

IN THE FAIR WORK COMMISSION

Matter No: 2018/18 and 2018/20

Section 156 - Four Yearly Review of Modern Awards –*Children’s Services Award 2010 & Educational Services (Teachers) Award 2010*– Substantive review

OUTLINE OF SUBMISSION IN REPLY

UNITED VOICE

1. This submission is made pursuant to the amended Direction of the Fair Work Commission (*‘the Commission’*) on 7 March 2019 requiring any *‘interested party’* to file evidence and submissions opposing substantive claims in the 4 yearly review of the *Children’s Services Award 2010* (*‘the Children’s Services Award’*) and the *Educational Services (Teachers) Award 2010* (*‘the Teacher’s Award’*), collectively referred to as the *‘Awards’*.
2. This submission is made in reply to the submissions of the following parties:
 - Australian Childcare Alliance (*‘ACA’*), Australian Business Lawyers and Advisors (ABI), the NSW Business Chamber, collectively referred to as *‘ACA and others’*;
 - Independent Education Union of Australia (*‘IEU’*); and;
 - Ms Isabelle Arrabalde and Ms Elizabeth Arrabalde.

Submission of ACA and others filed 15 March 2019

3. The ACA and others have 2 claims in this review. The first is a claim to expand the span of ordinary hours from 6.30pm to 7.30pm, and the second is to enable roster changes with less than 7 days’ notice in certain circumstances. United Voice opposes both claims.
4. Both claims, if granted, would reduce working conditions in this industry by creating an even longer span of hours for employees; greater uncertainty in working hours and reduced circumstances in which overtime would be paid. For the reasons that follow, the claims of ACA and others should be dismissed.

The Early Childhood Education and Care sector

5. Early childhood education and care ('ECEC') plays a vital role children's education. Studies have shown that the period from birth to school age is a unique period for developmental growth, in which the foundations for cognitive learning, self-regulation and social interaction are set.¹
6. High quality ECEC is a complex field that requires educators to have significant technical skill and knowledge to assist children to develop emotionally, cognitively and socially. Like their counterparts in schools, educators' knowledge of early childhood developmental stages, language acquisition, individualised play-based pedagogy and behaviour management are preconditions to working in our system.
7. Access to ECEC is a core component of increasing women's participation in the workplace.²
8. Access to quality early education and care for the children of working parents is intrinsically tied with quality working conditions. Research has shown that skilled and qualified educators are the principal factor leading to quality ECEC.³ Recent reports from the OECD and Mitchell Institute emphatically conclude that interactions between an educator and a child, in conditions of continuity, care and trust, are the most important determinant of quality in ECEC.⁴
9. ECEC is a highly feminised industry. In long day care, 96.1% of the workforce is female and overall, 91.1% of the workforce is female.⁵
10. By and large, caring responsibilities for children are performed by women. A 2017 study by PWC found that women conduct the majority of unpaid care work, with women conducting 76% of childcare, 67% of domestic work, 69% of care of adults and 57% of volunteering.⁶

¹ Australian Institute of Health and Welfare 2015, *Literature review of the impact of early childhood education and care on learning and development: working paper*. Cat no. CWS 53. Canberra, page 17, downloaded at <https://www.aihw.gov.au/getmedia/321201fc-ca0c-4c20-9582-7c3dc5c9d1b9/19438.pdf.aspx?inline=true>

² Australian Bureau of Statistics, *Barriers and Incentives to Labour Force Participation, Australia, July 2016 to June 2017*, downloaded at <https://www.abs.gov.au/ausstats/abs@.nsf/mf/6239.0>

³ Pascoe, S & Brennan, D. (2018) 'Review to Achieve Education Excellence in Australian Schools through Early Childhood Interventions', pages 62-63, downloaded from <https://education.nsw.gov.au/early-childhood-education/whats-happening-in-the-early-childhood-education-sector/lifting-our-game-report/Lifting-Our-Game-Final-Report.pdf>

⁴ OECD (2017) *Starting Strong 2017 – Key OECD Indicators on Early Childhood Education and Care*, Paris: OECD Publishing and Fox, S. & Torii, K. (2017), *Quality is Key in Early childhood Education in Australia*, <http://www.mitchellinstitute.org.au/papers/quality-key-early-childhood-education-australia/> See also Goodfellow, J. (2007) 'Childcare provision: Whose responsibility? Who pays?' *Kids Count: Better early childhood education and care in Australia*, p. 248 and Productivity Commission (2014) *Childcare and Early Childhood Learning and Inquiry Report*, Volume 2, p.310.

⁵ Social Research Centre, *2016 Early Childhood Education and Care National Workforce Census*, September 2017, page 16, downloaded at https://docs.education.gov.au/system/files/doc/other/2016_ecec_nwc_national_report_sep_2017_0.pdf

11. Given the highly feminised and younger demographic nature of this workforce, a significant number of employees covered by the Awards have caring responsibilities for their own children. The median age of ECEC educators is 34 for females and 28 for males.⁷ Many educators *are* working parents. Educators may also have caring responsibilities for parents and other relatives as well.
12. Reducing working standards in a sector that is already low paid is likely to result in a greater number of educators leaving the sector, with the associated loss of knowledge, experience and skills.
13. The difficulty in attracting and retaining qualified and experienced staff poses a critical barrier to ensuring a qualified, highly skilled, and sustainable workforce in the ECEC sector.
14. Long day care ('LDC') centres continue to experience difficulty in attracting and retaining employees to meet the requirements of the National Quality Standards.⁸ In the context of the 2014 Productivity Commission inquiry into *Childcare and Early Childhood Learning*, many providers reported shortages of Early Childhood Teachers ('ECTs') as a crippling workforce challenge.⁹ The reason this continues to be a problem is that ECTs in LDC earn one third less than their counterparts in teaching preschool programs in schools. Difficulty attracting and retaining diploma and qualified educators also poses a problem for many services, particularly those in regional areas.¹⁰ The National Quality Framework is increasing the requirements for ECTS in 2020 and there are concerns in the sector about workforce shortages.
15. There are few indications of improvement in the years since the 2014 Productivity Commission inquiry. Recent research from the Queensland University of Technology revealed that, despite the fact that the overwhelming majority of educators are dedicated to working with young children, one in five educators plan to leave the profession within the year.¹¹

⁶ PWC, *Understanding the unpaid economy*, March 2017, page 2 downloaded at <https://www.pwc.com/australia-in-transition/publications/understanding-the-unpaid-economy-mar17.pdf>

⁷ Social Research Centre, *2016 Early Childhood Education and Care National Workforce Census*, September 2017, page vii., downloaded at https://docs.education.gov.au/system/files/doc/other/2016_ecec_nwc_national_report_sep_2017_0.pdf

⁸ Productivity Commission (2014) *Childcare and Early Childhood Learning*, No. 73, 31 October 2014, pages 327-330, downloaded at <https://www.pc.gov.au/inquiries/completed/childcare/report/childcare-volume2.pdf>; NSW Government / Centre for Education Statistics & Evaluation (2016) *Key Findings From The NSW Long Day Care Survey, 2015*, downloaded at https://www.cese.nsw.gov.au//images/stories/PDF/LDC_Survey_Publication_2015.pdf

⁹ Productivity Commission (2014) vol. 2, pp. 324-30.

