



# DRAFT DETERMINATION

*Fair Work Act 2009*  
s.285—Annual wage review

**Annual Wage Review 2020–21**  
(C2021/1)

**EDUCATIONAL SERVICES (SCHOOLS) GENERAL STAFF AWARD  
2020**  
[MA000076]

Educational services

JUSTICE ROSS, PRESIDENT  
VICE PRESIDENT CATANZARITI  
DEPUTY PRESIDENT ASBURY  
COMMISSIONER HAMPTON  
MR FERGUSON  
PROFESSOR WOODEN  
MS LABINE-ROMAIN

MELBOURNE, XX JUNE 2021

*Annual Wage Review 2020–21.*

A. Further to the decision issued by the Expert Panel in the Annual Wage Review 2020–21 on 16 June 2021 [[2021] FWCFB 3500], the above award is varied as follows:

1. By deleting the example appearing in clause 12.2(f) and inserting the following:

**For example:**

Brad works 38 hours per week and is classified at Level 3.1. The annual rate of pay for a full-time employee working 52.18 weeks of the school year is \$46,967.

Brad is required to take leave without pay during non-term weeks.

As there are 39.4 term weeks in the school year, Brad is required to work 39.4 term weeks.

The formula in clause 12.2(b) is:

$$A = C \times \frac{(\text{working weeks} + 4 \text{ weeks annual leave})}{52.18}$$

**Calculating the adjusted annual salary:**

**Step 1:** (working weeks + 4 weeks annual leave) = 39.4 + 4 = 43.4

**Step 2:** 43.4/52.18 = 0.8317

**Step 3:** \$46,967 x 0.8317 = \$39,062

Adjusted annual salary = **\$39,062.**

2. By deleting the example appearing in clause 15.2(d)(ii) and inserting the following:

**For example:**

Janet is a part-time employee classified at Level 3.1. Her hourly rate of pay is **\$23.69.**

Janet starts work at 7.00 am Thursday and finishes work at 9.00 am on Thursday. She recommences work at 2.00 pm on Thursday and works until 6.00 pm on Thursday.

Janet will:

- Work 6 hours of ordinary time
- Work a broken shift.

**Calculating the ordinary time pay including the broken shift penalty:**

Add the broken shift penalty (15%) to the hourly rate of pay. Multiply the result by the number of ordinary hours worked =  $(\$23.69 + (23.69 \times 15/100)) \times 6 = (\$27.24) \times 6 = \$163.44.$

Janet is paid a total of **\$163.44** for Thursday.

NOTE: Calculations in this example are based on the rounded hourly rates in Schedule B—Summary of Hourly Rates of Pay.

3. By deleting the table appearing in clause 17.1 and inserting the following:

<b>Employee classification level</b>	<b>Annual salary<sup>1</sup> (full-time employee)</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>			
1.1	41,473	794.80	20.92
1.2	43,059	825.20	21.72

<b>Employee classification level</b>	<b>Annual salary<sup>1</sup> (full-time employee)</b>	<b>Minimum weekly rate (full-time employee)</b>	<b>Minimum hourly rate</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
1.3	44,640	855.50	22.51
<b>Level 2</b>			
2.1	44,984	862.10	22.69
2.2	46,388	889.00	23.39
<b>Level 3</b>			
3.1	46,967	900.10	23.69
3.2	47,807	916.20	24.11
<b>Level 4</b>			
4.1	49,576	950.10	25.00
4.2	52,060	997.70	26.26
<b>Level 5</b>			
5.1	53,751	1030.10	27.11
5.2	56,323	1079.40	28.41
<b>Level 6</b>			
6.1	58,348	1118.20	29.43
6.2	62,319	1194.30	31.43
<b>Level 7</b>			
7.1	64,145	1229.30	32.35
7.2	66,201	1268.70	33.39
7.3	68,246	1307.90	34.42
<b>Level 8</b>	74,325	1424.40	37.48

4. By deleting the words “1 November 2020” in clause 17.7(b) and inserting “1 July 2021”.
5. By deleting the amounts “\$756.01” and “\$3.15” appearing in clause 19.2(a)(i) and inserting “\$774.96” and “\$3.23” respectively.
6. By deleting the amount “\$50.40” appearing in clause 19.2(b)(i) and inserting “\$51.66”.

