

This table is a summary of proposed variations lodged for this award – updated 13 February 2017.

Educational Services (Teachers) Award 2010

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be referred to a separately constituted Full Bench (to be discussed at a conference before an individual Member of the Commission).

The summary has been revised to include feedback from the hearing on 30 January 2017 ([Transcript](#)).

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S1	UV	Submission-11/11/2015	20	Allowances Seeks to include two allowances to reflect change in legislation which have created new roles. A weekly allowance for employee appointed as educational leader and an hourly allowance for responsible person physically present at a child care centre.	Page 1	Withdrawn – see submission-06/10/2016 Withdrawn – see Transcript 30/01/2017 [PN32]
S2	An individual	Submission-11/11/2015	Schedule B	Classifications Seeks to insert new classifications of Educational Leader as a result of the Education and Care Services National Regulations. Seeks to insert qualifications for approved anaphylaxis management training.	Para 1-2	
S3			15	Allowances Seeks to insert allowances so the Responsible Person can be appropriately remunerated for additional responsibilities and duties.	Para 3	
S4	AFEI	Submission – 02/03/15	General comment	Expressed interest in award but made no specific submissions.		

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S5	ISV	Submission – 02/03/15	3	Definitions Definitions for four year trained teachers do not accurately represent qualifications that are accepted and accredited by State and Territory teacher registration or accreditation authorities.	Page 2, Para 1	
S6	IEU	Submission – 02/03/15	3	Definitions – teachers employed as directors Variation of definition of teacher in clause three to ensure coverage of teachers employed as directors previously covered by Children’s Services Award.	Para 1	
S7	CCSA	Submission – 02/03/15	4	Coverage – early childhood teachers Remove coverage of early childhood teachers as award is focused on requirements of schools and their employees and does not cover unique needs of children’s service or early childhood education. CCSA would prefer an industry award that covered the entire children’s services and early childhood education industry, including ECTs, Children’s Services employees and support workers.	Pages 6 – 7	Withdrawn – see correspondence – 30/09/16 Withdrawn – see Transcript 30/01/2017 [PN34]
S8	CCSA	Submission – 02/03/15	10.1(d) & 10.6	Types of employment Seeks removal of fixed term employment at clauses 10.1(d) and 10.6 for early childhood teachers. Needs of children’s services and early childhood education industry can be adequately met by full time, part time or casual employment either permanently or on contract.	Page 7	Withdrawn – see correspondence – 30/09/16 Withdrawn – see Transcript 30/01/2017 [PN50]

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S9	ACA Anors	Submission – 02/03/15	10.4	Roster flexibility Proposed variation to provide employers with greater flexibility to change rosters which may require amendment.	Page 1, para 1	
S10	CCSA	Submission – 02/03/15	10.4(e)	Part time employment – ECTs Propose part time arrangements for ECTs should match that of all other employees in the children’s services and early childhood education industry. 10.4(e) would then become redundant and could be deleted.	Page 7	Withdrawn – see correspondence – 30/09/16 Withdrawn – see Transcript 30/01/2017 [PN58-PN59]
S11	CCSA	Submission – 02/03/15	10.5	Casual employment – ECTs Descriptions of casual employees for ECTs should be aligned with those in the children’s services award to recognise the common environment and conditions.	Page 7	Withdrawn – see correspondence – 30/09/16 Withdrawn – see Transcript 30/01/2017 [PN58-PN59]
S12	CCSA	Submission – 02/03/15	11.4	Notice of termination Propose amending clause to require notice be in writing in accordance with s.117(1) of Act.	Page 7	Withdrawn – see correspondence – 30/09/16 Withdrawn – see Transcript 30/01/2017 [PN58-PN59]
S13	ISV	Submission – 02/03/15	13	Classifications For purpose of recognising experience gained whilst the person holds teaching qualifications recognised by relevant state and territory	Page 2, para 2	

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				registration or accreditation authority.		
S14	FWO	Submission – 02/03/15	10.4(b), 13.4 and 14	Part-time salary scale, pro-rata payment ‘Years of service’ is not defined for purpose of salary progression in clause 14. It is unclear whether the progression each calendar year should be pro-rated each year or whether this should be done on a calendar year.		
S15	IEU	Submission – 02/03/15	14.5(b)(i)	Teachers working a quarter day Proposed variation to ensure employees are only paid the quarter day rate when employed for less than 2 hours and the half day rate when employed for less than 3.8 hours.	Para 3	
S16	CCSA	Submission – 02/03/15	15	Allowances Proposes introduction of allowances for ‘nominated supervisor’ (if also not director), ‘educational leader’ and ‘certified supervisor placed in day to day charge to reflect current legislative requirements.	Page 8	Withdrawn – see correspondence – 30/09/16
S17	CCSA	Submission – 02/03/15	19	Hours of work – ECTs Seeks variation to clause to permit engagement of early childhood teachers for between 41–48 weeks per year to reflect reality of industry. Propose this could be achieved by inserting a clause applicable to ECTs that reflects clause 24.4(a) of the <i>Children’s Services Award 2010</i> .	Page 8	Withdrawn – see correspondence – 30/09/16
S18	IEU	Submission – 02/03/15	19.4	Maximum days for distance education teachers Proposed varying award to cap the number of days teachers in distance education can be	Para 2	

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				required to teach to 205.		
S19	ISV	Submission – 02/03/15	20	Breaks Seek to ensure meal break commences no later than five hours after the employee commenced work on the day.	Page 2, para 3	
S20	CCSA	Submission – 02/03/15	22	Pro-rata salary inclusive of annual leave Propose removal of formula for ECTs.	Page 8	Withdrawn – see correspondence – 30/09/16
S21	ACA Anors	Submission – 02/03/15	Schedule B	Variations to HOW Propose variation to allow ordinary hours to be worked before 6 am or after 6.30 pm	Page 1, para 2	

List of abbreviations

ACA Anors	Australian Childcare Alliance, Australian Business Industrial and New South Wales Business Chamber Ltd
AFEI	Australian Federation of Employers and Industries
CCSA	Community Connections Solutions Australia
FWO	Fair Work Ombudsmen
IEU	Independent Education Union of Australia
ISV	Independent Schools Victoria
UV	United Voice