¹⁰ Productivity Commission (2014) vol. 2, pg. 309.

¹¹ Irvine, S., J. Sumsion, J. Lunn and K. Thorpe (2016) 'One in five early childhood educators plan to leave the profession', *The Conversation*, 23 June 2016. Accessible at: <http://theconversation.com/one-in-five-early-childhood-educators-plan-to-leave-the-profession-61279>

16. Numerous studies have confirmed the centrality of continuity in establishing strong attachments between children and their educators.¹² Every time an educator leaves their position or the sector, the impact is felt by dozens of children.¹³ The departure of an educator similarly affects their colleagues. Those who remain must modify their roles or take on new tasks to make up for the staffing disruption; this can disturb centre routines and cause unnecessary stress to children. Employee turnover also represents an unnecessary loss of skill and experience in the sector.
17. The main reason educators give for leaving the sector is inadequate compensation. Other reasons include poor working conditions; low professional status; lack of career progression; lack of support for professional development; and high stress levels caused by the physical demands and unpredictability of the job.¹⁴ Low pay is also consistently found to be the strongest predictor of staff turnover.
18. The extent of workforce turnover is a major obstacle to the achievement of a world-class ECEC system in Australia. Ultimately, retaining experienced and skilled educators within the sector has a significant impact on the quality of education children receive and the ability of parents to access quality education and care for their children.
19. Improving education and care standards, and improving access to care, requires improving, not decreasing, the working conditions of educators covered by the Awards. It also requires recognition that a significant portion of this workforce has caring needs outside of work, and that workplaces must enable educators to provide quality education and care, whilst earning a decent living and managing their out of work responsibilities.
20. Further, recent developments in neuroscience research have shown the importance of high quality ECEC to improving children's outcomes but also ensuring returns on investment for government, society and families. When governments invest early they save later on education, criminal

¹² Cassidy, D. J., Lower, J. K., Kintner-Duffy, V. L., Hegde, A. V., & Shim, J. (2011) 'The day-to-day reality of teacher turnover in preschool classrooms: An analysis of classroom context and teacher, director, and parent perspectives', *Journal of Research in Childhood Education*, 25(1), 1-23; Whitebook, M., & Sakai, L. (2003) 'Turnover begets turnover: An examination of job and occupational instability among child care center staff', *Early Childhood Research Quarterly*, 18, 273-293; Whitebook, M., & L. Sakai (2004) *By a thread: How centers hold on to teachers, how teachers build lasting careers*. Kalamazoo, MI: UPJohn Institute for Employment Research.

¹³ Whitebook, M., D. Phillips and C. Howes (2014), *Worthy Work, STILL Unliveable Wages: The Early Childhood Workforce 25 Years after the National Child Care Staffing Study*. Centre for the Study of Child Care Employment, University of California, Berkeley, p. 6.

¹⁴ Hale-Jinks, C., Knopf, H., & Kemple, K. (2006) 'Tackling teacher turnover in child care: Understanding causes and consequences, identifying solutions', *Childhood Education*, 82(4), pp. 219-26; Jovanovic, J. (2013) 'Retaining Early Childcare Educators', *Gender, Work & Organization*, 20(5), pp. 528-44; Fenech, M., Sumsion, J., Robertson, G., & J. Goodfellow (2008) 'The regulatory environment: a source of job (dis)satisfaction for early childhood professionals?', *Early Child Development and Care*, 178(1), pp. 1-14

justice, health and social services.¹⁵ This demonstrates the importance of a quality ECEC education.

Claim to extend ordinary hours

21. ACA and others make a claim to extend the span of ordinary hours from 6.30pm to 7.30pm in the Children's Services Award and in Schedule B of the Teachers' Award.

22. United Voice opposes this claim.

23. Clause 21.3 of the Children's Services Award states:

'21.3 Ordinary hours may be worked between 6.00 am and 6.30 pm. Where broken shifts are worked the spread of hours can be no greater than 12 hours per day.'

24. Clause B.1.3 of the Teachers' Award states:

'B.1.3 The ordinary hours of work will be worked between the hours of 6.00 am and 6.30 pm on any five days between Monday and Friday and will not exceed eight hours in duration. Subject to the provisions of clause 7—Award flexibility, by agreement between an employer and an employee, an employee may be rostered to work up to a maximum of 10 hours in any one day.'

25. Currently, clause 21.3 of the Children's Services Award and clause B.1.3 of the Teachers' Award meet the modern awards objective.

26. We oppose ACA and others' claim on the basis that it is unnecessary, will have a disruptive impact on the employees covered by the Awards and does not meet the modern awards objective.

¹⁵ For a summary of the most relevant neuroscience and economics research see Pascoe, S & Brennan, D. (2017) 'Review to Achieve Education Excellence in Australian Schools through Early Childhood Interventions', Confidential Draft Report (pages 35-40).

Current sector opening hours

27. ACA and others claim to extend ordinary hours is unnecessary as the vast majority of services in the industry operate within shorter hours than the span of hours within the Awards.

Table 1

Closing time	Before 6pm	At 6pm	Between 6.01pm and 6.29pm	At 6.30pm	After 6.30pm	Total
	2123	4230	225	2186	197	8,961
Percentage of total	23.7%	47.2%	2.5%	24.4%	2.2%	

28. The table has been created using data from the Australian Children’s Education and Care Quality Authority (‘ACECQA’) national registers, with specific parameters used to give an indication of closing times across the sector.¹⁶

29. Within the above table, 70.9% of services close before or at 6pm, 73.4% close before 6.30pm and 97.8% close by 6.30pm. Only 2.2% of services close after 6.30pm.

30. Whilst there may be *some* services within these that would close later if the Awards were varied, it cannot be presumed that a significant number would, and a significant number of services close much earlier than the current Award span of hours limits.

31. This indicates that there are other factors, aside from the ordinary span of hours within the Awards, that impact upon centre opening and closing hours. Witness Alicia Wade, who is a Centre Manager at Aussie Kindies at Torquay (QLD) gives evidence that *‘there is no real demand for centres to remain open past 6.30pm.’*¹⁷

¹⁶ The CSV dataset for approved services in the region ‘Australia’ was accessed on 2 April 2019 from <https://www.acecqa.gov.au/resources/national-registers>. The closing time in the table is based on closing time of a service on Mondays. The vast majority of services have the same closing time across the week, but there may be some that vary. There were a total of 15,901 services listed in the datasheet. Certain services were excluded. All services that did not have a closing time listed were excluded, and this comprised a significant number of services. 31 services were excluded for having an unclear finish time such as ‘0.00’. 89 services were excluded for having a close time of ‘23:59’, as spot checks of these services indicated this appeared to be a data error. Most services used 24 hour time however a portion of services used 12 hour time. The services using 12 hour time were manually sorted into an appropriate category. Percentages are rounded to 1 decimal point. Data sets on the ACECQA national registers are updated daily; this table reflects the information as of 2 April 2019.

