

Guide to changes to hours of work STCA provisions.

2023 STCA changes

Contents

The basic changes	3
What has changed:	3
What has not changed:	3
FAQs	4
What does an 'average of 40 hours per week' mean?	4
Do I have to work 40 hours a week during the school holidays?	4
Are middle and senior leaders expected to work an average of 40 hours a week too?	4
How does this relate to my timetabled time?	4
What about part time teachers hours?	4
Do I have to keep time records?	4
What counts as work?	5
What happens if I am working more than the average 40 hours over the year?	5
What if I work more than the average 40 hours in a particular school week?	5
What is the significance of a normal school day being from 8.30 am to 4.30 pm?	5
Does this mean I have to be onsite from 8.30 am to 4.30 pm?	5
What if our school does not run from 8.30 am to 4.30 pm?	6
What happens during the annual leave period?	6
What is the difference between annual leave and school vacation time?	6
Do I have to be onsite during school vacation or annual leave?	6
STCA Clauses	7

The basic changes

What has changed:

- The normal school day is defined as an 8-hour period from 8.30 am to 4.30 pm.
- The hours of work for a full-time classroom teacher are defined as an average of 40 hours per week over the year (excluding 4 weeks annual leave and public holidays this is 1816 hours in total over the year).
- Four weeks of leave within school vacation time are specifically defined as annual leave under the Holidays Act. These weeks will eventually be recorded separately on your pay records.
- There is a requirement on the employer to ensure that workloads are manageable within the annual hours and a process for that to happen.

What has not changed:

You may observe little change from the introduction of the new provisions if you have a manageable workload:

- Existing entitlements do not change e.g. non-contact time, maximum teaching time, etc.
- Existing school policies and practices do not need to change unless they are not compliant with the hours of work provisions.
- Your work patterns do not have to change.
- You have flexibility to manage your work outside of timetabled hours and days when schools are open for instruction.

FAQs

What does an 'average of 40 hours per week' mean?

Your work hours ebb and flow with the school year.

During term time you may work more than 40 hours in a week and in school vacations you may generally work less than 40 hours. Over the entire year (excluding the 4 weeks of annual leave and public holidays) your duties could be expected to take an average of 40 hours.

An average of 40 hours (excluding annual leave and statutory holidays) is 1816 hours of school-related work in a year.

Do I have to work 40 hours a week during the school holidays?

No.

The normal pattern of teacher work means that you are likely to do fewer hours work in the weeks during school vacation and more during term time.

Are middle and senior leaders expected to work an average of 40 hours a week too?

If you are receiving an additional payment for duties outside classroom teaching, then there should be a written agreement about how many additional hours are covered by the payment (if any) and when those additional hours might be worked (e.g. if they will include additional days at school).

If your workload exceeds the agreed hours for which you receive your base and additional salary, then you are entitled to a review of the allocated duties.

How does this relate to my timetabled time?

The contact and non-contact time requirements are unchanged, but they are part of the total hours of work.

The timetabled contact hours are hours during school days when you can be directed to specific duties, mostly teaching and class supervision.

The timetabled non-contact hours are hours during school days when you are free to undertake self-directed duties while others are teaching.

Other work you do during the school day or outside the school day forms the remainder of your average weekly hours.

What about part time teachers' hours?

From 2025 Your average weekly hours are prorated against your timetabled FTTE.

If you are employed for 14 timetabled hours, then you are 0.56 FTTE (14/25). Your average weekly hours would be 22 hours and 24 minutes (40 hours times 0.56).

Do I have to keep time records?

No, with these exceptions:

- If you want to show that your average weekly hours exceed 40 and the employer asks for evidence of this.
- If you are on a programme of advice and guidance under the competence provisions of the STCA and the employer has genuine reason to consider that part of the identified problem is a lack of time spent on your teaching duties.

What counts as work?

Anything that is assigned or expected as part of the job you are appointed to. This includes, but is not limited to:

- Teaching and student supervision
- Marking and assessments
- Work-related meetings
- Lesson preparation
- Employer-directed PLD
- Call back time
- Administration tasks
- Extracurricular if there is a requirement or expectation that you will participate
- Co-curricular
- School camps and trips
- Pastoral care of students
- Preparing reports
- Preparing resources
- Room or equipment maintenance
- Travel required for work (other than getting to and from home)

What happens if I am working more than the average 40 hours over the year?

You should consider whether the hours you are working will average out over the year to more than 1816 (plus any additional hours agreed for other payments).

