

## Witness Statement

Steve Adams

I **Steven Craig Adams** of **1/29 Broomfield Avenue, Alphington, Victoria 3078** declare as follows:

### Work Experience and Qualifications

1. I work at the University of Melbourne in the School of Engineering, and have been employed in this area for 30 years as a Laboratory Technical Officer.
2. I commenced as a Technical Assistant Grade 3 in 1986 and progressed to become a Senior Technical Officer in 2007. My current Award/Agreement classification is HEW Level 7 and I work in the Wet Labs section of the School of Engineering.
3. My formal qualifications are Instrument Maker and Repairer
4. I have been an active member of the National Tertiary Education Union (NTEU) – since 1995  
This has taken the form of:
  - Membership of the Branch committee 2004 to present
  - President of the Branch 2014 to present
  - Branch Secretary 2012 to 2014
  - Participant in enterprise bargaining negotiations
  - School of Engineering Health and Safety Rep since 1996
5. I also hold other roles within the University. I am a member of the University of Melbourne Occupational Health and Safety Committee
6. I make this Statement based on my personal experience as a long-term general staff member at the University. I also offer comments based on my extensive experience as an NTEU activist.

### My experience of overtime

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8. In the early years of my work at the University, I worked overtime when I was instructed to do so. The overtime was authorised and paid as there was a specific job or task required to complete.
9. At this time though overtime was paid when required, there was still a reluctance to pay it and it was only paid when an academic supervisor authorised the overtime work and the payment.
10. Still there was little overtime worked at this time, perhaps an average of 10 hours per year. Where formal overtime was not arranged and paid and I stayed back at work to complete a task, there was often an informal arrangement with the then Senior Technical Officer, for example, to come in later the next day.
11. My ordinary hours of work are 8.45am – 5.00pm Monday to Friday. However, as my work during teaching semesters revolves around the teaching timetable, I cannot complete required tasks without working outside of these hours.
12. Thirty years in the one area – the Engineering Faculty – and my time as an NTEU activist across the University, have led me to observe changes in workloads, overtime and compensation for overtime over this period.

13. In Engineering, the last 10-15 years has seen an increase in student numbers in Undergraduate degrees. Working excess hours or outside of hours has increased during this time as Technical/Laboratory based Staff are required to support a jam-packed teaching timetable. I am eligible for time off in lieu of overtime (TOIL) but I would not have even taken half of the time owed to me.
14. For example, I work back after 5.00pm, come in early before 8.45 to set up the lab or work through lunch. This is because the central timetabling unit now schedules lab classes at any time between 8.15 am – 6.15 pm throughout the semester. This is contrast to say, 20 years ago when lab classes were scheduled between 2.00pm -5.00pm. The opening up of the timetable and its impact on workloads was never addressed. It is now just considered part of the normal workload. I don't 'ask' my manager for permission to do this, nor is it discussed, -it is just expected. If a laboratory, equipment or experiment weren't adequately set up and to the required health and safe standards, students and academics would suffer; teaching and demonstrations would not work to plan. It is not negotiable that this work must be done.
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16. An example of what occurred between when I started in 1986 and up until approximately 2000, the Heads of Department would say "we need you to 'volunteer' to work on Open day". However, even though Open day was a Sunday we only received one day off for working on that day – this was not negotiable. By the time of our enterprise agreements in the 1990s, overtime work on a Sunday attracted double time payment – but we still only received a day off for working on Open Day.
17. So during semester for the last 10 years or so, the nature of my work is that I would perform an average of 5-10 extra hours work per week. Neither I nor my supervisor record these hours but generally if I have a family commitment or appointment, I can let my supervisor know and take the extra time.
18. I had a slightly different approach to time off 15-20 years ago when my children were young as I probably used more of my accrued time to take them to appointments etc. This was never a problem as I had plenty of time accrued. I always knew how much time I was owed back then as our academic supervisors insisted that unpaid overtime be recorded. In my view, they did not have the same understanding of the work Technical Officers perform as do professional and technical staff. For example if I was required to run an experiment using a furnace, this would require it to be fired up many hours beforehand. The lab preparation implications seemed to be lost on most Academics.
19. The University does not have a central procedure or process in place for recording extra time worked. Ten years ago, when we were still supervised by academics, we were asked to keep a log of time worked. Now, the University says to make 'local arrangements' in other words, negotiate with your direct supervisor. In my area of Engineering, there is no process for recording extra time.
- 20.