¹⁷ Supplementary statement of Alicia Ann Wade dated 12 April 2019 paragraph 9.

32. Where a specific service seeks to open for longer hours, and wishes to pay employees at ordinary hours for those hours, it is open for such a service to engage in collective bargaining with employees with a view to achieving that outcome through an enterprise agreement.
33. That some employers within the sector wish to open later is not a cogent basis for extending the ordinary hours of work for *all* employees covered by the Awards across this sector, especially given employers can already open for longer hours under the current Awards.
34. The overtime rate is time and a half for the first two hours and double time thereafter under the Children's Services Award (clause 23.2(a)) and time and a half for the first three hours and double time thereafter under the Teachers' Award (clause B.4.1(a)).
35. The overtime rates under the Awards are not excessive and are consistent with industrial norms within the modern award system. It is appropriate that employees working hours after 6.30pm be paid overtime.

Educators' outside of work responsibilities

36. The submission of ACA and others states that there is a need for working parents to be able to access early education and care services, and that working women in particular require affordable child care in order to participate in the workforce.
37. However, ACA and others appear to ignore that many early childhood educators themselves are working parents, and in particular, working mothers.
38. Many educators have caring responsibilities themselves and extending the ordinary span of hours will create difficulties for these educators to pick up their own children and provide appropriate care to them. Our member Pixie Bea, educator, gives evidence that managing her caring responsibilities is difficult already with a shift that finishes at 6.30pm, and that this would increase if she were to finish at 7.30pm:

'In my own family, if I am working until 6.30pm I am reliant on my partner being able to pick my children up from school, getting their dinner ready and taking them to any extra-curricular activities they have. My partner has a disability and so sometimes struggles managing these afternoons when he needs to pick up the kids... .. If I were to finish at 7.30pm, by the time I got home my children would be in the process of getting ready for bed. This time of the evening for children is already high stress, so if I am arriving home at that time tired from my day at work I would not feel like I was able to spend quality time with them. On the afternoons I am able to arrive home not long after my children

have finished school, we are able to do activities together such as hand sewing. If I were to work until 7.30pm then I would miss out on these meaningful interactions.’¹⁸

39. Alicia Wade, Centre Manager, states:

‘If the opening hours of our centre were to extend until 7.30pm, then this means the educators would have less time with their families. I already have difficulties trying to find educators who are able to work the shift that ends at 6:30pm. A number of the educators at my centre are single mothers who do not have strong support networks. They have their own children in after school hours care which closes at 6:00pm and we stay open until 6:30pm. A number of the educators at my centre are mums who take children to sporting activities in the afternoon. Extending the opening hours of the centre would impact their caring duties in this respect.

I live with my mother and my father, who are able to care for my daughter when she finishes school if I am still at work. However, if I was required to work until 7.30pm I would miss out on spending valuable time with her. She normally sleeps at around 7:00pm so the time from when I get home from work and she goes to bed is crucial in maintaining our relationship.’¹⁹

40. The Act does not define ‘*unsocial*’ but regard should be given to the Explanatory Memorandum to the Fair Work Amendment Bill 2013 made the following observation about the addition of s.134(1)(da):

‘This amendment promotes the right to fair wages and in particular recognises the need to fairly compensate employees who work long, irregular, unsocial hours, or hours that could reasonably be expected to impact their work/life balance and enjoyment of life outside of work.’

41. It is apparent from the evidence of our members that educators would experience difficulties managing caring responsibilities if ordinary hours of work within the Awards were extended. Hours after 6.30pm within the context of ECEC are ‘*unsocial*’ hours, which are currently paid at the overtime rate in recognition of the disutility associated with work in the evening.

42. Unsupported claims made by ACA and others that extended opening hours of ECEC centres will encourage and promote ‘*the role of full-time working men in picking up children after work*’ and

¹⁸ Supplementary statement of Pixie Bea dated 10 April 2019, paragraphs 5 and 7.

¹⁹ Supplementary statement of Alicia Wade paragraphs 6 and 7.

thus 'may also have the effect of moving more women from part-time work into full-time work' should be rejected.²⁰ There is no basis for these assertions.

Team meetings

43. A further reason advanced by ACA and others for the variation is the need for team meetings to occur outside of work hours.²¹ ACA and others overstate the cost impact of team meetings for employers.
44. Team meetings within the industry generally occur monthly, and are commonly 1-2 hours in duration. Pixie Bea states '*at the centres I currently work at, team meetings are held monthly and generally start straight after the centre has closed, either at 6.00pm or 6.30pm.*'²²
45. At the many centres that close at 6pm (or earlier) team meetings would be in part or whole within the span of ordinary hours.
46. For full time employees, team meetings would *generally* have to be paid at overtime (or provided with time in *lieu* of overtime by agreement). Irrespective of whether team meetings take place outside the span of hours, teams meetings would usually attract some overtime as they take place in hours between beyond an employee's ordinary hours.²³
47. It is an option for the employer to come to an agreement with employees to provide the employee with time off in lieu of overtime (clause 23.3 of the Children's Services Award; clause B.4.2 of the Teachers' Award).

Delays in parent pick up

48. ACA and others claim that delays in parent pick up provide a rationale for extending the span of ordinary hours to 7.30pm.²⁴
49. Delays in parent pick up would vary across centres, however there is no evidence that it is widespread or that it cannot be managed effectively through the use of appropriate policies.

²⁰ ACA and others, submission, paragraph 14.8.

²¹ See for example the following statements filed by ACA and others: statement of Karthiga Viknarasah dated 1 March 2019, paragraphs 58-60; statement of Julie White dated 4 March 2019, paragraph 46; statement of Sarah Tullberg dated 4 March 2019 paragraph 46-47; statement of Rosina Maree Smith dated 1 March 2019 paragraph 38; statement of Ann Marie Chemello dated 1 March 2019 paragraph 46; statement of Kristen McPhail dated 1 March 2019 paragraph 41.

²² Supplementary statement of Pixie Bea, paragraph 10.

²³ Both Awards curtail and limit the use of casual employment and if the employer is complaint the workforce should be predominately composed of full-time and permanent part-time employees. Under the Children's Service Award at clause 10.5(b) a casual employee can only be engaged for 'temporary and relief purposes.' Under clause 10.5 of the Teachers Award a casual employee can only be engaged for 4 weeks and thereafter only by agreement.

²⁴ ACA and others, submission filed 15 March 2019, page 19.

