

## **Witness Statement**

**Andrea Brown**

I, **Andrea Rachael Brown** of 34 Mayfield Street, Coburg 3058 in the state of Victoria, declare as follows:

### **Work Experience and Qualifications:**

1. I am currently employed by RMIT University as an Equity Program Officer (Equity and Diversity Unit, Student Services Group). I have held this position since mid 2015.
2. Prior to this, I worked for Victoria University as the Equal Employment Opportunity Officer (EEO) for 15 years – from 1999-2014 - at classification level Higher Education Worker (HEW) 8. Before taking on this role at Victoria University, I was the Administrative Coordinator in a Faculty Research Centre at HEW 6 level (1995-1999), which was also based at Victoria University.
3. My formal qualifications are a Bachelor of Arts, a Post-Graduate Diploma in Equal Opportunity Administration and an MBA (Industrial Relations/Human Resources).
4. As a general staff employee for over 21 years in the university sector, I feel qualified to comment on the changes in the sector over that time, and in particular, changes in working hours, workload and overtime. I have also witnessed significant change in the workload and working hours of academic staff over the same period.
5. Many of the matters I assisted academic staff with in my EEO role, included changes in relation to increasing academic workloads and working hours, and workplace stress resulting from this.
6. Each of my University positions have involved working closely with other general staff and academic colleagues, commencing with a role primarily administrative in nature and progressing to a professional specialist area.
7. The bulk of my experience in Universities has involved work with University policies and procedures to deal with matters such as:
  - Staff complaints/grievances and proactive initiatives such as a staff and student discrimination advisors' network.
  - Academic promotion
  - Development of University reports, strategy and policy
  - Staff training and development
  - Developing materials in relation to the elimination of discrimination and harassment

8. I have been an active member of the NTEU since I began working in higher education in 1995. My formal involvement with NTEU includes:

- NTEU Victoria University Branch Executive Committee Member
- NTEU Victoria University Branch Secretary
- NTEU National Women's Action Committee Member
- NTEU Victorian Division Executive Member
- NTEU Victorian Division Council Member
- NTEU National Council Member
- NTEU National Executive Member

I therefore believe I am qualified to offer this Statement not just as a worker in higher education, but from my experiences working with and assisting other workers in the sector.

9. My activity at the Victoria University NTEU Branch level included assisting members in relation to a diverse range of workplace matters, such as workload grievances, working hours, TOIL (time off in lieu of overtime), paid and unpaid overtime. In addition, I managed numerous grievances regarding TOIL accrual where members could not take the time off work because of very heavy workloads.

### **My experience of working hours in Higher Education:**

10. When I started in the sector in the early/mid 1990s, I coordinated all administrative matters in the Faculty Research Centre, including support of the funding cycle and funding proposals, finances & budgets, Centre communications and support to the Research Centre Director. I was the only person doing this work. As a solo worker, with no immediate team and at a 'peripheral' campus of the University (Flinders St Melbourne), I was responsible for getting that work done. Some of the work required was unable to be effectively achieved in standard working hours. There was simply no capacity to reallocate work or share the load.
11. In such a role, there is little or no capacity to operate as a team as I covered the breadth of functions required. From 1995-1999 in the Administrative Coordinator role, I directly experienced management of a workload that required me to work well beyond a 36.75 week (as prescribed by the Victoria University Collective Agreement).
12. I was compensated for my additional hours by way of time off in lieu of paid overtime. It was made clear by Faculty management that paid time for overtime worked would not be approved. It is important to note that both the Award and Collective Agreement had provision for *paid* overtime but it was made clear by the Faculty office (at that time the Faculty of Human Development had oversight of this Research Centre), that I would not be paid for the overtime worked. Conversely, if I did not work overtime the work would not get done and completed on time. For example, I was Executive Officer to several committees and the work had to be done by the time the Committee was due to meet.
13. I recall regularly working on average between 40-42 hours per week in this administrative role at the Research Centre. I also recall from time to time working on a Saturday and Sunday to ensure a particular piece of work was ready and finished on time.
14. Under these circumstances, I consistently accrued a substantial amount of TOIL and I recall that what tended to occur was that during periods of leave and University shut-down periods, I would draw on TOIL accrued and not annual leave. Subsequently, my annual leave accrual quickly exceeded 35 days+ over this four year period of employment at the Research Centre. I therefore took this annual liability with me as I moved from the Faculty to a new position.
15. I commenced employment as the EEO Officer in February 1999 in the then Equity and Social Justice Branch. In 2008 this role was re-located to the Human Resources Department. I

commenced this role in 1999 at HEW 7 and was subsequently reclassified to HEW 8 in 2000. The position had a much greater focus on strategy, report and policy development, complaints management and staff training and I operated at an autonomous level.