21. The University records, quantifies, and measures every aspect of our work life.
22. The University human resource and payroll system, Themis is the staff 'hub'. Staff must record everything from leave, recruitment information, pay, personal development and procurement. There is a specific tag in the system within "Timecard" titled "record overtime" but this is only applicable to authorised overtime. For unpaid overtime the University informs staff to make local arrangements with their line manager.
23. On August 20th 2015 myself and other NTEU representatives (Gia Underwood and Corey Rabaut) met with Senior HR representatives and requested that the University make allowances for time in lieu to be recorded in Themis. The University's representatives were Sean Hogan, Director Workplace Relations and Diversity and Virginia Jay, Associate Director Employee Relations. The response was that it would be too difficult and that the University did not see why this was necessary. The official response from Sean Hogan is at **Attachment 1**
24. It has long been entrenched in the School of Engineering that we do what needs to be done to have the required work completed, despite the fact that our ordinary hours do not align with the school timetable. In my experience, the ledger is very much working in management's favour; though I may take an hour or two every now and then to attend to a private matter, I never apply for a whole day off as "time off in lieu" and nor do the three staff working under me. We would all have many hours owed to us in uncompensated overtime.
25. I can illustrate how overtime works in Engineering via an explanation of our work. There are 3 Technical Officers working under me as the Senior Technical Officer. Unlike for example, an administrative officer who may have deadlines but can be flexible in achieving those on any given day, we have 6 or 7 'deadlines' a day – meeting the needs of timetabled classes.
26. My team share the activities and hours in providing technical support as best we can by giving each Technical Officer (TO) responsibility for a specific lab – one TO covers the Chemical Laboratory, myself and another TO the Mechanical and Infrastructure Laboratory and one TO looks after the Instrument Room (for field based work activities). So we divide by discipline, not by hours. I would say that 90% of our overtime is not to work on specific projects but it is just required day to day in order to complete the workload and meet student need.
27. With my own staff, I am flexible with their TOIL and remind them to take it. However they tend to be worried about being 'visible' at work as this is so entrenched in the culture.

## Timetabled teaching

28. In terms of the actual work, I would describe the timetable as 'jammed'. There are really no gaps in classes that need to be attended to so if something goes wrong, it can be catastrophic. I keep a record of the timetable in my outlook calendar; if I didn't, I would not be able to get organised or keep up.
29. The following are some examples of actual classes and my activities from my calendar for 2015. On Monday 4 May 2015 my first Lab session (Human Impact & Forensic Biomechanics) ran from 9am-12 pm. Whilst keeping an eye on and supporting that activity, at 11.00am my next lab session commenced (Steels/Metallography) – I was required to demonstrate in the lab. This ran from 11am – 1pm. This lab requires a few hours preparation, heating up the furnaces to the right temperature, preparing and pre heating the samples etc. After a 15 minute break another session of the same lab (Steels/Metallography) begins. Running from 1.15- 3.15 pm Overlapping with this was a (Forming) lab running from 2.15-4.15 pm which also requires preparation and support. On this day then, I had no lunch break. I would have started at around 8.30 and finished well after 5.30 once things were cleaned up and preliminary prep carried out for the next day. Not only is this work a matter of accurate timing for the students, but everything must of course be completed to a required health and safety standard – student and staff safety is foremost in our minds in Engineering. **Attached at 2 is my laboratory calendar for 4 May 2015.**
30. Another example is the 27 April 2015. There were classes for which I was responsible from 9am – 11am, 12- 2.00pm, 2.15-4.15 4.15-6.15. On days like this I typically set up at 8.45, clean-up at 11am and then set up for the afternoon. The 12pm lab was a Furnace lab so I would turn on the furnaces at 10am, check everything again at 2pm for the afternoon and clean up again at 6.15pm. If the demonstrators in the class are diligent, they may clean-up in which case I may have left at 5.30pm. However, the lab is still my responsibility and I have to make sure that things are in order for the next morning's labs. If I check my calendar, the next lab was not until 10.00 am on 28 April so I probably made an informed choice to leave at 5.30pm on 27<sup>th</sup>, knowing I had lee- way the next morning if things weren't clean and ready. **Attached at 3 is my laboratory calendar for 27 April 2015.**
31. The necessity for this schedule has arisen over the past 10 years – there are far more students and there is more variety in the curriculum so more lab classes. This started when the School of Engineering started allocating more funding towards the purchase of new teaching equipment in 2008-09, and this became a formal process in 2012 via the Teaching and Equipment Grant within the School of Engineering. Academics were encouraged to upgrade and update their teaching and lab work. However, much of this new equipment and associated new experiments did not *replace* existing activities, but were in addition to all other work that was performed previously.
32. The way timetabling works at the University is that it is managed centrally – in my view without there often being an understanding of the intricacies of the work required, particularly in laboratory work. Academics send the local Academic Support coordinators their requirements and then that goes off to central timetabling. Consultation then occurs back and forth with us and the local Academic support coordinators with regard to how we can support what is timetabled. Often this leads to timetabling changes.
33. I have never been directed not to perform uncompensated overtime.

