



DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards

(AM2018/20)

EDUCATIONAL SERVICES (TEACHERS) AWARD 2020

[MA000077]

Educational services

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT CLANCY
COMMISSIONER LEE

MELBOURNE, 24 NOVEMBER 2021

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 24 November 2021 [[2021] FWCFB 6053], the above award varied as follows:

1. By deleting clause A.3.2 and inserting the following:

A.3.2 Non-contact time

- (a) An employee responsible for the preparation, implementation and/or evaluation of a developmental program for an individual child or group of children will be entitled to a minimum of two hours non-contact time per week. During non-contact time, an employee will not be required to supervise children or perform other duties as directed by the employer.
- (b) An employee appointed as the Educational Leader will be entitled to a minimum of two hours non-contact time per week. During non-contact time, an employee will not be required to supervise children or perform other duties as directed by the employer.

NOTE 1: Educational leader is defined in Regulation 118 of the Education and Care Services National Regulations (2011).

NOTE 2: The entitlements at clauses A.3.2(a) and A.3.2(b) are cumulative. An Educational Leader who also has programming responsibilities for an individual

child or group of children will be entitled to a minimum of four hours non-contact time per week.

B. This determination comes into operation on 1 January 2022. 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 January 2022.

PRESIDENT

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