7. By deleting the table appearing in clause B.1.1 and inserting the following:

	<b>Ordinary hours</b>	<b>Saturday<sup>1</sup></b>	<b>Saturday<sup>2</sup></b>	<b>Sunday<sup>1</sup></b>	<b>Sunday<sup>2</sup></b>	<b>Public holiday</b>
	<b>% of minimum hourly rate</b>					
	<b>100%</b>	<b>125%</b>	<b>150%</b>	<b>175%</b>	<b>200%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>						
1.1	20.92	26.15	31.38	36.61	41.84	52.30
1.2	21.72	27.15	32.58	38.01	43.44	54.30
1.3	22.51	28.14	33.77	39.39	45.02	56.28
<b>Level 2</b>						
2.1	22.69	28.36	34.04	39.71	45.38	56.73
2.2	23.39	29.24	35.09	40.93	46.78	58.48
<b>Level 3</b>						
3.1	23.69	29.61	35.54	41.46	47.38	59.23
3.2	24.11	30.14	36.17	42.19	48.22	60.28
<b>Level 4</b>						
4.1	25.00	31.25	37.50	43.75	50.00	62.50
4.2	26.26	32.83	39.39	45.96	52.52	65.65
<b>Level 5</b>						
5.1	27.11	33.89	40.67	47.44	54.22	67.78
5.2	28.41	35.51	42.62	49.72	56.82	71.03
<b>Level 6</b>						
6.1	29.43	36.79	44.15	51.50	58.86	73.58
6.2	31.43	39.29	47.15	55.00	62.86	78.58
<b>Level 7</b>						
7.1	32.35	40.44	48.53	56.61	64.70	80.88
7.2	33.39	41.74	50.09	58.43	66.78	83.48
7.3	34.42	43.03	51.63	60.24	68.84	86.05
<b>Level 8</b>						
	37.48	46.85	56.22	65.59	74.96	93.70

8. By deleting the table appearing in clause B.1.2 and inserting the following:

	<b>Afternoon &amp; night</b>	<b>Afternoon &amp; night plus broken shift</b>	<b>Broken shift</b>	<b>Permanent night</b>	<b>Permanent night plus broken shift</b>
	<b>% of minimum hourly rate</b>				
	<b>115%</b>	<b>130%</b>	<b>115%</b>	<b>130%</b>	<b>145%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>					
1.1	24.06	27.20	24.06	27.20	30.33
1.2	24.98	28.24	24.98	28.24	31.49
1.3	25.89	29.26	25.89	29.26	32.64
<b>Level 2</b>					
2.1	26.09	29.50	26.09	29.50	32.90
2.2	26.90	30.41	26.90	30.41	33.92
<b>Level 3</b>					
3.1	27.24	30.80	27.24	30.80	34.35
3.2	27.73	31.34	27.73	31.34	34.96
<b>Level 4</b>					
4.1	28.75	32.50	28.75	32.50	36.25
4.2	30.20	34.14	30.20	34.14	38.08
<b>Level 5</b>					
5.1	31.18	35.24	31.18	35.24	39.31
5.2	32.67	36.93	32.67	36.93	41.19
<b>Level 6</b>					
6.1	33.84	38.26	33.84	38.26	42.67
6.2	36.14	40.86	36.14	40.86	45.57
<b>Level 7</b>					
7.1	37.20	42.06	37.20	42.06	46.91
7.2	38.40	43.41	38.40	43.41	48.42
7.3	39.58	44.75	39.58	44.75	49.91
<b>Level 8</b>	43.10	48.72	43.10	48.72	54.35

9. By deleting the table appearing in clause B.1.3 and inserting the following:

	<b>Monday to Friday</b>		<b>Saturday— employees other than Nursing services employees</b>		<b>Sunday— employees other than Nursing services employees</b>	<b>Saturday &amp; Sunday— Nursing services employees<sup>1</sup></b>	<b>Public holiday</b>
	<b>First 3 hours</b>	<b>After 3 hours</b>	<b>First 3 hours</b>	<b>After 3 hours</b>			
	<b>% of minimum hourly rate</b>						
	<b>150%</b>	<b>200%</b>	<b>150%</b>	<b>200%</b>	<b>200%</b>	<b>150%</b>	<b>250%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>							
1.1	31.38	41.84	31.38	41.84	41.84	—	52.30
1.2	32.58	43.44	32.58	43.44	43.44	—	54.30
1.3	33.77	45.02	33.77	45.02	45.02	—	56.28
<b>Level 2</b>							
2.1	34.04	45.38	34.04	45.38	45.38	—	56.73
2.2	35.09	46.78	35.09	46.78	46.78	—	58.48
<b>Level 3</b>							
3.1	35.54	47.38	35.54	47.38	47.38	—	59.23
3.2	36.17	48.22	36.17	48.22	48.22	—	60.28
<b>Level 4</b>							
4.1	37.50	50.00	37.50	50.00	50.00	—	62.50
4.2	39.39	52.52	39.39	52.52	52.52	—	65.65
<b>Level 5</b>							
5.1	40.67	54.22	40.67	54.22	54.22	—	67.78
5.2	42.62	56.82	42.62	56.82	56.82	—	71.03
<b>Level 6</b>							
6.1	44.15	58.86	44.15	58.86	58.86	44.15	73.58
6.2	47.15	62.86	47.15	62.86	62.86	47.15	78.58
<b>Level 7</b>							
7.1	48.53	64.70	48.53	64.70	64.70	48.53	80.88
7.2	50.09	66.78	50.09	66.78	66.78	50.09	83.48
7.3	51.63	68.84	51.63	68.84	68.84	51.63	86.05
<b>Level 8</b>							
8	56.22	74.96	56.22	74.96	74.96	56.22	93.70