16. This role can be distinguished from my former role in that I was now working in a team of approximately 8 EFT (effective full time) positions. However, I was the only person in that team who worked in employment equity. Other designated positions in the team included a Manager of the Branch, a Student Equity Coordinator, a Disability Coordinator and 2 x Disability Liaison Officers and 2 x Administrative Officers. There was no capacity to allocate or share my work with anyone else in the team, as they all had their specialist focus and carried a full load. Complaints or case management work was the only element of work that was occasionally shared amongst senior staff.
17. My experience of working hours in that role was that long working hours would be required and expected in order to complete what needed to be done, on time. In addition, it was implicit that paid overtime would not be approved, even for the HEW 6 Disability Liaison Officers for example who were eligible for paid overtime under the Agreement. At level HEW 8, I was entitled to compensation for additional hours worked as time off in lieu, but not paid overtime.
18. This explicit refusal to approve paid overtime occurred via the manager stating in staff meetings that there was no budget to pay overtime rates. In addition, accrual of TOIL had to be managed by discussion between the staff member and the manager in advance, regarding the specific piece of work that needed to be completed. That is, there needed to be prior approval to accrue TOIL. In the vast majority of cases for me, and what I witnessed for other staff, seeking prior approval to accrue TOIL as compensation for overtime worked just didn't happen.
19. In summary, the workload of the EEO Officer was not manageable within ordinary hours of work (36.75) and I recall regularly (weekly) working in excess of ordinary hours. I recall working on a regular basis around a 9 hour day (up to a 45 hour week). For example it would

not be uncommon for me to start work at 9 or 9.30am, and work through to 6.30 or 7.30 pm in the evening.

20. I remember during this time regularly feeling that if I did not regularly work additional hours, I would feel a greater level of stress because, a/. I felt more behind in my work and more overwhelmed and b/. I felt a lower level of control over my work. I had no power or authority to influence the demands of the role or the workload, but total responsibility for getting my work done.
21. As stated above, at HEW 8 I was not eligible for paid overtime but accrual of TOIL on a time for time basis in accordance with the Collective Agreement. However, approval to accrue TOIL was never provided. In comparison to my first job at VU in the 1990s where approval to accrue TOIL was provided (even though I was actually entitled to paid overtime but it was never approved), by the early to mid-2000s, I witnessed a change in organisational practice, where the entitlement to accrue TOIL was effectively removed. Such practice and change occurred despite entitlement to these forms of compensation for working additional hours in accordance with the collective agreement. While my employer and I knew I was entitled to accrue TOIL at a HEW 8 level for working additional hours, one of the ways in which my manager effectively achieved this change in practice was to insist on prior approval to work additional hours and accrue TOIL on that basis.
22. At the same time, workload and work demands continued to increase. For example a year on year increase in staff and student complaints or grievances created more work for the Equity & Social Justice Branch and Human Resources. New, additional or changing Government Reporting requirements created more work. Workload intensified at the same time general staff numbers began to fall quite significantly. VU embarked on one of its first of many major organisational change processes in 2005, which resulted in the beginning of substantial general staff job losses and continued until 2015.
23. During my employment at VU, I witnessed many other colleagues regularly working additional hours. I can categorically say that whilst I was in this role for 14 years, both in the Equity area and under HR, to my knowledge none of my colleagues in these organisational areas received paid overtime. In the latter years, they were also unable to accrue TOIL for additional hours worked, despite the entitlement in our collective agreement. The one exception to this was when staff were expected to work once a year on a Sunday for the University annual Open Day – from my experience over these years, staff did not receive

paid overtime, but accrual of 2 days TOIL was approved. This was the case, despite the fact that the requirement in the first instance in accordance with the Enterprise Agreement, was paid overtime for working Open Day if this was authorised. It was only when general staff who worked on this Sunday specifically requested TOIL in lieu of overtime that the university was operating within the requirements of the collective agreement.

24. From 2005 onwards and particularly during 2011 – 2014, VU underwent successive periods of major organisational change. The general staff workforce was heavily impacted and reduced by 400+ positions. My own experience in this regard confirms that while the general staff workforce was reduced substantially, the type and volume of work did not change. Over this period, I witnessed ever more numbers of general staff working long hours to keep on top of the growing workload.
  
25. It is instructive to note that my experience of combining parenting with work meant that the long hours and workload challenges were not resolved satisfactorily. I became a parent/carer from mid-2009 and managing family responsibilities and a demanding workload meant that my additional hours were performed at home after hours, rather than in the office. Regularly working uncompensated additional hours to complete computer based work, such as reports and email communication, did not change. It simply became more hidden.

### **My use of IT at home for work purposes**

26. More than twenty years experience working in the university sector means I have extensive experience of common practices, such as regularly working from home, when, why and how. I have already provided comment on my experience of working from home as a general staff employee and add that ICT software and hardware was provided by myself, at cost to me, for this purpose. With the exception of a mobile phone provided by my employer from 2009 to 2014, I have always provided and paid for ICT in order to effectively work from home.
  
27. I purchased my own modem, ASUS Laptop and broadband access, plus the software required in order to communicate for and with my employer and develop and transmit work from home. The ISP costs have always been paid by myself, even though the vast majority of the use of my ICT is for work purposes. My university employers have never provided this

service, nor ever reimbursed me for the ICT costs I incur at home. At least from 2008 onwards, I have paid on average \$60 per month for an ISP. I paid approximately \$1400 for the ASUS Laptop in late 2007, plus the software and software upgrades as required since then.

**Andrea Brown**

**7 March 2016**