If so, you have the right to raise this as an issue with the employer, who then must:

- Consider your supporting evidence
- Request any further evidence they may need to make a conclusion
- Respond to you in writing, with their reasoning
- Where there is reasonable evidence that you will exceed the average weekly hours respond to that. This could include, but is not limited to:
 - Clarifying expectations
 - Providing administrative support/assistance
 - Removing some assigned duties
 - Providing professional development or guidance

Your PPTA Field Officer will be able to assist you with this.

What if I work more than the average 40 hours in a particular school week?

The ebb and flow of work during the school year may often mean that in some school weeks you are working more than 40 hours. It is expected that is balanced by other weeks when you are doing less than 40 hours.

However, if you are being asked to do an excessive number of hours in any week, or over several weeks, that may be a health and wellbeing issue that should be addressed.

What is the significance of a normal school day being from 8.30 am to 4.30 pm?

This determines that a normal school day is an eight-hour period. The employer would have to use the call back provisions to require or expect you to be onsite outside those times.

Does this mean I have to be onsite from 8.30 am to 4.30 pm?

No, the STCA provisions do not require that you are on site between those times.

Schools have policy on when staff are expected to be onsite. These should be part of the timetable policy.

Those policies will not need to change unless they require attendance for a period outside the 8-hour period/8.30am – 4.30pm.

The onsite time for part time teachers will be proportionate to those of full-time teachers. For example, if you are 0.5 then you could be asked to be on site for 50% of the time a full-time teacher can be required on site.

Employers still have to consider the employment needs of women and parents and to act as good employers.

What if our school does not run from 8.30 am to 4.30 pm?

There are two options:

1. To adjust current school policy to meet the 8.30 am to 4.30 pm framework, or
2. staff and the employer can agree that the school will operate an 8-hour school day with different start/finish times and record that agreement in the school's timetabling policy.

What happens during the annual leave period?

Annual leave is four weeks within the school vacation period when you cannot be called back to school under 5.4 of the STCA or 3.7 of the ASTCA and when you cannot be expected to do any school-related work.

It is most likely that it will coincide with a close down period over the end of year break when the employer will notify you that the school is shut for all employees.

What is the difference between annual leave and school vacation time?

Annual leave is 4 weeks that are part of the school vacation time when the employer cannot require attendance under the call back provisions and when teachers are expected to do no school-related work. During the rest of the school vacations, you may be subject to call back under 5.4 of the STCA or 3.7 of the ASTCA (if the conditions for that are met) and you would be flexibly managing your work as you currently do.

Do I have to be onsite during school vacation or annual leave?

You cannot be required on site during annual leave (which will generally be in the 4-week close down period set by the employer).

You may be required on site at other times when the school is not open for instruction if this is done under clause 5.4 of the STCA or 3.7 of the ASTCA and if the employer meets the requirements for use of that clause.

STCA Clauses

5.1.1 Teacher's work is any activity required to fulfil the expectations of their role or to undertake the duties assigned by them. An individual teacher's hours of work are influenced by factors such as:

- a. The classes the teacher is timetabled to teach, which for a fulltime teacher will comprise no more than 20 hours per week or a combination of periods of time equivalent to 20 hours per week;
- b. Timetabled non-contact hours, which for a fulltime teacher will be at least five hours per week or a combination of periods of time equivalent of five hours per week;
- c. Whether it is a week/day students are required to attend school;
- d. The preparation, evaluation and assessment time that may be generated by those classes and the students within them or by other requirements such as external examination prescriptions or the need to report on the progress of individual students;
- e. The counselling and pastoral needs of students;
- f. The administrative responsibilities of individual teachers either in respect of their curriculum or pastoral responsibilities or in respect of the general administration of the school;
- g. The responsibilities of individual teachers arising from their appointment to a Kāhui Ako role; and
- h. The extent to which individual teachers may participate in the extra-curricular programmes of the school.

5.1.2 Teachers' days and hours of work will largely reflect the variable flow of work during the school year, where workloads are higher during school terms and lower during term breaks and/or other times when student attendance at school may not be required. Teachers will work such hours as may reasonably be required to enable them to properly fulfil their responsibilities.

For:

- a. full time teachers, this is expected to average 40 hours per week across the year.
- b. part time teachers, this is expected to be proportionate to their FTTE (e.g. a teacher who is 0.5 FTTE is expected to work an average of 20 hours per week across the year).

