



The myth of 4:21

The AEU NT office receives regular enquiries about when teachers are allowed to finish work and go home for the day. Often the inquiry is based on a directive teachers have received from their principal that they need to be present at work until an arbitrary time such as 4:21pm. More often this is a result of management inexperience or a lack of understanding about teachers' working conditions and entitlements.

Unlike most public servants, teachers do not have a specified "span of hours". This is acknowledged in the NT public sector modern award, which states that the span of the ordinary hours of a public servant "do not apply to Assistant Teachers, Classroom Teachers and Senior Teachers". For office-based public servants, those who work outside the ordinary span of hours (typically 7.30am to 5.30pm, Monday to Friday) can either accrue time off in lieu or receive overtime or penalty rates. None of these provisions apply for teaching staff.

Length of the working day

Like other public servants, teachers do have a notional working week of 36 hours and 45 minutes, however it is only for administrative purposes that the notional 7 hours and 21 minute working day applies, for example, in the accrual and use of personal and recreation leave.

The length of time teachers are required to be on site each day is governed primarily by the requirements of providing instruction and care to students. NT public schools must provide a minimum of 5 hours and 20 minutes instruction time to students each day. This adds up to a weekly requirement of 23 hours and 40 minutes per week of face-to-face teaching time for a full-time employee, minus that teacher's assigned non-contact time (NCT). The remainder of a teacher's working day is made up of meeting other professional and pastoral care responsibilities.

Because no guide or agreement specifically states what hours a teacher must work, the hours a teacher can work is not well-defined, which can lead to misunderstandings such as principals directing teachers to remain on-site until 4:21pm. However, in most circumstances, once a teacher has discharged their duties for the day including any duty of care responsibilities, they are able to leave the worksite.

What are start and finish times for teachers?

The fact that teachers do not have a defined span of hours has several implications. Firstly, aside from the requirement to be at school 10 minutes prior to their first lesson, teachers don't have a specific start or finish time. Secondly, teachers working with students at camps, after school or on weekends cannot claim anything as overtime or time off in lieu. It also means that teachers can be expected to work out of usual hours,



within reason. An example of this is parent teacher interviews.

The Teacher Responsibilities Guide

The most detailed guide to working conditions for teachers is the Teacher Responsibilities Guide (TRG). Being an addendum to the enterprise agreement, it is referenced in the agreement and is enforceable. Both the Department of Education and the AEU NT often refer to this guide as the most definitive source of information concerning working hours and teachers' conditions of employment. In the TRG, a key feature is its definition of the responsibilities that a teacher must fulfill in the course of their normal duties. Those responsibilities include classroom instruction, lesson preparation, school assemblies, pastoral functions and professional development.

As there is no span of hours for a teacher, the TRG gives reasonable discretion to the individual teacher to discharge their duties - other than timetabled face-to-face teaching and rostered meetings and supervision - as they see fit. This extends to non-contact time, which teachers should be able to use discretion in how they make use of, rather than being directed to undertake specific tasks during this time.

What is the employer's position?

A former Commissioner for Public Employment, Craig Allen, wrote to the AEU NT regarding OCPE's position on the end of the working day. His response:

"Hours of work provisions are in the Teacher Responsibilities Guide ... It covers a range of matters including contact hours, non-contact hours and other duties such as staff meetings etc. There isn't a direct a span of hours for teachers in schools given the nature of their work ... Provided a teacher is available to teach his or her allocated classes and perform other duties during school operational hours, they are able to quit the campus when students are discharged for the day ... The occasional request for teachers to stay back until



4.21pm to attend a staff meeting or other work-related activity would be reasonable, and I suggest within the responsibilities guide. On the other hand, a principal insisting on teaching staff remaining on campus until 4.21pm for no reason may be unreasonable."

Therefore, the requirement for teachers to remain on site at the end of the school day should be based on reasonable grounds and subject to consultation. There are some specific instances where teachers may be required to remain at school. The TRG specifies that teachers are required to attend one after school staff meeting or equivalent once per week, and additionally once per semester to make themselves available for parent teacher interviews out of hours. More can happen, but only with genuine consultation.

Why has this unique set of arrangements developed?

This arrangement suits both teachers and the employer as it affords flexibility in how work demands are met. AEU NT experience shows that the overwhelming majority of teachers typically work far more than the standard 36 hours and 45 minutes for which other public servants are paid, working extensively in the evening and on weekend. Therefore the focus should be on ensuring teachers are supported to perform their duties in a flexible manner, rather than insisting on rigid starting and finishing times. Variation of work-day patterns at a school level must only take place after genuine consultation has occurred with members of the union sub-branch, and, if necessary, our office.