



AUSTRALIAN
EDUCATION
UNION
Victorian Branch

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30 June 2020

Associate to Justice Ross
President
Fair Work Commission
11 Exhibition Street
Melbourne 3000

By email: AMOD@fwc.gov.au

Dear Associate,

RE: AM2020/20 — Educational Services (Teachers) Award 2010 — MA000077
AM2018/18 — Children's Services Award 2010 — MA000120

Please find enclosed the written submissions of the Australian Education Union — Victorian Branch in relation to the Fair Work Commission Statement ([2020] FWCFB 3118) dated 15 June 2020.

The AEU — Victoria can be contacted in relation to the submissions on AEU.Victoria@aeuvic.asn.au

Regards

A handwritten signature in black ink that reads "Martel Menz".

Martel Menz
Deputy Secretary
Australian Education Union – Victorian Branch

FAIR WORK COMMISSION

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

AM2020/20 — *Educational Services (Teachers) Award 2010* — MA000077
AM2018/18 — *Children’s Services Award 2010* — MA000120

Australian Education Union – Victorian Branch Submissions

1. The Australian Education Union — Victorian Branch (**AEU**) has coverage of early childhood teachers in Victoria except where they are employed by independent schools. The AEU coverage of early childhood teachers includes teachers who work in the child and long day care sector, sessional kindergartens, integrated services and other specialist or community-based early intervention centres in Victoria. These members are covered by the *Educational Services (Teachers) Award 2010 (Teachers Award)*.
2. The AEU also has coverage of a educators in sessional kindergartens or in Montessori early childhood centres except where they are employed by independent schools. Our educator members are covered by the *Children’s Services Award 2010 (CS Award)*.
3. These submissions are made in response to the Statement ([2020] FWCFB 3118) and decision ([2020] FWCFB 3011) which outline the Full Bench’s provisions view that:

We see no good reason why the operator of an ECEC centre should have to refer to two awards in order to determine the terms and conditions applicable to the employees at their centre. It is our provisional view that the relevant part of the Teachers Award be transferred to the Children’s Services Award.

4. The AEU does not support the provisional view.
5. In the 2009 Award Modernisation process, the AIRC considered the question of the coverage of preschool teachers in the ECEC sector. The AEU supported the inclusion of early childhood teachers in the Teachers Award.
6. The AEU continues to support the current coverage of the Teacher Award and the AEU’s submissions from 2009 remain relevant:

“The AEU submits that comparably qualified teachers with comparable roles should all be included in the Teachers Award. Teachers in kindergartens, preschools and child care centres not operated by a school who are comparably qualified with those working in schools, are required to undertake the same educational programmes and have the same degree of accountability as those working in centres operated by schools should be covered by the Teachers Award. These teachers may move from employment as a

teacher in a child care centre to employment in a kindergarten operated by a school with the same qualifications and position description requirements.”¹

7. As was the case in 2009, Teachers continue to form a distinct occupational group. The nature of the employment of teachers has particular features which differentiate teachers from other employees. In Victoria, this includes the requirement of registration with the Victorian Institute of Teaching and registration is required of all Teachers including early childhood teachers. The AEU considers that early childhood teachers have a distinct professional status within the profession of teaching regardless of setting, i.e., regardless of whether sessional kindergartens or long-day care centres.
8. While the Full Bench has proposed a process of consultation to give effect to the provisional view, the AEU submits that the process will likely result in considerable duplication of the Teachers Award in the CS Award. The duplication will arise due to the variety of services in the ECEC sector and that not all Teachers in the early childhood services operate for at least 48 weeks per year. For example, many of the AEU’s early childhood teacher members are employed by community-based sessional Kindergartens, which operate on the gazetted school term dates.
9. The AEU submits that given the intention of the provisional view is not to vary the conditions for teachers in the ECEC sector, there are marginal benefits to duplicating the relevant parts of the Teachers Award as it will still result in ECEC employers needing to understand the different conditions of employment.
10. To the extent that the Full Bench is considering that only the ECEC sector which operate for 48 weeks per year would be covered by the CS Award, the AEU would also oppose this approach as it would divide the early childhood teachers by setting, when their work remains the same.

30 June 2020

¹ *Written submissions of the Australian Education Union on the Exposure Drafts of the Full Bench dealing with this matter issued on 22nd May 2009, 12 June 2009. paragraph 14.*