Examples:

FTTE	Timetabled hours during term time	Hours per week averaged across the year
1.00	25 hours (up to 20 hours class-contact, remainder non-contact)	40 hours
0.75	18 hours 45 minutes (up to 15 hours class-contact, remainder non-contact)	30 hours
0.50	12.5 hours (up to 10 hours class-contact, remainder non-contact)	20 hours

5.1.3 If a teacher receives a unit(s) or allowance(s) for additional responsibilities the employer and employee will agree any requirements that some or all of these responsibilities be worked at a specific time or place and any hours that are additional to those in clause 5.1.2. The agreement must be recorded in writing.

5.1.4 Employers will recognise the importance of setting and allocating reasonable and safe workloads for teachers including allocating duties that can be reasonably completed within the overall expected average weekly hours across the year. It is recognised that the workload will vary taking into account the factors set out in clause 5.1.1, and teachers will be required to work such

hours in any week as may reasonably be required to enable them to properly fulfil their responsibilities.

- 5.1.5 Teachers will have flexibility in how they manage their allocated workload across the year, provided that they will be responsible for drawing to their employer's attention any situation where their pattern of work or workload allocated under 5.1.1 is such that they may exceed the total expected average weekly hours set out in clause 5.1.2. In this circumstance teachers should provide appropriate supporting information to demonstrate their work pattern and/or that their total expected weekly hours averaged across the year may be exceeded.
- 5.1.6 Where a teacher raises an issue with their employer in accordance with clause 5.1.5 the employer and the teacher will consult in relation to managing the teacher's workload. If the employer accepts that there is a workload issue they will be required to take reasonable steps to manage it.
- 5.1.7 Where a teacher raises an issue with their employer in accordance with clause 5.1.5, and the employer:
 - a. has genuine reason not to accept that there is a workload issue, or considers that insufficient supporting information has been provided by the teacher, the employer will provide the teacher with the opportunity to provide further information. After consideration the employer will advise the teacher of their decision, and will provide reasons in writing; or
 - b. considers that the workload issues have arisen as a result of performance issues or other default by the teacher, the employer will advise the teacher that they are initiating the process outlined in clause 3.3.
- 5.1.8 The hours of opening of schools, the structure of the timetables and like matters are designed to meet the curriculum and pastoral needs of students and are determined within each school according to its policies and any specific legal requirements, including teachers' statutory entitlement to rest and meal breaks as applicable. The clauses which follow (clauses 5.2 to 5.6) identify the requirements upon which the decisions in individual schools are made.
- 5.6.1 Except as outlined in clauses 5.6.2 and 5.6.3 teachers will not be required to attend school:
 - a. before approximately 8.30am and after 4:30pm on days that the school is open for instruction (or such other hours of opening that may be agreed under 5.1.4);
 - b. on days that the school is not open for instruction at all, such as term breaks or public holidays.

6.1 LEAVE UNDER THE HOLIDAYS ACT 2003

Note: The following provisions are inclusive of and not in addition to the provisions of the Holidays Act 2003. Teachers can obtain more information about their entitlements under the Act from the NZPPTA and from the Ministry of Business, Innovation and Employment – see <https://www.employment.govt.nz/leave-and-holidays/>

6.1.1 In accordance with the Holidays Act 2003, teachers, other than short-term relievers, are entitled to paid annual holidays in respect of each completed 12 months of continuous employment (*see s16 of the Holidays Act 2003 for the impact of leave without pay on continuous employment*).

6.1.2 When not on annual holidays teachers have discretion about whether, where and when they carry out their duties during periods when students are not in attendance or when teachers have no timetabled hours or other duties that require them to be at school, subject to clauses 5.1.2, 5.6.2 and 5.6.3 above.

6.1.3 **When Annual Holidays will be taken - Closedown**

- a. A teacher must take their annual holidays when the school customarily closes for instruction as follows:
 - i. the close down period will commence each year upon completion of the half days the school is required to be open as set out in clause 5.4.3 except where the school operates an alternative calendar.
 - ii. schools that operate an alternative calendar may operate two or more closedowns during term breaks which are notified to teachers at the commencement of each school year.
- b. The teacher will be given at least 14 days' notice of the closedown dates.
- c. Where the Holidays Act 2003 entitles a teacher to take sick, bereavement and/or family violence leave during some or all of the closedown period, the teacher will take their annual holidays at another time, usually during a term break, by prior arrangement with the employer whose consent will not be unreasonably withheld. Where agreement between the employer and teacher cannot be reached, the employer may direct the teacher to take their annual holidays by giving the teacher not less than 14 days' notice.
- d. Where a teacher takes paid sick or family violence leave during a period of annual holidays, the leave will be deducted from their balance.