

IEU REPLY SUBMISSIONS: TRANCHE 2 EXPOSURE DRAFTS

EDUCATIONAL SERVICES (SCHOOLS) GENERAL STAFF AWARD

Commission's Provisional View

1. We agree with the Commission's provisional view that the variations proposed of the above award as set out in the revised exposure draft are necessary to achieve the modern awards objective.

Submissions of ABI and The NSW Business Chamber Ltd.

2. We agree with the submissions of ABI and The NSW Business Chamber Ltd in their proposed rewording, for clarity, of Schedule C.2 Expense related allowances.

Submissions of the Associations of Independent Schools

3. The Associations suggest three further variations to the exposure draft.
4. We do not agree with the variation proposed to the formula at cl. 12.2 for calculating annual salary for an employee on leave without pay during term weeks. The exposure draft clause is the existing clause. There is no evidence that use of the existing clause has been misinterpreted or has created problems in respect of part-time employees.
5. The Associations suggest substantial changes to the unpaid meal breaks clause.
6. We support the revised provisions of the exposure draft in respect of unpaid meal breaks.
7. We oppose the variation proposed by the Associations at paragraph 17 of their submissions. The proposed variation does not make the award term clearer. Instead it appears designed to diminish the existing entitlement by denying a lunch break to some employees working a broken shift.
8. We agree with the proposal to vary cl. 21.3 Reasonable additional hours – part-time employees, for the reasons set out by the Associations.

Submissions of the Federation of Parents and Citizens Associations of NSW

9. This submission primarily concerns the scope of the award and associated issues of the appropriate award for coverage. It seeks a significant variation to the award more than 2 years after the Commission issued directions requiring any party seeking a substantive change to the provisions to file those proposals and more than 12 months since the last of those proposals was fully dealt with by the Commission.

10. If the Commission is minded to deal with this issue it should, as a matter of fairness, be referred to a separate Full Bench and a hearing programmed for directions.