50. A number of the witnesses that ACA relies on indicate that their centres charge parents a late fee when children have to be picked up late.²⁵ In effect, extending opening hours in circumstances where the employer charges parents for the disutility of picking up a child late and not recognising the same disutility from the perspective of the employee is ‘*double dipping*’ and intrinsically unfair.
51. In the evidence of our members, it is rare for parents to pick up their children late. Pixie Bea states:
- ‘In my experience, it has been rare for parents to pick their children up even after 6:15pm. In 14 years working in centres I have only once heard of a parent picking up their child after 7pm and that was an extremely uncommon occurrence.’*²⁶
52. Bronwen Hennessy and Alicia Wade also give evidence that delays in parent pick up are not common.²⁷ Witness Alicia Wade states:
- ‘In the two and a half years that I have managed Aussie Kindies at Torquay, we have only had two cases of parents picking their children up after 7.00pm. The majority of our families work within a 20 minute drive of the centre so most of the time the children are picked up around 5.00pm or by 6.15pm at the latest.’*²⁸
53. It is inevitable that there will occasions when parents are late in picking up children due to circumstances that may be beyond their control, regardless of the closing time of a service. Even if ordinary hours were to be extended to 7.30pm, and a service was open until then, there would be occasions when parents would pick up children after the centre closes.
54. The most appropriate response is not to vary the ordinary span of hours for all employees within this sector but to appropriately manage late pickups through centre policies and procedures. As noted a significant number of centres have policies by which parents must pay a late fee if they

²⁵ See for example the following statements filed by ACA and others: statement of Alison Wharton dated 4 March 2019, paragraph 33 (late fee of \$40 per 15 minutes after 6.30pm); : statement of Nicole Louise Llewellyn dated 11 March 2019, paragraph 37(c) (late fee after 6.30pm); statement of Jae Fraser dated 14 March 2019, paragraph 55 (late fee of \$5 a minute); statement of Katy Paton dated 14 March 2019, paragraph 41; statement of Alexandra Hands dated 12 March 2019, paragraph 36 (late fee of \$15 for every 15 minutes after 6.30pm); statement of Ann Marie Chemello dated 1 March 2019, paragraph 39 (\$1 per minute after 6.30pm, \$5 a minute for repeat offenders); statement of Rosina Maree Smith dated 1 March 2019, paragraph 41 (\$1.50 per minute after 6pm); statement of Sarah Tullberg dated 4 March 2019, paragraph 31 (\$2 per minute after 6.30pm); statement of Melinda Ackerman dated 1 March 2019, paragraph 36 (late fee of \$1 per minute after 6.30pm); statement of Karthiga Viknarasah dated 1 March 2019, paragraph 41 (late fee of \$20 for the first 5 minutes from 6pm, and \$1 per minute after that).

²⁶ Supplementary statement of Pixie Bea paragraph 9.

²⁷ Supplementary statement of Bronwen Hennessy paragraph 5.

²⁸ Supplementary statement of Alicia Wade paragraph 5.

fail to pick up their children by a particular time. It is unrealistic to assume that these policies would change should the span of ordinary hours be extended.

55. Employees within this sector, who are largely low paid, should not have to bear the cost of late pickups.

Ordinary hours across other awards

56. The ordinary hours of work table in paragraph 16.6 of the ACA and others' submission contains significant inaccuracies.
57. The *Health Professionals and Support Services Award 2010* does contain an ordinary span of hours. For day workers, ordinary hours of work are 6am to 6pm, Monday to Friday (clause 24.1). There are specific ordinary hours of work for particular service types (see clause 24). It is incorrect to state that this award does not have a span of hours.
58. In the *Medical Practitioners Award 2010*, the span of hours for full-time day work Medical Practitioners except Senior Doctors is 6.00 am to 6.00 pm Monday to Friday (clause 21.1). The span of hours for Senior Doctors is 7.00am to 6.00pm Monday to Friday (clause 21.1). It is incorrect to state that this award does not have a span of hours.
59. The *Educational Services (Teachers) Award 2010* does not contain a span of hours (aside from in Schedule B) not because teachers would be required to work ordinary hours at any time, but because schools have specific hours of operation and as stated in clause 19.3 '*an employee is not generally required to attend for periods of time when the students are not present, subject to the needs of the employer with regard to professional development, student free days and other activities requiring the employee's attendance*'.
60. The relevance of ordinary hours of work across other modern awards to this review is limited. Different awards contain different ordinary hours depending on the type of industry, the common hours of operation and conditions contained in pre-modern predecessor awards.
61. We oppose ACA and others' proposition that ordinary hours in ECEC should commence earlier and conclude later than other industries. This is tied to their characterisation of the primary purpose of this industry as being '*to provide a place for young children to be when their parents are unable to care for them in the home because they are at work.*'²⁹
62. We disagree with this characterisation. ECEC is not a baby sitting or child minding service. The primary purpose within the ECEC sector is to provide quality education and care for children.

²⁹ ACA and others, submission, paragraph 16.1.

The National Quality Standards emphasise the delivery of educational program and practice that enhances children's learning and development and helps children to build life skills.³⁰

63. Ordinary hours of work within this sector need to be understood in this context, and set in accordance with industry needs and the modern awards objective. It is not appropriate to set the ordinary hours of work for educators based around the span of hours within *other* industries.
64. There is a further general merit consideration that ECEC should not be considered a sector where the aspiration of continuous or extended service delivery, a 24/7 service, is necessarily desirable. The Awards deal with the care and education of children from birth to 6 years of age. An ECEC centre is not a medical, correctional, industrial³¹ or hospitality enterprise where there are defensible, social, economic or scientific justifications for extended or continuous service delivery. Extending the normal hours of operation of ECEC is potentially problematic for broad social and health reasons. For children and their parents, the normalisation of absences well into the early evening is inappropriate.

Current mechanisms within the Awards to manage extended hours of operation

65. The Awards provide ways for an employer to manage ordinary hours of work appropriately.
66. Clause 23.2 of the Children's Services Award states:

23.2 Overtime rates

(a) Overtime will be paid at the rate of time and a half for the first two hours and double time thereafter. In calculating overtime, each day's work will stand alone.

(b) Where, due to a genuine and pressing emergency situation, an employee is required to remain at work after their normal finishing time such time will be paid at the ordinary rate for the employee's classification. Provided that such emergency overtime does not exceed one hour per week. For the purposes of this subclause an emergency situation may include a natural disaster affecting a parent, another employee or the centre/service, the death of a child or parent, or a child requiring urgent hospitalisation or medical attention.

67. Clause 23.2(b) already provides that in genuine and pressing emergency situations, employees who are required to remain at work will be paid the ordinary rate of pay and not overtime. This is a novel term that removes an employee's entitlement to overtime on the basis of an emergency affecting the parents or other employees. The existence of such a term should be taking into

³⁰ Guide to the NQF, page 93.

³¹ Such as an iron ore smelter where for reasons of thermodynamic and economy continuous operation is a necessary industrial objective.

account in determining this matter, as it would cover some of the circumstances that ACA and others puts to the Commission as justifying an expansion of ordinary hours.

