TAFE Know Your Rights: Averaging

Main clauses and documents

- **Clause 38 – Averaging** of the *Western Australian TAFE Lecturers' General Agreement 2023* details the conditions for an averaging arrangement.
- **Clause 43 – Overtime** – details to overtime provisions that apply to an averaging arrangement.
- **Western Australian TAFE Lecturers' General Agreement 2023 – Implementation Guidelines**– 2023, specifically Clause 38 – Averaging.

Key issues and guidance

The *Western Australian TAFE Lecturers' General Agreement 2023* states that "lecturing hours may be averaged over periods of up to 21 calendar weeks in a semester." This is a **negotiated option** – not a requirement. Any averaging hours arrangement must be negotiated and agreed. Averaging arrangements cannot be backdated.

Agree to a timetable for the proposed averaging period before you agree to the averaging arrangement. Put any agreement for averaging in writing with your signature and that of your manager and ensure you have a copy of the timetable and agreement.

- **Clause 38 – Averaging** does not replace **Clause 43 – Overtime**. This means that overtime provisions and payments still exist and college management cannot attempt to impose or force provisions contained in clause 38 to get around paying overtime at the end of each pay period.
- Clause 38.1 states that lecturing hours **may** be averaged. ***May*** does not mean ***will***. There is no compulsion to average hours.
- Clause 38.1 states that **up to** 21 calendar weeks may be averaged. ***Up to*** does not mean ***must in all circumstances*** . Averaging periods of less than 21 weeks can be negotiated. The period of averaging must be agreed prior to commencement. Note: only up to 20 weeks for North Regional TAFE.
- Clause 38.2 states that "the maximum averaging lecturing hours **will** be 420 hours over 21 weeks, or 20 weeks." ***Will*** in this case refers to the **maximum** level set. It means that the maximum can be no more than 420 hours. This sub-clause does not mean that you can be forced to average 420 hours over a 21 week period.
- Clause 38.4 states that "lecturers and managers will strive to reach reasonable agreement on arrangements for the commencement and duration of any period of averaging." There must be an agreement when the averaging arrangement starts and when the averaging arrangement finishes, ***before*** a period of averaging begins. If there is no agreement, then averaging does not apply and **Clause 37 – Hours** and **Clause 43 – Overtime** apply.
- Consultation must occur in accordance with clause 38.6.
- Apart from your lecturing hours you are only required to be on site for 4.5 Activities Related to Delivery (ARD) hours and 4.5 Professional Activities (PA) hours per week in accordance with sub-clause 38.7. If your lecturing hours are less than 21 per week you cannot be asked to make up the time doing other duties.
- Clause 38.9 means that if lecturers have regular duties on a particular day of the week, which happens to be a public holiday, management cannot change the timetable and ask lecturers to do those hours on a different day as part of averaging. Lecturers are entitled to the day off and the hours that would have been worked "will be deemed to have been worked".
- This entitlement also applies when lecturers are on leave. In accordance with clause 38.9, a lecturer who takes any leave as defined in **Part 6 – Leave of Absence and Public Holidays** of the General Agreement (including personal leave) cannot be required to make up teaching time on return to work.
- Part-time lecturers cannot average their teaching hours under **Clause 38 – Averaging** and must be paid for additional teaching hours completed during a particular week, in accordance with clause 21.4 and clause 37.2 (information taken from ***Western Australian TAFE Lecturers' General Agreement 2023 – Implementation Guidelines – 2023***, specifically **Clause 38 – Averaging**).

Clause 38 – Averaging

38.1. Lecturing hours may be averaged over periods of up to 21 calendar weeks in a semester, except for North Regional TAFE where lecturing hours may be averaged over periods of up to 20 weeks in a semester.

38.2. The maximum averaging lecturing hours will be 420 hours over 21 weeks, or 20 weeks. A pro rata number of lecturing hours based on an average of 21 hours per week will be worked for averaging periods of less than 20 weeks.

38.3. Lecturing hours cannot be carried over from one semester to another and each lecturer will commence each semester with a zero balance of lecturing hours.

38.4. Lecturers and managers will strive to reach reasonable agreement on arrangements for the commencement and duration of any period of averaging.

38.5. Both parties will strive to find reasonable solutions in the event of a change to previously agreed averaging arrangements becoming necessary.

38.6. In striving to reach agreement regarding the implementation of averaging, or changing averaging arrangements, there will be full and proper consultation. Full and proper consultation will involve direct communication between the Employee and management at the earliest opportunity and if working as part of a team may include consultation between management and the team. Equity considerations, personal and family commitments, professional and personal development commitments, work health and safety issues, educational quality issues and flexible hours arrangements will be considered in the decision making process.

38.7. When lecturing hours vary in accordance with averaging pursuant to this clause, Professional Activity hours and Activities Related to Delivery hours remain constant, as specified for a lecturer lecturing 21 hours per week in Schedule L – Hours Chart.

38.8. Subject to subclause 38.1, ordinary lecturing hours may be programmed throughout the semester except during a lecturer’s annual leave and professional allowance leave periods.

38.9. All duties scheduled on a public holiday in Clause 68 – Public Holidays will be deemed to have been worked.

38.10. When a lecturer completes the requisite number of hours in less weeks than the duration of the period of averaging, the lecturer is only required to perform Activities Related to Delivery and Professional Activities of 16.5 hours per week for the duration of the period of averaging. Up to a maximum of
7.5 hours Activities Related to Delivery may be carried out off campus at the discretion of the lecturer each week.

38.11. A contract lecturer who completes 420 lecturing hours in a shorter period than a semester will be paid as though the lecturing hours were delivered over a full semester.

38.12. A reconciliation will be required at the end of an averaging period and any resulting credit will be paid at one and a half times the ordinary rate of pay in the next pay period conveniently possible.

38.13. Where a lecturer already has a full lecturing load programmed for a semester, relief lecturing will be paid as overtime in the next pay period conveniently possible.

38.14. Advice of any averaging arrangement where lecturers lecture for more than 25 hours per week, other than by agreement, will be provided to the College Joint Consultative Committee for information and future analysis.

38.15. Lecturing hours worked in accordance with subclause 37.6 – Hours will count as lecturing hours under any averaging arrangement pursuant to this clause.

As an SSTUWA member, you can contact Member Assist for industrial advice on:

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