken by Head Teachers in the future. Currently, the Head Teachers require support with these functions (particularly while the IT systems are so dysfunctional) These positions could be filled with ongoing employees with the work reviewed in three years' time. However, TAFE NSW can argue the nature of these positions are "to provide additional assistance in a particular work area" being the support of Head Teachers for a period of time in relation to the new IT systems.

The other positions however are not temporary in nature. The arguments put forward by TAFE NSW was to why they were temporary were along the lines of;

"The VET sector has an uncertain future", "the students may not need as much support in three years", "there may not be as many students in three years" and "the number of employees needed to do this work may reduce in three years" or "it may increase in three years, we don't yet know"

These are not genuine arguments that permit the use of temporary contracts. TAFE NSW should only be using temporary contracts where there is a genuine temporary purpose. Three year contracts are themselves an indication that the work is probably not 'genuinely temporary' but more than likely ongoing.

Every TAFE NSW employee understands the future of TAFE NSW is uncertain. This does not justify the widespread use of temporary

employees. The enterprise agreement provides the tools to make changes in the future when required by the organisation. When changes are made, and people are made genuinely excess, then the transition is made easier by a redundancy payment being provided.

The PSA (CPSU) will pursue this matter further and demand that all employees in these positions be appointed on an ongoing basis.

How PSA/CPSU members can help:

- Talk to your colleagues about the use of temporary contracts
- Report to your delegates temporary contracts you believe are not genuinely temporary (Administrative Staff, Clerk 11-12 and below, technical and support staff only)
- Forward this email to colleagues
- JOIN the PSA (CPSU) if you are not yet a member.

PSA (CPSU) delegates & contacts

Brook Down Coffs Harbour
brook.down1@det.nsw.gov.au

Peter Jarrett Murwillumbah
peter.jarrett@det.nsw.gov.au

Ray Wilton (Organiser) Lismore & North Coast
rwilton@psa.asn.au

Jann Jeffries (PSA Industrial Advocate)
jjeffries@psa.asn.au

Blake Stephens (PSA A/Senior Industrial Advocate)
bstephens@psa.asn.au

Join the PSA

membership.psa.asn.au

Authorised by Anne Gardiner, General Secretary,
Public Service Association of NSW 160 Clarence Street Sydney



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