

IN THE FAIR WORK COMMISSION

Matter Number: AM2015/2 - Four Yearly Review of Modern Awards

ACTU Application for 'Family Friendly Working Hours Clause'

STATEMENT OF PAULA BAYLISS

I, Paula Bayliss of [REDACTED] in the State of [REDACTED] say as follows:

1. I am the Head of Human Resources- University Partnerships Australasia (**HR UPA**) for Navitas Limited.
2. I hold a Bachelor of Laws and Bachelor of Science, majoring in psychology from the University of Otago, NZ.
3. Prior to my current role, I was Manager HR, NSW at APA Group for three years.
4. As the Head of HR UPA I am responsible for:
 - (a) all human resources activities and functions for the colleges, campuses and group support functions that are a part of the University Partnership Division in our Australasian entities (**Navitas UPA**);
 - (b) directing workplace relations matters for all colleges and college employees within Navitas UPA including making decisions on industrial relations strategies and directions for that division of Navitas; and
 - (c) managing a team of HR Business Partners to administer human resources and industrial relations for Navitas UPA.

NAVITAS LIMITED

5. Navitas is an ASX listed private sector provider of post-secondary education. Navitas has over 120 colleges and campuses across its global network and employs around 8,000 employees. Navitas was founded in Perth, Australia in 1994, however its entities have delivered education programs across the country since 1976.

6. Navitas owns a number of subsidiaries including the Australian College of Applied Psychology, SAE Institute, University of Canberra College Pty Ltd, Australian College of English Pty Ltd and EduGlobal China Limited.
7. Navitas Ltd has 1062 full time employees, 646 part time employees and 2704 casuals with approximately 36% male and 64% female employees.
8. Navitas and its subsidiaries engage their employees under 15 enterprise agreements and the following modern awards:
 - (a) Educational Services (Post-Secondary Education) Award 2010;
 - (b) Clerks - Private Sector Award 2010; and
 - (c) Educational Services (Teachers) Award 2010.
9. All Navitas colleges have set operating days and hours. However the specific hours of any particular college will vary.
10. Navitas generally operates two types of colleges:
 - (a) pathways colleges which are institutions which either:
 - (i) provide 'bridging' first year degree courses to enable students to qualify for the partner university second year; or
 - (ii) are university managed campuses; and
 - (b) Navitas English and careers business units which includes national English testing centres, ELICOS (English Language Intensive Courses for Overseas Students) campuses and careers and internship units.
11. As a general rule, pathways colleges have university style hours (8am to 6pm) and no weekend work. However, the Navitas careers and English units primarily engage in weekend work (as the relevant students ordinarily work fulltime). Navitas colleges generally do not provide night classes.
12. The hours of work of a Navitas employee will depend on the type of work performed.
13. Navitas predominantly employs two types of employee:
 - (a) academic staff to teach the relevant courses provided by the Navitas colleges; and
 - (b) supporting administrative or general staff who provide services to both students and the Navitas colleges.
14. Academic staff teach classes. This means that academic staff are required to perform a set amount of face-to-face teaching time (usually 18 hours per week in total and 6 hours per week per subject) and a set amount of preparation hours.

15. Academic staff are also required to make themselves available on campus for consultation with students for a certain number of hours per week in order to coach and give feedback to students (**Consultation Hours**). Consultation Hours need to be undertaken between college hours, usually 8am-6pm.
16. During classes and consultation times, academic staff are required to be working and on campus.
17. While preparation time is more flexible, it is Navitas' preference that preparation also be completed on campus during college operating hours. This allows academic staff to have close contact with their program co-ordinator during the semester, access college systems, and facilitates information sharing in a collegiate atmosphere. Navitas also has a professional obligation to ensure its staff are of a requisite quality and face to face professional development and mentoring is one way in which Navitas can monitor the professional standards of its teachers.
18. General staff are generally required to work during the operating hours of the relevant college.

EMPLOYEE FLEXIBILITY AT NAVITAS

19. Requests by employees for flexibility in respect of their hours of work and working arrangements are generally dealt with in accordance with the relevant provisions of an applicable enterprise agreement or in accordance with the *Fair Work Act 2009* (Cth).
20. There is no overarching flexibility policy at Navitas and flexibility requests are managed on a college by college basis.
21. The reason that Navitas has adopted this model of dealing with flexibility requests at the individual college level is that the ability of Navitas to accommodate an employee's flexibility request is solely dependent on the particular circumstances of the relevant college and the details of an employee request.
22. In my role as HR UPA I am required to advise HR Business Partners in respect of employee requests for flexible working arrangements. This advice is provided on an 'ad hoc' basis and I am generally only required to advise in more challenging cases which warrant the consideration of a difficult to accommodate request.
23. The types of flexibility requests received by the colleges mainly relate to changes to start and finish times, or working from home requests.

