



STATEMENT

Fair Work Act 2009

s.156 – 4 yearly review of modern awards

4 yearly review of modern awards—*Children’s Services Award 2010 – Educational Services (Teachers) Award 2010 – Substantive Issues* (AM2018/18 and AM2018/20)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 6 MAY 2019

4 yearly review of modern awards – award stage – group 4 awards – substantive issues – Children’s Services Award 2010 – Educational Services (Teachers) Award 2010.

[1] This Statement deals with the hearing of the substantive claims to vary the *Children’s Services Award 2010* (the Children’s Services Award) and the *Educational Services (Teachers) Award 2010* (the Teachers Award). The hearing is scheduled for Monday 6 May to Thursday 9 May 2019.

[2] A Statement issued on 29 April 2019 attached a list of the claims which are the subject of this week’s hearing. The list of substantive claims in the Children’s Services Award was at **Attachment A** and the list of substantive claims in the Teachers Award is at **Attachment B**.

[3] On 2 May 2019 the Commission received an email from United Voice identifying some inaccuracies in **Attachments A and B** of the 29 April 2019 Statement. These inaccuracies have now been corrected and the revised **Attachments A and B** are attached to this document.

PRESIDENT

Printed by authority of the Commonwealth Government Printer

<PR707950>

ATTACHMENT A – List of substantive claims in the *Children’s Services Award 2010*

United Voice seek to vary the award by:

- introducing a training allowance;
- inserting a note under the clothing and equipment allowance clause regarding on site laundry facilities;
- inserting the words “hat, sun protection (including sunscreen lotions)” into the clothing and equipment allowance clause 15.2(c);
- deleting the higher duties clause or alternatively, amending it to remove the words “(including in-service training)”;
- ~~reducing the maximum amount of leave without pay for a Christmas close down from 4 to 2 weeks;~~
- amending clauses 24.4(b) and (c) by:
 - providing that an employee directed to take annual leave during the Christmas vacation who does not have sufficient accrued leave will be paid ‘the ordinary rate of pay during such a period’; and
 - inserting the word ‘paid’ before annual leave in clause 24.4(c).
- introducing the following allowances: a weekly allowance for an employee appointed as an educational leader; an hourly allowance for a responsible person physically present at a child care centre; a programming and administrative tasks allowance for children service employees that are required to perform additional programming and administrative duties in addition to their rostered hours and
- amending clause 21.5(a) to increase ~~the non-contact time clause by extending non-contact time to 8~~ from 2 to 4 hours per week for employees responsible for the preparation, implementation and/or evaluation of a developmental program.
- inserting a new clause 21.5(b) to provide non-contact time for Educational Leaders (2 hours per week in centres licensed for more than 39 places; 3 hours per week for centres licensed for 40-59 places and 4 hours per week for centres licensed for 60 and above places).

The Australian Childcare Alliance, Australian Business Industrial and the New South Wales Business Chamber seek to vary the award by:

- amending the ordinary hours of work and the rostering clause to provide employers with greater flexibility to change rosters other than with 7 days’ notice and to allow ordinary hours to be worked before 6.00 am or after 6.30 pm.

An Individual seek to vary the award by:

- insertion of an Educational leadership allowance for employees with educational leadership responsibilities in early childhood education and care settings and
- insertion of a Responsible Person allowance.

Business SA seek to vary the award by:

- amending the casual employment clause by removing the restriction on employing casuals for temporary and relief purposes.

ATTACHMENT B – List of substantive claims in the *Educational Services (Teachers) Award 2010*

United Voice seeks to introduce the following allowances:

- a weekly allowance for employee appointed as educational leader;
- an hourly allowance for responsible person physically present at a child care centre;
- amending clause 21.5(a) to increase ~~the non-contact time clause by extending non-contact time to 8~~ from 2 to 4 hours per week for employees responsible for the preparation, implementation and/or evaluation of a developmental program; and
- inserting a new clause 21.5(b) to provide non-contact time for Educational Leaders (2 hours per week in centres licensed for more than 39 places; 3 hours per week for centres licensed for 40-59 places and 4 hours per week for centres licensed for 60 and above places).

An individual seeks to vary the award by:

- extending the Leadership allowance to teachers with educational leadership responsibilities in early childhood education and care settings;
- including a Responsible person allowance

ACA and ABI & NSWBC seek to vary the award by:

- providing employers with greater flexibility to change rosters;
- allowing ordinary hours in the children's services and early childhood industry to be worked after 6.30pm.

Independent Education Union of Australia seeks:

- a variation to the definition of “teacher” to ensure the award covers teachers employed as Directors;
- a variation to the award to ensure teachers are only paid the quarter day rate when employed for less than two hours and, correspondingly, paid the half day rate when employed for less than 3.8 hours;
- a variation to the award to cap, at 205, the number of days teachers in distance education can be required to teach.