DETERMINATION

Fair Work Act 2009
s.156—4 yearly review of modern awards

4 yearly review of modern awards
(AM2018/20)

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT CLANCY
COMMISSIONER LEE   MELBOURNE, 19 OCTOBER 2020

4 yearly review of modern awards – Award stage – Group 4 awards – Educational Services (Teachers) Award 2020 – Substantive issues.

A.   Further to the Full Bench decisions issued by the Fair Work Commission on 10 June 2020 [[2020] FWCFB 3011] and 19 October 2020 [[2020] FWCFB 5531], the above award is varied as follows:

1.   By deleting the table appearing at clause 17.5(b) and inserting:

Full day	Weekly rate calculated in accordance with clause 17.3 divided by 5 plus **25%**
Half day	Weekly rate calculated in accordance with clause 17.3 divided by 10 plus **25%**

2.   By deleting clause 17.5(c) and inserting:

(c) Minimum payments

(i)   Where a day is the usual required attendance time for an employee at a particular school and a half day is half the usual required attendance time; a casual employee in a school will be paid for a minimum of half a day.

(ii) A casual employee in a children's service or early childhood education service will be paid for a minimum of:

- where they are required to work for up to 2 hours, 2 hours;

- where they are required to work for more than 2 hours and up to 4 hours, 4 hours; and

- where they are required to work for more than 4 hours and up to a full day, the full day rate, based on their appropriate hourly rate.

NOTE 1: The relevant full day rate is shown at Table B.1.1 and the relevant 2 hour and 4 hour rates are shown at Tables B.1.3 and B.1.4.

NOTE 2: The appropriate hourly rate is calculated by dividing the relevant full day rate by 7.6.

3.   By deleting the table appearing at clause B.1.2 and inserting the following table:

B.1.2   Casual employees—half day rates

	All employees (excluding Schedule A)
All employees	**Half day rate**
	$
Level 1	125.58
Level 2	128.16
Level 3	131.65
Level 4	136.40
Level 5	141.15
Level 6	145.58
Level 7	150.00
Level 8[2]	154.75
Level 9	159.50
Level 10	164.25
Level 11	169.01
Level 12	173.75

4.   By inserting a new clause B.1.3:

B.1.3   Casual employees—minimum rates of pay for teachers employed in early childhood services NOT operating for at least 48 weeks per year

Level	**2-hour rate**	**4-hour rate**
	$	**$**
Level 1	66.10	132.20
Level 2	67.46	134.92
Level 3	69.28	138.56
Level 4	71.78	143.56
Level 5	74.28	148.56

Level	2-hour rate	4-hour rate
	$	$
Level 6	76.62	153.24
Level 7	78.94	157.88
Level 8[1]	81.44	162.88
Level 9	83.94	167.88
Level 10	86.44	172.88
Level 11	88.96	177.92
Level 12	91.46	182.92

[1]Where an employee is engaged for less than 5 consecutive days, the minimum rate payable to a casual employee will be no higher than the wage at Level 8.

5.   By inserting a new clause B.1.4:

B.1.4   Casual employees—minimum rates of pay for teachers employed in early childhood services operating for at least 48 weeks per year

Level	2-hour rate	4-hour rate	Overtime - first 3 hours	Overtime - after 3 hours
	% of minimum hourly rate			
			150%	200%
	$	$	$	$
Level 1	68.74	137.48	51.56	68.74
Level 2	70.16	140.32	52.62	70.16
Level 3	72.06	144.12	54.05	72.06
Level 4	74.66	149.32	56.00	74.66
Level 5	77.26	154.52	57.95	77.26
Level 6	79.68	159.36	59.76	79.68
Level 7	82.10	164.20	61.58	82.10
Level 8[1]	84.70	169.40	63.53	84.70
Level 9	87.30	174.60	65.48	87.30
Level 10	89.90	179.80	67.43	89.90
Level 11	92.50	185.00	69.38	92.50
Level 12	95.10	190.20	71.33	95.10

[1]Where an employee is engaged for less than 5 consecutive days, the minimum rate payable to a casual employee will be no higher than the wage at Level 8.

B.   This determination comes into operation from 1 November 2020. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 November 2020.

PRESIDENT

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