

A fixed term agreement is when your job at a school is temporary rather than permanent. For example, you might be appointed to a full-time position at a high school to teach English for a year or you may be appointed to work on a literacy project at a high school and your employment will conclude at the end of the project.

Are there any restrictions on the use of fixed term agreements?

Yes. The key legal requirements are:

- Schools must clearly state in writing that it is a fixed term agreement, the reasons for the fixed term and how or when the employment will end – this is usually in your letter of appointment;
- Any fixed term must be agreed to by the school and the teacher – like any other condition of the job offer; and
- There must be “genuine reasons based on reasonable grounds” for the appointment to be fixed term rather than permanent.

What are genuine reasons based on reasonable grounds?

Examples of “genuine reasons on reasonable grounds” include being appointed to a position to cover a teacher while they are on maternity leave or working on a project in one of the new Community of Schools (Across Schools) roles.

The law is very clear that the following are not genuine reasons based on reasonable grounds:

- To exclude or limit your rights under the Employment Relations Act 2000 or the Holidays Act 2003; or
- To test your suitability for a job before offering you a permanent position (i.e. treating it like a probationary or trial period).

Some schools may try to link your fixed term status to school funding. Whether this is genuine and reasonable will vary. For example, it may be legitimate if it is funding linked to a specific project that you have been hired to help with and not if the school is basing it on concerns about expected size of the school roll.

Check your payslip for lapsed PPTA membership

When you change jobs or move schools, the Ministry of Education may have lost the record of you being a PPTA member. You will need to re-join as a member to be covered by the collective agreement and other PPTA benefits. It is a good idea to check your payslip to see if your subscriptions are still going out. Details on how to join are available at www.ppta.org.nz and from your PPTA branch chair.





Will my job automatically end on the date stated?

Not necessarily. The courts say that a fixed term agreement will not automatically finish where:

- The end date and fixed term nature of the contract was not based on a genuine reason on reasonable grounds (see above);
- There has been a promise that the contract will be renewed and that has not been kept or the termination of the contract was brought about when you had a legitimate expectation that it would be renewed (for example, where you have been employed on multiple fixed term agreements year after year – note that this does not apply in the case of maternity leave cover);
- The contract was ended by any wrong motive or unfairness on the part of the employer; or
- The employer failed to consider whether the genuine need to terminate your contract on a particular date still existed before the contract expired.

If you are relieving for a teacher on maternity leave, your contract will end on the date that the person returns from maternity leave unless you have agreed a different date with the employer. Note that under the STCA a teacher has a legal right to return to their position by giving the school one month’s notice in writing and can also choose to return to their position immediately after a still birth or miscarriage. The school needs to make that clear to you in writing when you take the job.

What can members do to help ensure that fixed term agreements are legal?

Members can:

- Check job ads in the *Education Gazette* and ensure that any advertised fixed term vacancies for their school are legitimate – you can do this by asking what the reason is for it being fixed term;

- Speak to members in your branch to find out how many members are on fixed term agreements and whether they received a letter of appointment stating the reasons why the job was for a fixed term; or
- Share this information sheet with members who are on fixed term agreements.

People who are on fixed term agreements may feel vulnerable because their employment is not secure. Make sure that you support their decisions.

Why does it matter that I am fixed term rather than in a permanent position?

There are a lot of reasons. Not only does a permanent position give you job (and financial) security but you get to access certain rights in the collective agreements. For example:

- Progression up the base salary scale;
- The surplus staffing entitlements;
- Childcare salary credits; and
- The service increment.

For schools, there are also different rights for short-term relievers (employed on a casual basis for less than six weeks) and long-term relievers (employed for more than six weeks at the same school). For example, the maternity grant is only available to teachers who are appointed to full-time and part-time permanent positions or who are appointed to long term relieving or fixed term full-time vacancies advertised in the Education Gazette.

Further information

For further information, and to find out more about fixed term agreements, contact your local field officer.