68. In addition, clause 23.3 of the Children's Services Award provides that *'(a) An employee and employer may agree in writing to the employee taking time off instead of being paid for a particular amount of overtime that has been worked by the employee'*. The same term appears as clause B.4.2 of the Teachers' Award. This enables an employer and an employee to agree to time off in lieu of overtime and could be utilised, where appropriate and where agreed, for late pickups or team meetings.

The rostering claim

69. ACA and others seek to vary the Awards to exempt an employer from having to provide 7 days' notice in circumstances where another employee has provided less than 7 days' notice of their inability to perform a rostered shift and there are issues with meeting staff to child ratios. United Voice opposes this claim.
70. This claim is opposed on the basis that it is unnecessary and does not meet the modern awards objective.
71. Clause 21.7(a) and (b)(i) of the Children's Services Award states:

21.7 Rostering

(a) An employer will post a legible roster at a place readily accessible to employees indicating the rostered hours of work.

(b) (i) An employer may change an employee's rostered hours, but only by giving the employee seven days' notice. In the absence of such notice overtime will be paid until seven days have elapsed from the date the notice was given. However, an employee and employer may agree to waive or shorten this notice period in a particular case. Such agreement must be recorded in writing and form part of the time and wages records.

(ii) The employer is also relieved of the obligation to provide the full seven days' notice where an emergency outside of the employer's control causes the employer to make the change. In this clause, emergency means any situation or event that poses an imminent or severe risk to the persons at an education and care service premises, or a situation that requires the education and care service premises to be locked-down.

72. Clause 21.7(b) requires that an employer must give an employee a minimum of 7 days' notice of a roster change. In the absence of such notice, overtime will be paid. However, there are notable exceptions to this.

73. The first exception is that an employee and an employer may agree to waive or shorten this notice period (clause 21.7(b)(i)).

74. The second exception is that the employer is relieved of the obligation to provide a full 7 days' notice where there is an emergency outside of the employer's control (clause 21.7(b)(ii)).

75. The exceptions within the Children's Services Award are sufficient for employers to manage rostering issues. Further exceptions for the employer are not required.

76. The Teachers' Award contains different provisions. For part time employees, clause 10.4(d) applies:

'(d) An employer cannot vary a part-time employee's teaching load or days of attendance unless:

(i) the employee consents; or

(ii) where such a variation is required as a result of a change in funding, enrolment or curriculum, the employer provides seven weeks' notice in writing in the case of a school teacher or four weeks' notice in the case of an early childhood teacher, or where the change would result in a reduction in salary, the salary of the teacher is maintained for a period of seven weeks in the case of a school teacher or four weeks in the case of an early childhood teacher'.

77. As stated earlier in paragraph 9, ECEC is a highly feminised sector, and many educators are working mothers with caring responsibilities to manage. Whilst the roster change clause would ideally provide for a greater period of notice for roster changes, the 7 days' notice required for change of roster under the Children's Award at least provides some measure of security for employees in planning out their outside of work commitments. The 4 weeks' notice under the Teachers' Award is also appropriate.

78. Roster changes without adequate notice can be disruptive and can have a significant impact on the ability of employees to attend to their family and caring responsibilities. For example, employees who are parents generally need to make arrangements for children in advance – whether that is for pick up/drop off, attending after school activities or care at home. Late changes to a roster can disrupt arrangements that have been made in advance. Bronwen Hennessy gives evidence that:

'If my roster was changed at short notice without my consent, it would make planning my life very difficult. For example, if I have a doctors appointment booked one afternoon after my shift but my shift is changed at the last minute without my consent, then I have to

*make the choice between potentially getting a non-attendance fee from my doctor or not attending part of my rostered shift.*³²

79. Employees who have caring responsibilities for parents, spouses or others may have made arrangements for hospital and other appointments in advance. Again, late changes to a roster can disrupt these arrangements.

80. Employees within this sector generally try and accommodate roster changes where possible. Pixie Bea states:

*‘There have been occasions at most centres I’ve worked at where staff have needed to have their shift changed to meet service requirements on short notice. This was usually due to educators being away sick, or the director needing to move people to manage conflicts within the staff teams. In my experience, people are understanding of why these shift changes need to occur when a colleague is sick or has a family emergency and are normally willing to swap or change shifts if it does not create difficulties for their own caring responsibilities.’*³³

81. Alicia Wade, who does rostering for her centre, states:

*‘...if someone has an urgent appointment or some other unusual circumstance that needs to be accommodated, I try and find another staff member who is willing to cover the shift or change shifts. Most staff are flexible and cooperative with these amendments to rosters because they understand that their co-workers have unexpected illnesses or appointments.’*³⁴

82. The evidence of ACA and others overwhelmingly suggests that if possible, employees will accommodate late roster changes.³⁵ Employees generally refuse late roster changes in circumstances where they have their own caring responsibilities or medical appointments.

83. There is no evidence before the Commission that employees covered by these Awards routinely refuse roster changes for no reason.

84. If an employer and an employee cannot come to an agreement about a late roster variation, under the Children’s Services Award, an employer can vary the roster provided that overtime is paid (clause 21.7(b)(i)). The overtime payment compensates the employee for the disutility occasioned by the disruption to their plans, and may enable them to offset some of the costs associated with

³² Supplementary statement of Bronwen Hennessy paragraph 12.

³³ Supplementary statement of Pixie Bea paragraph 15.

³⁴ Supplementary statement of Alicia Wade paragraph 11.

³⁵ See for example the following statements filed by ACA and others: statement of Melinda Ackerman, dated 1 March 2019, paragraph 54; statement of Sarah Tullberg dated 4 March 2019 paragraph 78; statement of Rosina Maree Smith dated 1 March 2019 paragraph 81; statement of Statement of Kristen McPhail dated 1 March 2019, paragraph 70; statement of Nicole Louise Llewellyn dated 11 March 2019, paragraph 72.

the late roster change (such as payment for a babysitter, cancellation of medical appointments etc.).

85. The actual effect of the variation ACA and others seek will be to create difficulties for employees who have refused a roster variation for good reason, whether that be that they have to pick up their own child from school, attend a medical appointment or care for a sick relation or attend university or TAFE.
86. The Awards both permit the engagement of casual employees. Casual employees can be employed for temporary and relief purposes (clause 10.5(b) of the Children's Services Award) or for a maximum of 4 consecutive weeks (clause 10.5(a) of the Teachers' Award).³⁶ Where an employee is sick or unavailable due to unexpected circumstances, it is open for an employer to utilise casual employees to fill in rostering gaps. This is the method used by Alicia Wade who gives evidence that she has '*one diploma qualified educator on staff as a casual and she is generally who I rely on to cover unexpected absences.*'³⁷

The modern awards objectives

87. Section 134(1) of the Act requires that the Commission ensure that modern awards together with the National Employment Standards provide a '*fair and relevant minimum safety net of terms and conditions of employment*'.
88. ACA and others' claims to extend the span of ordinary hours and to introduce a further exemption concerning prohibitions on providing 7 days' notice of a roster change is inconsistent with the modern awards objective.

