



IN THE FAIR WORK COMMISSION AT SYDNEY

MATTER: AM2018/18; AM2018/20

4 YEARLY REVIEW OF MODERN AWARDS  
– EDUCATIONAL SERVICES (TEACHERS) AWARD; CHILDREN'S SERVICES AWARD

**Submission regarding the Full Bench's preliminary view regarding  
the Educational Services (Teachers) Award 2010 expressed  
in its Statement dated 15 June 2020 [2020] FWCFB 3118**

1. The Australian Nursing and Midwifery Federation (ANMF) represents the industrial and professional interests of over 285,000 nurses, midwives and carers nationally.
2. Our members work in the public and private health, aged care and disability sectors across a wide variety of urban, rural and remote locations. We work with them to improve their ability to deliver safe and best practice care in each and every one of these settings, fulfil their professional goals and achieve a healthy work/life balance.
3. Through our work with members we aim to strengthen the contribution of nursing and midwifery to improving Australia's health and aged care systems, and the health of our national and global communities.
4. The Federation is aware of the Fair Work Commission's Statement dated 15 June 2020 [2020] FWCFB 3118 regarding a provisional view that had been formed by the Full Bench in that matter regarding the award coverage of teachers who work in early childhood centres.
5. We understand that based on the views of two for-profit childcare operators that it is the Full Bench's provisional view that *'the relevant parts of the Teachers Award be transferred to the Children's Services Award.'*
6. The ANMF has serious concerns regarding the provisional view formed by the Full Bench.
7. When the Award Modernisation process that led to the creation of the modern award system was undertaken extensive submissions and consideration was given to the creation of particular occupational awards; i.e. whether awards should be on an industry or occupational basis. Such awards included the *Educational Services (Teachers) Award 2010* [MA000077] and the *Nurses Award 2010* [MA000034].
8. The creation and ongoing functioning of occupational awards is important to the Federation. It was and remains the submission of the ANMF that nurses, recipients of care and nursing services, and the community as a whole benefit from the continuation of nursing occupational awards. Our occupational award reflects the professional ties between our members, regardless of which sector or industry they happen to work. It reflects their core professional skills, shared registration requirements, education and professional development needs and includes a classification and career structure based on the arbitral history of nursing awards.



9. The Federation is concerned that the view of one or two employers could trigger a process whereby occupational awards could potentially be carved up into other industry modern awards, to the detriment of our members, their profession and the wider community.
10. It is the Federation's view that the provisional view expressed by the Full Bench should not be adopted with respect to the Educational Services (Teachers) Award and Children's Services Award.

Kristen Wischer  
Senior Federal Industrial Officer

30 June 2020