10. By deleting the table appearing in clause B.2.1 and inserting the following:

	<b>Ordinary hours</b>	<b>Saturday<sup>1</sup></b>	<b>Saturday<sup>2</sup></b>	<b>Sunday<sup>1</sup></b>	<b>Sunday<sup>2</sup></b>	<b>Public holiday</b>
	<b>% of minimum hourly rate</b>					
	<b>125%</b>	<b>150%</b>	<b>175%</b>	<b>200%</b>	<b>225%</b>	<b>275%</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Level 1</b>						
1.1	26.15	31.38	36.61	41.84	47.07	57.53
1.2	27.15	32.58	38.01	43.44	48.87	59.73
1.3	28.14	33.77	39.39	45.02	50.65	61.90
<b>Level 2</b>						
2.1	28.36	34.04	39.71	45.38	51.05	62.40
2.2	29.24	35.09	40.93	46.78	52.63	64.32
<b>Level 3</b>						
3.1	29.61	35.54	41.46	47.38	53.30	65.15
3.2	30.14	36.17	42.19	48.22	54.25	66.30
<b>Level 4</b>						
4.1	31.25	37.50	43.75	50.00	56.25	68.75
4.2	32.83	39.39	45.96	52.52	59.09	72.22
<b>Level 5</b>						
5.1	33.89	40.67	47.44	54.22	61.00	74.55
5.2	35.51	42.62	49.72	56.82	63.92	78.13
<b>Level 6</b>						
6.1	36.79	44.15	51.50	58.86	66.22	80.93
6.2	39.29	47.15	55.00	62.86	70.72	86.43
<b>Level 7</b>						
7.1	40.44	48.53	56.61	64.70	72.79	88.96
7.2	41.74	50.09	58.43	66.78	75.13	91.82
7.3	43.03	51.63	60.24	68.84	77.45	94.66
<b>Level 8</b>	46.85	56.22	65.59	74.96	84.33	103.07

11. By deleting the table appearing in clause B.2.2 and inserting the following:

	<b>Afternoon &amp; night</b>	<b>Permanent night</b>
	<b>% of minimum hourly rate</b>	
	<b>140%</b>	<b>155%</b>
	<b>\$</b>	<b>\$</b>
<b>Level 1</b>		
1.1	29.29	32.43
1.2	30.41	33.67
1.3	31.51	34.89
<b>Level 2</b>		
2.1	31.77	35.17
2.2	32.75	36.25
<b>Level 3</b>		
3.1	33.17	36.72
3.2	33.75	37.37
<b>Level 4</b>		
4.1	35.00	38.75
4.2	36.76	40.70
<b>Level 5</b>		
5.1	37.95	42.02
5.2	39.77	44.04
<b>Level 6</b>		
6.1	41.20	45.62
6.2	44.00	48.72
<b>Level 7</b>		
7.1	45.29	50.14
7.2	46.75	51.75
7.3	48.19	53.35
<b>Level 8</b>	52.47	58.09

12. By deleting the amount “\$45,819” appearing in clause C.1.1 and inserting “\$46,967”.

13. By deleting the table appearing in clause C.1.1 and inserting the following:

<b>Allowance</b>	<b>Clause</b>	<b>% of standard rate</b>	<b>\$</b>	<b>Payable</b>
First aid allowance— Annual; or	19.2(a)(i)	1.65	774.96	per annum
First aid allowance— Daily	19.2(a)(i)	1/240th of annual allowance	3.23	per day
Sleepover allowance	19.2(b)(i)	0.11	51.66	per sleepover

- B. This determination comes into operation on 1 July 2021. In accordance with s.286(5) 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 July 2021.

PRESIDENT