

IN THE FAIR WORK COMMISSION

S. 158 - application to vary or revoke a modern award

Application by the Independent Education Union of Australia (130N)

AM2018/9

AUSTRALIAN EDUCATION UNION

**POSITION PAPER AS TO ISSUES TO BE DISCUSSED AT THE CONFERENCE ON
24 MAY 2021**

1. The AEU identifies the following 6 issues it wishes to discuss at the conference on 24 May 2021.

Issue 1: Progression from Level 1 (Graduate) to Level 2 (Proficient) – accreditation

2. Progression from Level 1 (Graduate) to Level 2 (Proficient) under the proposed classification structure occurs “upon proficient accreditation or equivalent”: Reasons, [657], Table, row 1; column 2. It is not proposed that there will be an additional service requirement: Reasons, [656].
3. Many EC Teachers in Victoria take longer than 2 years to achieve proficient accreditation because of workplace constraints outside the teacher’s control. E.g. “proficient accreditation” depends on mentor observation and mentors are often unavailable in small workplaces.
4. **Issue:** how provisionally registered EC Teachers are not disadvantaged by systemic barriers to achieving proficient accreditation.

Issue 2 - Level 5 - Highly Accomplished/Lead Teacher accreditation

5. The proposed Level 5 classification pay rate applies to a teacher with “Highly Accomplished/Lead Teacher Accreditation.”
6. There is no accreditation of this kind in Victoria, Western Australia or Tasmania.
7. **Issue:** how teachers in all jurisdictions can advance to the top of the career structure.

Issue 3 - Translation issues

8. No teacher ought to be worse off (i.e. paid less) by reason of translation issues.
9. Some teachers at higher levels under the current structure do not have proficient accreditation.
10. Any teacher with more than 2 years’ service ought to translate to Level 2, 3 or 4 consistent with their past service. Change away from a service-based structure should not be

retrospective in its operation. No existing teacher ought to be at risk of future pay reduction by adoption of the new structure.

11. **Issue:** the inclusion of a translation schedule in the EST Award so that no teacher is worse off.

Issue 4 – Part-Time and Casual employees

12. There is a significant number of part-time and casual employees in teaching, particularly in EC Teaching. Those teachers ought not to be disadvantaged by a new structure.
13. In the current version of the EST Award cl. 11 generally governs part-time employees. Cls. 11.2-11.4 set out particular provisions as to part-time employees. Cl. 12 governs casual employees. Cl. 14.4(b) provides for progression between classification levels according to “normal years of service”.
14. Under the proposed classification structure (see [657]) progressing from Level 2 to Level 3 is contingent on “three years satisfactory service” at the prior level.
15. **Issue:** the AEU is concerned that part-time and casual employees not be disadvantaged as to the rate of progression through the classification structure.

Issue 5 - progression on “satisfactory service”

16. Progressing to Level 3 and Level 4 is contingent on completion of “satisfactory service”.
17. Progression should be based on service, unqualified by a requirement of “satisfactory service.” Accreditation at the proficient level, maintenance of that accreditation and “the acquisition of additional skills and responsibility through experience” ([656]) ought to be sufficient to advance to the next incremental level.
18. Employers should not become the arbiters of whether service is “satisfactory” when a pay increment is at issue: that may invite dispute and/or exploitation.
19. **Issue:** the AEU proposes progression to Level 3 and Level 4 after “three years satisfactory service” at the prior level.

Issue 6: other issues or variations to the classification structure

20. In teaching, a service-based classification structure has (to some degree) also served as a skills-based classification structure recognising that additional skills and responsibility are acquired through experience.
21. There may be further issues to be refined resulting from the proposed new classification structure and or the identification of issues by other parties.

Dated: 17 May 2021

Australian Education Union