Consideration 134(1)(a)

89. Section 134(1)(a) of the Act requires the Commission to take into account '*relative living standards and the needs of the low paid*'. The vast majority of employees in this sector earn low wages, with commencement rates for a Certificate III qualified educator (Level 3.1) at \$22.04 per hour and for a Diploma qualified educator (Level 3.4) at \$24.81 per hour. ECTs in the ECEC sector earn lower wages than teachers in other settings.
90. The need to take into account living standards should include consideration of the impact of these variations on the ability of employees to manage their caring responsibilities alongside paid employment. Increasing the span of ordinary hours until 7.30pm and introducing new uncertainty

³⁶ By agreement, the casual engagement of a teacher may be extended to a maximum of one school term in the case of teachers in a preschool or a total of 10 weeks in any other case (clause 10.5(b) of the Teachers' Award).

³⁷ Supplementary statement of Alicia Wade paragraph 12.

in rostering creates will create difficulties for employees with caring responsibilities for children, parents or others. As the evidence demonstrates, educators with children need to leave work in order to pick up their own children, and also, to spend *time* with their own children.³⁸ Educators also need some certainty in rostering to prepare and manage their lives outside of work obligations.

91. The claim by ACA and others that the extension of ordinary hours to 7.30pm within the Awards will increase the relative living standards and the needs of *all* low paid Australians is nonsense.³⁹ There is no credible evidence in these proceedings that extending ordinary hours until 7.30pm will increase workforce participation of both parents or decrease in any significant way the cost of childcare, given that delays in parent pick are infrequent. The only material before the Commission is hearsay statements from directors and employers indicating parents would appreciate extended hours of operation. This material can be fairly characterised as self-serving. In light of the alleged significance of the need for extended hours of operation, the absence of any independent material from parents is telling.
92. ACA and others have failed to acknowledge that there are disparities in use of ECEC across income levels. In Australia, children from high income families are considerably more likely to use formal ECEC services than children from low income families.⁴⁰
93. Nothing submitted within these proceedings by ACA and others goes beyond supposition that extending the span of ordinary hours, and having some services *potentially* open one hour later, will improve access and the affordability of ECEC for the *low paid*.
94. United Voice supports increased access to ECEC for children from low income families and parents who work shift work, however the variations sought by ACA and others will not have any real impact on increasing access or affordability of ECEC for such workers. The variations would only very marginally assist a night shift worker with caring responsibilities. The absence of any information from ACA and others concerning this cohort is also telling.
95. Moreover, there are many other appropriate methods by which the relative living standards and needs of all low paid Australians could be improved, such as substantially increasing minimum wage rates and award wages, increasing access to family friendly work arrangements, increasing penalties for shift work and decreasing the incidence of casual, temporary and contract work.

³⁸ Supplementary statement of Pixie Bea paragraphs 5 and 7; supplementary statement of Alicia Wade, paragraphs 6- 7.

³⁹ ACA and others, submission, paragraph 26.3.

⁴⁰ OECD, *Who uses childcare? Background brief on inequalities in the use of formal early childhood education and care (ECEC) among very young children*, June 2016, page 6, downloaded from https://www.oecd.org/els/family/Who_uses_childcare-Backgrounder_inequalities_formal_ECEC.pdf

Consideration 134(1)(b)

96. Section 134(1)(b) of the Act requires the Commission to take into account the need to encourage collective bargaining. ACA and others submit that the variations they have proposed ‘*have the potential to increase the prospect of collective bargaining based on a particular centres needs.*’⁴¹ Conversely, centres that currently wish to expand ordinary hours until after 6.30pm could engage in collective bargaining with a view to achieving this aim. This consideration does not support the granting of ACA and others’ claims. It is a consideration that points in the other direction, the Act assumes that if an employer want greater flexibility, this should be achieved by enterprise bargaining.

Consideration 134(1) (c)

97. Section 134(1) (c) requires the Commission to take into account the need to promote social inclusion through increased workforce participation. ACA and others submit that extending the span of ordinary hours will generate workforce participation. Again, ACA and others does not support this critical assertion with any useful evidence.

98. ACA and others submit that their rostering claim will ensure that ‘*part-time childcare workers are provided with flexibility to ‘swap shifts’ when required for personal reasons to assist in providing workplace flexibility, which helps employee participation in the workforce and employee retention.*’⁴² Shift swapping is not a part of ACA and others’ draft determination so this is irrelevant to this consideration.

99. Rather, the variations sought by ACA and others will reduce social inclusion and potentially reduce workforce participation in this sector.

100. As noted ECEC is a highly feminised industry and a significant portion of educators work on a part time basis.⁴³ Work and family arrangements in Australia are gendered, and a significant number of women work part time *because* of caring responsibilities. Notably, more than 40% of mothers work part-time, compared to 4-5% of fathers.⁴⁴

101. Reducing the ‘*family friendliness*’ of these Awards is likely to reduce workforce participation. There is the potential that some educators may exit the sector if the span of hours under the

⁴¹ ACA and others, submission, paragraph 27.1.

⁴² ACA and others, submission, paragraph 28.2.

⁴³ Social Research Centre, *2016 Early Childhood Education and Care National Workforce Census*, page viii.

⁴⁴ Australian Institute of Family Studies, *Facts and Figures: Work and Family*, downloaded from <https://aifs.gov.au/facts-and-figures/work-and-family>

Awards interferes with their ability to care for their children in the evening, or if uncertainty in rostering creates difficulty in managing out of work commitments.

Consideration 134(1) (da)

102. Section 134(1) (da) of the Act requires the Commission to take into account, relevantly, the need to provide additional remuneration for employees working overtime, unsocial, irregular or unpredictable hours, or working shifts. The need to provide additional remuneration in such cases arises from the disruptive and harmful effects of working at the times and in the circumstances identified in section 134(1)(da)(i),(ii) and (iv). This consideration is significant. The effect of the variations sought by ACA and others would be to remove overtime penalties for hours worked between 6.30pm and 7.30pm, and to remove overtime penalties for late roster changes (where agreement cannot be reached).

103. The Awards appropriately provide overtime penalties for hours worked between 6.30pm and 7.30pm, and for late roster changes.

104. Hours worked after 6.30pm are ‘*unsocial*’. Late roster changes are disruptive and are properly classed as ‘*irregular*’ and ‘*unpredictable hours*’. There is a need to provide additional remuneration for such hours, and it is appropriate that the Awards, as they stand, provide overtime in both situations. The variations sought by ACA and others are inconsistent with this consideration and should be rejected.

