

BEFORE THE FAIR WORK COMMISSION

Fair Work Act 2009 (Cth)

Title of matter: 4 yearly review of modern awards – *Award stage* — *Group 4 awards* – Substantive Issues

Section: s.156

Matter Number: AM2018/18 and AM2018/20

Awards: *Children's Services Award 2010* and *Educational Services (Teachers) Award 2010*

Filed: Pursuant to Decision issued 10 June 2020

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Introduction

In its 10 June 2020 Decision, the Full Bench of the Fair Work Commission invited submissions in relation to two issues:

1. The Commission's *provisional* view at [531] that clause 14.5 of the Teachers Award be varied to:
 - a. provide that casual employees are paid the appropriate minimum classification rate plus a 25 percent casual loading for all time worked; and
 - b. provide minimum engagement periods, consistent with the current award term.
2. The Commission's *provisional* view at [559] that the relevant part of the Teachers Award be transferred to the Children's Services Award.

1a. The rate for casual employees in the Teachers Award

AFEI would not oppose the Commission's *provisional* view that casual employees be paid at the appropriate minimum classification rate plus a 25 percent casual loading, on the basis that:

- a. The new provision replaces clause 14.5 of the current Award.
- b. The hourly 'minimum rate' for casual employees is equivalent to the weekly rate specified in Clause 14.3 divided by 38;
- c. The application of casual loading, and questions related to casual overtime be addressed in conjunction with any transfer of relevant Teachers classifications to the Children's Services Award.

1b. Minimum engagement periods for casuals in the Teachers Award

AFEI would not oppose a minimum engagement period of 2 hours for casual employees in the Teachers Award, consistent with the existing minimum engagement of a 'quarter day.'

2. Transferring relevant parts of the Teachers Award to the Children's Services Award

AFEI would not, in principle, oppose transferring relevant parts of the Teachers Award to the Children's Service Award so that teachers in early childhood centres would be covered by the Children's Service Award.

The Commission's *provisional* view at [559] acknowledged the evidence of Ms Viknarasah that she found the Awards 'confusing and difficult' and 'inefficient that every centre has to read and understand two Awards, even though Teachers could easily be covered under the Children's Services Award.'

AFEI has received similar feedback from members covered by both Awards as a result of operating an early childhood centre, including finding it inefficient and confusing to apply two different Awards. For example, an issue which has been raised is that each Award has different provisions in relation to rostered days off, even though the staff covered by the different Awards work at the same centre.

At this time, AFEI reserves its position on how such a transfer should be implemented, including how potentially conflicting provisions of the two Awards should be resolved.