24. For flexibility requests involving reduced or varied working hours, in my assessment the most important factor in determining whether a particular college can grant a flexibility request is the number of staff at the college.
25. While Navitas is a relatively large organisation, each college operates as its own smaller business unit.
26. In smaller colleges, due to limits on staff numbers, there is considerable overlap in roles.
27. For example in a smaller college, the head of the college may be required to undertake administrative tasks such as answering phones or office work. This limits the ability of some smaller colleges to provide certain types of flexibility to employees, particularly flexibility in reducing work hours. This is because, given their limited staff, smaller colleges have a limited ability to cover or absorb the effect of the absence of an employee, without engaging additional staff. An example of this type of college is Newcastle International College which has 12 ongoing employees.
28. At larger colleges, role structures are more defined and therefore there is more capacity for flexibility given that student support is undertaken by the whole team, rather than just one or two employees. Examples of such colleges are Deakin College, La Trobe Melbourne or Griffith College.
29. For colleges in regional areas, it can be particularly difficult to find additional staff to undertake part-time 'job share' arrangements which align with flexibility requests from existing staff.

HOW WORK IS ROSTERED

30. The Navitas business model revolves around smaller, more intimate classes to facilitate students building closer relationships with their teachers. This model also means that academic staff are able to provide more individualised classes and feedback for their students. It is also a condition of some university contracts that Navitas cap its classes to a certain number of students. This model requires teachers to be available to work a certain number of hours.

Academic Staff

31. For academic staff, rostering arrangements are determined by class timetables.
32. Class teaching times are timetabled based on student availability and availability of facilities. As a first step, Navitas will assess the numbers of students which have enrolled in a particular course. Navitas will then create a term timetable which allocates classes to classrooms and

seeks to avoid clashes between classes. The limited number of classroom facilities means that this process is subject to considerable constraints.

33. As a general rule, it usually takes 2 weeks to iteratively build a roster as student numbers go up.
34. Once a class timetable is set, Navitas will seek applications from teachers to teach the specific classes set for a particular subject. The exception to this process is permanent teachers who teach a regular class.
35. Given the complexity of the timetabling process, it is difficult to negotiate with academic staff in relation to class teaching times once term commences. In circumstances where an emergency means an academic staff member cannot teach a specific class, Navitas will deploy another member of academic staff from a pool of replacement teachers. Due to the nature of Navitas' business model, this is done on a limited and ad hoc basis.
36. Requests from teaching staff to reduce their teaching hours are generally not granted mid-semester.
37. For teachers on sessional contracts, academic teaching contracts are renewed every semester and it is expected that the academic teacher is able to teach the required classes when accepting the renewal of the contract. If a sessional academic staff member cannot teach the requisite classes for a particular subject, we cannot employ them.
38. This does not apply to fulltime, part time or fixed term teachers. For these teachers, whether Navitas can accommodate their request will depend on the nature of the request. In circumstances where a permanent academic teacher seeks to reduce or change their hours, Navitas will ordinarily seek expressions of interest to identify whether there are any suitable teachers 'fill in' the roster to accommodate the request.
39. With respect to consultation hours, while there may be slightly more flexibility around when an academic staff member could make themselves available on campus to coach and give feedback to students, there is still a threshold number of hours that academic staff are required to make themselves available to students. This will vary depending on the course.
40. The nature of teaching means that coaching and feedback needs to be provided by the teacher themselves and this means that consultation generally cannot be performed by employees who are not teaching a particular class.

General Staff

41. Given that they do not have set teaching and consultation times, general staff ordinarily have more scope for flexibility in their working arrangements at Navitas. For this reason the vast majority of flexible working arrangements undertaken at Navitas are undertaken by general staff.
42. Notwithstanding this increased scope for flexibility, for those general staff who have 'student facing' administrative roles at Navitas, there is a requirement that they be physically present during college operating hours. These types of roles are those which require direct engagement with students such as those involving enrolment, finance and student services.
43. There are also elements of the general staff roles which require urgency and do not lend themselves to 'handovers'. For example, urgent student issues relating to enrolment, system log in and finance or staffing issues relating to HR, payroll and recruitment are most efficiently undertaken by individual employees.
44. It is also important that general staff are available to perform work during peak times and peak periods during the year.
45. For example, during orientation and exam time periods, all staff are generally required to be present onsite as this is the busiest time of the year. No annual leave is generally granted at these 'black-out' times.



Paula Bayliss

31 October 2017