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3 October 2016

Vice President Catanzariti
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

Re: AM2015/6, AM2014/225 – Educational Services (Schools) General Staff Award 2010 [MA00076]

Dear Vice President Catanzariti,

I write in response to your Order (AM2015/6, AM2014/225), issued 21 December 2015. I recognise that the period for submissions may be over and that this submission may have little relevance. However, I believe it ought to be written, given that there appears to have been little argument presented along similar lines. I have grave concerns about the impact that the amendments to the *Instructional Services* grading in the *Educational Services (Schools) General Staff Award 2010* will have on young employees engaged as Sport Coaches.

My Background

I am a full-time university student, currently completing my final semester. While studying for the past six years I have been employed as a Casual Rowing Coach and Casual Rugby Coach at two Independent Boys' Schools in Melbourne. As part of my roles, I have been directly and solely responsible for rowing crews of nine students during their training sessions and while competing at regattas and for rugby teams of up to 25 students, at times in co-operation with a team manager (school teacher).

In 2009, I was accredited by the Australian Rugby Union as a Level 1 Rugby Referee and Coach. In 2014 I was accredited by Rowing Australia, as a Level 2 Club/School Coach through their Recognition of Prior Learning process. I was first employed in the industry as a full-time Sports Assistant and Sports Coach in the UK during 2010. From 2011 until the end of the 2016 rowing season, I was employed as a Sport Coach on a casual basis as mentioned above.

Throughout my employment at both Melbourne schools, I am confident that my roles ought to have fallen under the former scope of *Instructional Services grade 2 (Level 5)*, as I was engaged as a coach of a team, training students and guiding them through external competition against other schools. [REDACTED]
[REDACTED]

As a casual employee, there is little scope to challenge this grading. Despite the obvious legal protections, the reality in casual work is that should you wish to keep your role, it is probably unwise to challenge your employer.

Although I am now no longer employed under the award, as I will be moving into full-time employment in another industry in 2017, I remain passionate about raising awareness of the collective mistreatment of sports coaches by schools. Sports coaches remain a forgotten class of employee.

My Submission

Part 1 – Capitalising on Youth, Naivety and Fear

The revised structure of the *Instructional Services* grading unfairly disadvantages young employees who are often likely to be wrongly categorised by their employers, and therefore wrongly paid at a lower rate.

A high proportion of employees engaged as Sports Coaches in school programs under the *Instructional Services* grading structure are young employees. In my experience, most often they are recent school graduates, coaching sporting teams at schools on a casual basis. Often, the employee is returning as a coach at their former school. Many of these employees are naïve to the operation of industrial relations. The coaching engagement is often one of the employee's first formal roles and if working for their former school, the employee often feels a sense of loyalty to the employer, extending beyond the usual employment relationship.

Having worked in the industry for six years, I do not know of any coaches who are or were members of the Independent Education Union Australia (IEUA) or of any other union related to their roles.

Under *Schedule B*, the *Award* provides a grading structure highlighting an employee's relevant levels of:

- Competency;
- Judgment, independence and problem solving;
- Supervision;
- Training or qualifications; and
- Typical activities of the employee

I submit that the introduction of the new *Instructional Services* grading system will see many employees graded lower than their role and/or experience ought to be. Schools will seek to employ sport coaches to individually coach various sporting teams for external competition at *Instructional Services grades 1 and 2*. My reading of the *Award*, and of previous versions, would expect that these employees ought to be employed at the new *Instructional Services grades 3 and 4*.

The new grading system gives schools the ability to loosely interpret the *Competency* and *Judgment, independence and problem solving* criteria. The *typical activity* descriptions that have been introduced provide schools with the opportunity to write into contracts that

employees will be under the “supervision” and/or “direction” of other given staff members, and therefore deserving of a lower pay rate.

In practice, the supervision offered is likely remote and merely an overarching coaching direction or the provision of a session plan and/or drills to complete during training, without formal supervision of its implementation by the superior. Schools may also install team managers – usually teaching staff – that simply mark a roll, failing to play an active role in coaching and certainly not providing instructional supervision to the coach.

Further, it is commonplace for schools to pay sports coaches a “daily rate” when away with students on training camps and/or away for competition. This usually equates to between 4-6 hours of standard weekday wage. I am not sure of the legal validity of such payments given the employer is usually providing meals and accommodation for the duration of the camp. However, witnessing the experience of coaches across many schools, the obligation imposed on the employee to both coach students during sessions and also to supervise and transport the students outside of formal training sessions or races often goes beyond the 4-6 hours of payment they usually receive. There are obviously periods when the coach has little or no responsibility, but the lines are often blurred and there is often a general requirement to be present or responsible in some capacity for a whole day, extending from 6am until 8pm, sometimes with overnight supervisory responsibilities. I do not know how best to calculate it, but don’t believe that the award adequately provides for such situations, and as a result, the employee is often losing out, usually without speaking up.

I submit that the new grading structure provides schools with the ability to incorrectly grade their coaches. The schools know that the young coaches are unlikely to speak up and ask for the higher pay rate due to a combination of the aforementioned youth, naivety and fear of repercussions. Further, should they speak up, the schools know that they can likely deal with issues in-house, and that paying out one noisy coach is far cheaper than paying the full and proper wage for all of their *Instructional Services* staff.

Part 2 – Discrimination between *Instructional Services* providers

I further submit that the changes to the *Instructional Services* grading system undervalues the role of sports coaches within school environments. Schools, and especially Independent Schools, pride themselves on offering extensive and inclusive extra-curricular programs. Two of the strongest extra-curricular pursuits are Sport and the Performing Arts, especially Music.