Consideration 134(1) (f)

105. Section 134(1) (f) requires the Commission to take into account the likely impact of the exercise of modern award powers on business, including productivity and employment costs. The claims of ACA and others, which would reduce the ‘*family friendliness*’ of these Awards could potentially result in increased employment costs if this results in employees leaving the sector, with employers required to rehire and retrain new employees. ECEC already has a high turnover rate, and further reductions in working conditions are likely to increase this.⁴⁵

Consideration 134(1) (g)

106. Section 134(1) (g) requires the Commission to ensure that the modern award system is simple, easy to understand, and stable and sustainable. ACA and others emphasise that the ordinary hours

⁴⁵ Irvine, S., J. Sumsion, J. Lunn and K. Thorpe (2016) ‘One in five early childhood educators plan to leave the profession’, *The Conversation*, 23 June 2016. Accessible at: <http://theconversation.com/one-in-five-early-childhood-educators-plan-to-leave-the-profession-61279>

of work in the Awards should reflect ordinary hours in other industries. The Commission is required to review the Awards ‘*in their own right*’, not by reference to ordinary hours of work in other industries. Further, the Awards already contain sufficient rostering flexibility to enable employers to meet staff to child ratios. This consideration does not support the granting of ACA and others’ claims.

Consideration 134(1) (h)

107. Section 134(1) (h) requires the Commission to take into account the likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy. ACA and others claim their variations will serve the interest of the Australian economy and go so far as to argue that if the Awards are varied as sought ‘*the Commission will accordingly be boosting Australian employment and Australia’s performance, competitiveness and long term economic sustainability.*’⁴⁶ ACA and others have not filed any evidence in these proceedings in support of this. This consideration does not support the granting of ACA and others’ claims.

108. The claims of ACA and others do not meet the modern awards objectives and should be dismissed.

Submission of the IEU filed 15 March 2019

Variation to the coverage of Directors who have teaching qualifications

109. The IEU makes a claim to vary the definition of ‘*teacher*’ so that employees in early childcare centres who have teacher qualifications and are engaged as Directors are classified under the Teachers’ Award. United Voice opposes the claim.

110. At present, directors of early childhood services with a teaching degree may be covered by the Children’s Services Award or the Teachers’ Award.

111. Clause B.1.10 of the Children’s Services Award recognises that directors may hold a relevant degree, including a ‘*3 or 4 year Early Childhood Education qualification*’.

112. Clause 15 of the Teachers’ Award recognises early childhood/preschool teachers who are appointed as directors, and provides a specific allowance for this purpose.

113. The appropriate award for an employee covered by the Awards in this circumstance should be based on the duties performed by the employee.

⁴⁶ ACA and others, submission, paragraph 34.5.

114. A teacher is a person employed to deliver, assess and implement an educational program. Such an employee is properly classified under the Teachers' Award. A Director who is not delivering, assessing and implementing an educational program is not a teacher, and is properly classified under the Children's Services Award. Alternatively, a Director who performs a significant teaching role as part of their duties should be classified under the Teachers' Award.

Minimum engagement for casuals

115. The IEU also makes a claim to vary clause 14.5(b)(ii) to clarify the minimum pay entitlements of casual employees in children's or early childhood education services. We support this claim.

Submission of Ms Isabelle Arrabalde and Ms Elizabeth Arrabalde filed 15 March 2019

116. Ms I. Arrabalde and Ms E. Arrabalde make a claim for an allowance for educational leader and an allowance for responsible person(s) in an ECEC setting.

117. We make similar claims in our submission dated 15 March 2019.

118. We support these claims to the extent that they are consistent with ours claims that cover the same issues.

**United Voice
12 April 2019**

FAIR WORK COMMISSION

MATTER NO. AM2018/18

Four Yearly Review of Modern Awards

Children's Services Award 2010

Educational Services (Teachers) Award 2010

Supplementary statement of Alicia Ann Wade

I, Alicia Ann Wade, Centre Manager at Aussie Kindies -Torquay, of 2 Beth Street, Wondunna, in the State of QLD, say:

Personal Details

1. I am a member of United Voice and a delegate of the Union within my workplace.
2. I have previously provided a statement in these proceedings dated 8 March 2019.
3. I have read the claims regarding extending the ordinary hours of work and rostering filed on 15 March 2019 by the Australian Childcare Alliance and others.

Ordinary Hours

4. I am the Centre Manager of Aussie Kindies at Torquay and our opening hours are 6.30am to 6.30pm.
5. In the two and a half years that I have managed Aussie Kindies at Torquay, we have only had two cases of parents picking their children up after 7.00pm. The majority of our families work within a 20 minute drive of the centre so most of the time the children are picked up around 5.00pm or by 6.15pm at the latest.
6. If the opening hours of our centre were to extend until 7.30pm, then this means the educators would have less time with their families. I already have difficulties trying to find educators who are able to work the shift that ends at 6:30pm. A number of the educators at my centre are single mothers who do not have strong support networks. They have their own children in after school hours care which closes at 6:00pm and we stay open until 6:30pm. A number of

the educators at my centre are mums who take children to sporting activities in the afternoon. Extending the opening hours of the centre would impact their caring duties in this respect.

7. I live with my mother and my father, who are able to care for my daughter when she finishes school if I am still at work. However, if I was required to work until 7.30pm I would miss out on spending valuable time with her. She normally sleeps at around 7:00pm so the time from when I get home from work and she goes to bed is crucial in maintaining our relationship.
8. We have staff meetings at least once per month. They are always scheduled to happen after 6.30pm and they usually go for about two hours. Educators usually bring their children along to these meetings because they struggle to find care. They are usually provided with time off in lieu for their attendance at the meetings. Though if someone wanted to be paid overtime instead of time off in lieu, then I would pay them overtime.
9. In my view as a Centre Manager, there is no real demand for centres to remain open past 6.30pm. Further, the opening hours in the industry are already long for educators.

Rostering

10. I am currently responsible for the rostering at my centre. I do my best to publish rosters 4 weeks in advance. If any amendments are required, I make these 7 days in advance of the roster coming into effect. Educators at my centre are provided with at least seven days' notice for rosters and any amendments to rosters.
11. However, if someone has an urgent appointment or some other unusual circumstance that needs to be accommodated, I try and find another staff member who is willing to cover the shift or change shifts. Most staff are flexible and cooperative with these amendments to rosters because they understand that their co-workers have unexpected illnesses or appointments.
12. I have one diploma qualified educator on staff as a casual and she is generally who I rely on to cover unexpected absences.
13. I generally have not had a problem with complying with the requirement to give seven days' notice of amendments to rosters or obtaining staff consent to amend rosters.



Witness Signature

____Alicia

Ann

Wade_____

Witness Name

Date: 12 April 2019

FAIR WORK COMMISSION

MATTER NO. AM2018/18

Four Yearly Review of Modern Awards

Children's Services Award 2010

Educational Services (Teachers) Award 2010

Supplementary Statement of Bronwen Hennessy

I, Bronwen Hennessy, Educational Leader and assistant nursery room educator at Community Kids Greenacres Early Childhood Centre of 6a Cityside Drive, Lightsview, in the State of South Australia, say:

1. I have previously provided a statement in relation to these proceedings dated 11 March 2019.
2. I have read the Australian Childcare Alliance and other's submissions regarding the variation to the ordinary span of hours and rostering.