## Other workload

34. In addition to providing technical work for labs, I undertake cleaning, maintenance, procurement, administrative duties and School meetings. I also have a number of final year student projects to support and increasingly, Masters students' projects.

35. Previously, pre 2010, I may have had 1 or 2 student projects to support, now I have around 20 occurring at any time. This work involves me testing equipment for the student, testing materials and so on. Two examples are a recent project which involved an international competition to build a racing car. Amongst other assistance, I was required to test carbon fibre rods. Another recent project involved drone building.
36. My work on these projects includes the testing, (I estimate I performed approximately 60 hours of testing in 2015), as well as preparation, communication with the students face to face via meetings and email, discussions on how the work should be done what is required, what data needs to be collected etc.
37. Overlaying all of the work that I do as a Senior Technical Officer is health and safety. The health and safety culture is prominent within Engineering. I take part in lab inspections, Task Risk Assessments (each experiment requires a task risk assessment), Standard Operating Procedures, Plant Risk Assessments and Lab Safety Inductions. In my view the University of Melbourne School of Engineering meets its health and safety obligations well. Intrinsic to this is the pressure on staff to be vigilant around health safety; there is little tolerance for lapses in safety in the laboratories.
38. I am also a representative on the Faculty Health and Safety Committee, which meets four times per year. I have been a member of this committee since 2007. Prior to this I was a member of the Mechanical Engineering OHS Committee from 1996-2007.
39. In addition I am a Health and Safety Representative for staff and have been in this role since 1996.

#### **Changes in workloads**

40. Since 2014 I have witnessed the effects on staff and the University resulting from the BIP restructure "Business Improvement Plan" which has seen 550 general/professional staff lose their jobs. Technical staff were "out of scope" to the restructure but other staff in my Faculty have been effected.
41. The last major restructure in Engineering occurred approximately 9 years ago. The University's rationale was that they would centralise laboratories to support and focus on more research. The Faculty predicted that less laboratory demonstration would be required as there would be less undergraduate Engineering students. The centralisation occurred but teaching demand subsequently exploded, resulting in our increased workload.
42. At this time 7 of the 14 Technical Officers were made redundant. Subsequently, student demand rose, classes increased and the workloads of myself and other TOs increased.
43. I am very grateful that other TOs and myself fought for the School to retain a specialist Chemicals Technical Officer during this time. The person in this role had very specific skills and we lobbied for them to be retained, which they were.
44. It was after this Review that I applied for and secured the Senior Technical Officer role.
45. Despite staff and Union protestations about workload, there has been no formal post implementation review of this major restructure, nor any informal review of how things are working.
46. I and other Technical staff are constantly talking to our manager about workload and the need for more staff. After many discussions, and responses from management that we could only employ casuals and at a low, unskilled level, management finally agreed that we could employ an extra casual in our Wet labs area as they had in the Dry labs area, if we submitted a detailed plan as to why we required this person. However, the BIP process had just commenced by this time and the rule was that staff were to be cut by a certain number which was not negotiable. Even casual staff could not be engaged.

47. Following the restructure the amount of overtime required from the excessive workload, increased can you recall how much?
48. Peak workloads during semester – quieter periods they take note of.
49. In the six years since 2010 student numbers have risen by between 15-20% in the School of Engineering. This growth is certainly reflected in the increase of scheduled laboratory sessions.