The changes to the grading system devalue the role of a sports coach relative to that of his or her music instructing equivalent. The lowest two *Instructional Services* grades are reserved specifically for sporting assistants and assistant sport coaches.

Assuming that the Competency, Judgment, independence and problem solving, Level of supervision and Training level and qualifications are comparable, there is no reason why an *Instructional Services* provider should be discriminated against due to the fact their specialisation is sport and not music.

For several years, music tutors and sports coaches were treated alike. Both required specialisation in their fields in order to instruct students. Both were therefore paid at the same rate, given the type of role they performed and the relevance of their qualifications to performing that role.

In practice, a coach of a sports team is likely to deal with between seven and 25 students at a time, often in an outdoor setting, requiring not just specialisation in the *Instructional Service* but also in wider student control, protection of students' welfare and the management of the health and safety risks that go hand in hand with sport.

Consider this hypothetical: under the new structure, a school could contract a staff member at *Instructional Services grade 1 (Level 2)* to provide assistance to the Yr 10A Netball Team (effectively as their coach), under the general direction and supervision of the school's Head of Netball, who in turn is under the direction of the Head of Sport. This would likely satisfy the current *Instructional Services grade 1 (Level 2)* descriptor, despite in practice being an *Instructional Services grade 3 (Level 4)* role.

At the same time, if the school were to employ a staff member in the music faculty, the staff member must be employed at no lower than *Instructional Services grade 3 (Level 4)*. The staff member could, in the same manner as her sporting equivalent, be providing assistance to the school's string quartet (effectively as their tutor/conductor – or team coach.) This role would be under the general direction and supervision of the school's Head of Strings, who is under the direction of the Head of Music.

Both provide direction in an extra-curricular pursuit. Both require skills, experience and knowledge specific to their specialisation. Deciding that a music tutor ought to be more specialised, given the intricacy of instrumental music, or any similar argument is an unfair subjective test. Sports coaches can and do provide as much professionalism and specialisation as their music counterparts. Neither the Head Coach of the Australian Netball Team nor the Lead Conductor of the Melbourne Symphony Orchestra should be considered a superior specialisation. They are parallel examples of highly specialised roles within their fields.

Essentially, I am arguing that the *Award* should not legitimise or protect one *Instructional Service* above the other. In some schools, sport will be a higher priority, and in others music will be superior. The *Award* should protect all staff and provide for a minimum universal standard. A coach, preparing and directing a sport team or athlete for external competition ought to be treated the same as a music tutor preparing or directing an ensemble or musician for external examinations or public performance.

The new "Sports Assistant and "Assistant Coach" roles under *Instructional Services grades 1 and 2* unfairly discriminate against sports coaches relative to their equivalents providing equivalent instruction in music.

Part 3 – Why is this important?

Sport is usually offered, and often expected of all students at schools – especially at Independent Schools. School Sport had a long history of volunteerism. However, as

competition between the schools and the expectation of professionalism has increased, both internally and from parents, schools have had to adapt how they approach sport.

It is well discussed that many of the schools, especially the Independent Schools, engage in somewhat of an arms race in extra-curricular offerings. Sport is a very noticeable example of this, with extensive facilities and resources usually at the forefront of a school's approach to promoting its sporting excellence. I should very much know, I was the beneficiary of some exceptional facilities and resources, both as a student and as a coach.

However, there is an underlying reluctance on the part of the schools to recognise the role that coaches play in facilitating the sporting programs at schools. The schools are still reluctant to see sports coaching roles as proper jobs. It is little surprise that the Commission received submissions from the Association of Independent Schools, Girls Sport Victoria and the Victorian Association of Public Schools. My concern is that the Commission's decision was made without hearing the employee's perspective, because few, if any of them are unionised and none of them – myself included – were likely aware of the impending decision and therefore of the need to speak up.

I commend the Commission for not removing the minimum shift length stipulation for casual sports coaches. The reality often is, that by choosing to coach sport, the young employee is foregoing the opportunity to take up comparable roles that may be available in retail, hospitality or similar industries with a high proportion of younger employees. Sports coaches' hours are often awkward and it is imperative that the Commission continues to recognise that employees that elect to take on roles as coaches of school sport teams are not merely participating in a hobby, but pursuing a bona fide path of employment.

Throughout my university studies, I have also been variously employed in the hospitality industry – as a kitchen hand. I am the first to say that I far preferred going to work as a sports coach. However, it was also very clear that working as a sports coach required far greater role-specific skills, experience and knowledge. I am confident that I, and almost anyone else could competently work as a kitchen hand in any kitchen in Australia if needed tomorrow. However, the number of people who could competently coach a school rowing crew is far fewer. Similarly, I know that there are many sports that I could not competently coach, as I do not have a specialisation in that field. Similarly, I could not instruct in music.

The new *Instructional Services* grading structure devalues employees' specialisations. Sports coaches paid at *Instructional Services grades 1 and 2* are paid only marginally more than than Level 1 kitchen attendants. Having worked in both industries, this lack of clear distinction in minimum wage for the given roles is a clear failure of the award structure, or perhaps a clear example that sports coaches have not had anybody arguing their perspective during the decision making process. Schools market themselves heavily on their extra-curricular offerings. They should be made continue to adequately recognise the role that sports coaches play in the provision of such programs.

Yours faithfully,



Stephen Blakeney