



# REPORT

*Fair Work Act 2009*

s.156 – 4 yearly review of modern awards

## **4 yearly review of modern awards—Award stage—Group 4 awards— Substantive Issues** (AM2018/18)

### **CHILDREN’S SERVICES AWARD 2010** [MA000120]

JUSTICE ROSS, PRESIDENT

MELBOURNE, 30 OCTOBER 2018

*4 yearly review of modern awards – award stage – group 4 awards – substantive issues –  
Children’s Services Award 2010*

[1] This report deals with the outcome of a Mention held on Monday 22 October 2018 to deal with the programming of a number of substantive claims to vary the *Children’s Services Award 2010*. A transcript of the Mention proceedings is available on the Commission’s website – [Mention](#).

[2] The following parties were represented at the Mention:

- United Voice
- Australian Childcare Alliance
- ABI and NSWBC
- AFEI
- Ms E. Arrabalde
- Ms I. Arrabalde

[3] The parties provided further clarification as to the substantive claims they intend to pursue. A revised list of substantive claims is attached to this report (**Attachment A**).

[4] There was general agreement that some of the substantive claims were complex and that there was a degree of overlap with some of the matters being pursued in the Equal Remuneration proceedings. United Voice submitted that the hearing of the claims should be held after the hearings in respect of the substantive claims in the *Aged Care Award 2010* and the *Social, Community, Home Care and Disability Services Industry Award 2010*. The parties agreed to give further consideration to the overlap between the claims in this matter and those in the Equal Remuneration proceedings and how that issue is to be handled.

[5] Parties seeking to vary the award are to file draft variation determinations by no later than **4.00pm Wednesday 7 November 2018**. A further Mention in respect of the substantive claims in this award will be held on **Friday 9 November at 11am** in Sydney. At the Mention the parties will be asked to confirm that the list of substantive claims at Attachment A is accurate. Parties will be invited to comment on the overlap with the Equal Remuneration proceedings and how that issue is to be handled. Interested parties are encouraged to confer prior to the Mention.

PRESIDENT

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## **ATTACHMENT A – List of substantive claims in the *Children’s Services Award 2010***

United Voice seek to vary the award by:

- introducing a training allowance;
- inserting a note under the clothing and equipment allowance clause regarding on site laundry facilities;
- inserting the words “hat, sun protection (including sunscreen lotions)” into the clothing and equipment allowance clause;
- deleting the higher duties clause or alternatively, amending it to remove the words “(including in-service training)”;
- reducing the maximum amount of leave without pay for a Christmas close down from 4 to 2 weeks;
- introducing the following allowances: a weekly allowance for an employee appointed as an educational leader; an hourly allowance for a responsible person physically present at a child care centre; a programming and administrative tasks allowance for children service employees that are required to perform additional programming and administrative duties in addition to their rostered hours; and
- amending the non-contact time clause by extending non-contact time to 8 hours per week.

The Australian Childcare Alliance, Australian Business Industrial and the New South Wales Business Chamber seek to vary the award by:

- amending the ordinary hours of work and the rostering clause to provide employers with greater flexibility to change rosters other than with 7 days’ notice and to allow ordinary hours to be worked before 6.00 am or after 6.30 pm.

An Individual confirmed in their submission of 19 April 2018 [7](#) that they seek to vary the award by:

- including an Educational leadership allowance for employees with educational leadership responsibilities in early childhood education and care settings; and
- including a Responsible Person allowance.

Business SA seek to vary the award by:

- amending the casual employment clause by removing the restriction on employing casuals for temporary and relief purposes