### **My work with NTEU members**

50. Over most of my 30 years with the University I have been active with the Union. During this time I have seen changes in the approach to overtime in many areas of the University and have assisted members with overtime and workload issues and witnessed many restructures across the University.
51. During the Business Improvement Plan (BIP) restructure I made some observations around overtime. These are based on the problems that arise in ensuring people get their entitlements when there is no real system for tracking overtime but rather, any compensation is based on 'hand-shake' deals with supervisors.
52. I identify three scenarios which impact on overtime arising from the restructure. The first scenario is that of the 550 general and professional staff who left the University, few would have received any compensation for accrued TOIL. Where the TOIL was officially recorded it would have been paid-out, but otherwise the University has benefited from large amounts of 'free' work from its staff.
53. The second scenario applies to staff who applied for another job within the University and moved departments as a result of the restructure. Their accrued TOIL, which is supposedly subject to local arrangements is most likely lost? I cannot imagine that staff take any accrued TOIL with them to the new area. If staff do not have a record of their TOIL and are merely used to some flexibility in taking time off via a deal with their supervisor, any 'accrued' time would be lost as they move. Staff would not be able to account for or prove their accrued TOIL. In this scenario a number of NTEU members told me that they just didn't bother with their accrued time when they moved areas. Some said they would not feel comfortable raising this on moving and also did not know when they would ever take the time upon transferring to a new area.
54. The third scenario is where staff stayed in their job (eg: technical staff) but they obtained a new supervisor as a result of the restructure. I know this was the case in Engineering where a few managers lost their jobs. Staff did not know the new manager's approach to overtime and TOIL or whether the new manager would ensure that staff are adequately compensated for the extra work that they do.
55. I've been contemplating what we can do at the University to fix the uncompensated overtime problem and I worry that it is so out of control. I've also been wondering why staff have been more or less complicit in this scenario occurring as the culture has become one of 'working for free'. In my view the majority of general staff working in a University really care about their work. NTEU members tell me they work hard for the students and the academics. I have observed that the type of people who work for a University are often those who enjoy a 'not for profit' environment and want to contribute to the success of the community and, in our case, the University. In my case, if I worked in a private sector laboratory, I am sure I would just be paid for overtime worked, and I would expect to be.

Steve Adams

8 March 2016

# Attachment 1



**From:** Sean Hogan  
**Sent:** Wednesday, 2 September 2015 10:57 AM  
**To:** Steve Adams; Gia Underwood; Corey Rabaut  
**Cc:** Kimberley Poynton; Virginia Jay  
**Subject:** Follow-up: 20 August 2015 monthly meeting

Dear Steve, Gia and Corey,

Please find below for your information our responses to matters raised during the 20 August 2015 monthly meeting.

**1. Cup Final Eve Public Holiday**

The University has confirmed that it will observe 2 October 2015 as a University Holiday.

**2. Request for report on number of professional staff by Professional Staff Classification level**

It remains our response that we will not develop and produce a report by PSC levels as requested by the Union. There does not appear to be any compelling reason or requirement for the NTEU to seek, nor the University to provide, the information.

**3. University Fee Discount Scheme –retrospective eligibility in the case of fixed term contract renewal or extension**

We do not consider there is compelling reason to change the current, well established, practice set out in University policy and procedure.

**4. MECAFS undertaking**

We will provide an update at the next monthly meeting.

**5. Recording additional hours as time off in lieu**

Clause 57.5 of the enterprise agreement makes clear that: *“The staff member must document the hours of work, provide these details to their supervisor within five working days and discuss with their supervisor their arrangements for taking time off in lieu.”* If staff document their additional hours worked as contemplated, they would not be adversely affected by the exit of a particular Manager/Supervisor as suggested by the Union. We therefore do not consider there is a compelling reason for the University to change the current practice.

Please contact me if you require further clarification on matters discussed at the 20 August meeting.

Kind regards

Seán

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# Attachment 2

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Monday

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**BMEN90024 Human Impact & Forensic Biomechanics**  
Wet Lab BM09

**Heat and Mass (CHEN30005)**  
WL2

**MCEN90014 Steels/Metallography**  
Wet Lab BM06

**Reactor Engineering (CHEN30001)**  
WL2

**MCEN90014 Steels/Metallography**  
Wet Lab BM06

**M&E Balance (CHEN20010)**  
WL Mezz

**MCEN90011 Forming**  
Wet Lab BM09 Instrons

# Attachment 3

27

Monday

Heat and Mass (CHEN30005)  
WL2

MCEN90014 Ceramics  
Wet Lab BM09 Instrons

MCEN90014 Steels/Metallography  
Wet Lab BM06

MCEN90014 Steels/Metallography  
Wet Lab BM06

MCEN90014 Ceramics  
Wet Lab BM09 Instrons