

**From:** Anthony Odgers <[aodgers@ieu.org.au](mailto:aodgers@ieu.org.au)>  
**Sent:** Wednesday, 27 November 2019 9:46 AM  
**To:** BRIGHT, Zoe <[Zoe.BRIGHT@fwc.gov.au](mailto:Zoe.BRIGHT@fwc.gov.au)>  
**Subject:** RE: Educational Services (Schools) General Staff Award 2010

Dear Ms Bright,

Thank you for your advice in respect of this matter. The IEU will respond to the AIS submission concerning the definition of night shift next week and in any event prior to 5 December.

Regards

Anthony Odgers

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**From:** BRIGHT, Zoe <[Zoe.BRIGHT@fwc.gov.au](mailto:Zoe.BRIGHT@fwc.gov.au)>  
**Sent:** Wednesday, 27 November 2019 9:30 AM  
**To:** [aodgers@ieu.org.au](mailto:aodgers@ieu.org.au)  
**Cc:** AMOD <[AMOD@fwc.gov.au](mailto:AMOD@fwc.gov.au)>  
**Subject:** Educational Services (Schools) General Staff Award 2010

Good morning,

As part of the review of *the Educational Services (Schools) General Staff Award 2010*, Independent Schools Victoria made a submission in relation to the definition of 'night shift'. The full submission can be viewed on the following link:

<https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014225-sub-isv-050419.pdf>

The Commission addressed this submission in a decision issued on 14 October 2019 ([\[2019\] FWCFB 6935](#)) and the relevant paragraphs are set out below:

***Educational Services (Schools) General Staff Award 2010***

**[151]** Independent Schools Victoria (ISV) makes a submission in relation to the definition of a 'night shift' in clause 15. In short, ISV is of the view that the multiple spreads of ordinary hours in clause 9.5 of the Award and definition of a 'night shift', in clause 15.1(c) as finishing at 6am, irrespective of the starting time of the relevant spread of ordinary hours, has created a situation where an overnight shift cannot be defined as a night shift in some circumstances.

**[152]** ISV proposes a variation to clause 15.1(c) as follows:

'(c) night shift is a shift which is not a day shift and which finishes after midnight and at or before the commencement of the relevant spread of ordinary hours identified in clause 9.5, which may be varied by clause 9.6.'

**[153]** The IEU has not yet responded to ISV's submission; the Commission will write to the IEU inviting them to do so. If the proposal is contested it will be referred to a separate, substantive issues, Full Bench.

Could you please advise the Commission by **4pm on Friday 13 December 2019** if the IEU intends to respond to the ISV's submission?

Kind regards,

**ZOE BRIGHT**

Assistant Director–Modern Awards

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