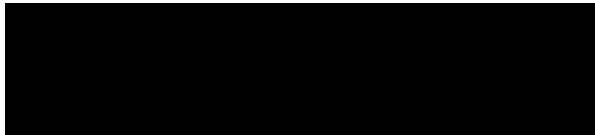
Variation to ordinary span of hours

3. The centre that I currently work at is open 6.30am to 6.30pm. It is approximately 8 – 10 km from the Adelaide CBD, which is about a 20 minute drive.
4. Through conversations with parents and other educators, I am aware that some of the parents of the children at the centre work in the CBD and pick their children up at the end of their work day.
5. In my experience, most children have been picked up by their parents before 6.15pm. We occasionally have parents who run late when there is an emergency or some other unusual circumstance, though this doesn't happen often. The centre has a policy in place so that if a parent is running late and they pick their child up after 6.30pm, then they are charged a late fee. The staff who are there after 6.30pm are also paid overtime. The centre doesn't currently have "serial offenders" who are frequently late to pick their children up. In my experience, it is rare for staff to need to stay late.

6. I have previously provided details of my second job as a disability support worker with my statement dated 11 March 2019. I often do this work in the evenings after my shifts at Greenacres.
7. My salary as an educator is modest I have come to rely on the extra income that this second job provides me.
8. If Greenacres were to extend the opening hours to 7.30pm and I were rostered on to work until 7.30pm then it is likely I would not be able to do undertake work in the evenings as a disability support worker. Finishing at 7.30pm would mean that I would arrive at the client's home between 8 – 8.30pm and given the nature of the work I do with these children, it would not be worth the family hiring me. This would limit the supplementary income I am currently getting and I have come to rely upon.

Rostering claim

9. Our centre director currently works very hard to ensure our rostering takes all staff's availabilities and requirements into account.
10. As far as I am aware, our centre has a small group of casual workers and temporary relief staff that we call on when a shift needs to be covered last minute. I haven't been aware of any problems using these staff.
11. Currently, if we have any rostering requests, we are required to provide them to the director two weeks in advance. I am able to plan my life outside of work around my roster being available more than one week in advance. This means I can plan shifts in my second job, doctors appointments, and the running of other errands.
12. If my roster was changed at short notice without my consent, it would make planning my life very difficult. For example, if I have a doctors appointment booked one afternoon after my shift but my shift is changed at the last minute without my consent, then I have to make the choice between potentially getting a non-attendance fee from my doctor or not attending part



Witness Signature

____Bronwen Hennessy 10/4/19_____
Witness Name (printed) Date:

FAIR WORK COMMISSION

MATTER NO. AM2018/18

Four Yearly Review of Modern Awards

Children's Services Award 2010

Educational Services (Teachers) Award 2010

Supplementary statement of Pixie Bea

I, Pixie Bea, Educator at YWCA Canberra, of 7/57 Sandover Circuit, Amaroo, in the A.C.T, say:

1. I am a member of United Voice and a delegate of the Union.
2. I have previously provided a statement in these proceedings dated 4 March 2019.
3. I have read the submissions of the Australian Childcare Alliance and others filed 15 March 2019 relating to the ordinary span of hours and rostering.
4. I currently work with the YWCA across four centres in Canberra as a casual educator. At the time of giving my previous statement, I had a six week placement at YWCA Currawong which has now ended. I move between Fairley Early Childhood Service, Winyu Early Childhood Service, Currawong Early Childhood Service and Campbell Cottage depending on where I am needed. These centres all have varying hours of operation that span between 7.00am – 6.30pm.

Ordinary hours of work

5. In my conversations with other educators in my workplace, I know that working until 6.30pm can put a strain on caring responsibilities and duties at home. In my own family, if I am working until 6.30pm I am reliant on my partner being able to pick my children up from school, getting their dinner ready and taking them to any extra-curricular activities they have. My partner has a disability and so sometimes struggles managing these afternoons when he needs to pick up the kids.
6. I have heard other educators in my workplace express concerns about managing caring responsibilities when they are on the shift that finishes at 6.30pm and so I know that the late shift finishing at 6.30pm is already difficult for some educators. If opening hours were extended to 7.30pm then this would be even more of a strain on educators.

7. If I were to finish at 7.30pm, by the time I got home my children would be in the process of getting ready for bed. This time of the evening for children is already high stress, so if I am arriving home at that time tired from my day at work I would not feel like I was able to spend quality time with them. On the afternoons I am able to arrive home not long after my children have finished school, we are able to do activities together such as hand sewing. If I were to work until 7.30pm then I would miss out on these meaningful interactions.
8. My children do Cub Scouts in the evenings, and I'd love for them to be able to take up other pursuits. If I were required to work until 7.30pm, I would be lucky to make it home in time to pick them up after Cubs. As I mentioned above, my husband can struggle with juggling these activities and so I prefer to be available to assist him when I can. I also wouldn't be able to participate as a parent volunteer with Cubs, which is something I value. This would impact on our ability to participate meaningfully in our community.
9. In my experience, it has been rare for parents to pick their children up even after 6:15pm. In 14 years working in centres I have only once heard of a parent picking up their child after 7pm and that was an extremely uncommon occurrence.
10. At the centres I currently work at, team meetings are held monthly and generally start straight after the centre has closed, either at 6.00pm or 6.30pm. I usually attend the meetings if I am able to.

Rostering

11. Currently, I work casually, and the unpredictable nature of my hours is a significant stress factor. I would prefer to have a permanent position but at the moment I have not found such a position.
12. The permanent staff at the centres I work at generally have permanent shifts that have infrequent variations. As a casual, I am usually rostered on to cover the unexpected absences that occur in the centres. This means that my roster is usually provided to me on a Friday to begin the following Monday. Changing my hours with little notice can cause significant disruption to my life outside of work, especially in relation to managing my children's school drop offs and pick-ups.
13. As a parent, I require stability to provide care for my own children. If educators who are parents rely on out of school hours care or support from families then shift changes with little notice places extreme stress on all of these relationships.

14. My sister works in a call centre and I assist her currently by looking after my nephew one Friday a fortnight. Insufficient notice of my shift changes could impact on my sister's ability to work.
15. There have been occasions at most centres I've worked at where staff have needed to have their shift changed to meet service requirements on short notice. This was usually due to educators being away sick, or the director needing to move people to manage conflicts within the staff teams. In my experience, people are understanding of why these shift changes need to occur when a colleague is sick or has a family emergency and are normally willing to swap or change shifts if it does not create difficulties for their own caring responsibilities.



Witness Signature

Pixie Bea, 10/4/19

Witness Name (printed) Date: