

## IN THE FAIR WORK COMMISSION

Matter No: AM2018/18 & AM2014/266

Section 156 - Four Yearly Review of Modern Awards –*Children’s Services Award 2010 & Educational Services (Teachers) Award 2010*

### SUBMISSION OF UNITED VOICE

1. This submission is responsive to the Statement<sup>1</sup> made 13 November 2018 (‘November Statement’) in relation to the substantive review of the *Children’s Services Award 2010* (‘Children’s Services Award’).
2. At the Mention on 22 October 2018, the issue of potential overlap between the Equal Remuneration proceedings and the United Voice and individual claims for an educational leader allowance and responsible person allowance (jointly, ‘the allowance claims’) in the substantive review of the Children’s Services Award was raised. Parties were asked to consider how this issue was to be handled<sup>2</sup>.
3. Our position is that there is no overlap between the Equal Remuneration proceedings and the allowance claims.
4. There was general agreement between the interested parties on this position at the Mention on 9 November 2018.<sup>3</sup>
5. We note that we have similar allowance claims in the substantive review of the *Children’s Services Award* and the *Educational Services (Teachers) Award 2010* (‘Teachers Award’).
6. These claims can be identified as Item S1 in the Summary of Proposed Substantive Variations in the Children’s Services Award republished 22 November 2017 and Item S1 in the Summary of Proposed Substantive Variations in the Teachers Award published 14 February 2017.<sup>4</sup>
7. Two individuals, Ms I. Arrabalde and Ms E. Arrabalde, also have similar claims for an educational leader allowance and a responsible person allowance in respect of both awards. These claims can be identified as Items S3 and S4 Summary of Proposed Substantive Variations in the Children’s Services Award republished 22 November 2017 and Items S2 and S3 of the Summary of Proposed Substantive Variations in the Teachers Award published 14 February 2017.

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<sup>1</sup> [2018] FWC 6953.

<sup>2</sup> See Report on the Children’s Services Award dated 30 October 2018.

<sup>3</sup> See paragraph 5 of the November Statement.

<sup>4</sup> Both summaries refer to the claims as ‘withdrawn’. The claims were reinstated by submission on 18 April 2018 and the summaries have not been updated since that date.

8. If the allowance claims in the Children's Services Award and Teachers Award are heard before separate Full Benches, there is a risk that there could be two inconsistent decisions.
9. This could result in significantly different allowances for the same work in the one workplace. This could also result in employees covered under one award not receiving an allowance at all for the work of educational leader or responsible person, whilst employees covered under the other award do.
10. In light of this, we propose that the allowance claims in the Teachers Award are heard with the substantive claims in the Children's Services Award.
11. We do not oppose the other common claims (listed in Attachment C to the November Statement) being dealt with in the same manner.

United Voice  
15 November 2018