

EDUCATION SERVICES (POST-SECONDARY EDUCATION) AWARD 2010

When does the award commence?

The award commences from 1 January 2010, however if you have previously been covered by a federal award or preserved state award with different wages, penalties or loadings, then those elements may be covered by transitional provisions and only commence on a phased in basis from 1 July 2010.

Scope of award – who does it cover?

This award covers ACPET members who are employers in the post-secondary educational services industry employed as:

- Academic Teachers
- Teachers and Tutor/instructors
- General Staff engaged in clerical, administrative, professional and technical work

Scope of the Industry – what is included in the industry?

The post-secondary educational services industry means the provision of education and training to persons over the age of 16 years who have exited the school education system and includes:

- vocational education and training (VET) teaching leading to qualifications recognised within the AQF
- ELICOS, TESOL and LOTE teaching

- English language, literacy and numeracy teaching and English language teaching in migrant education programmes
- community and adult education teaching not leading to qualifications recognised by the AQF
- undergraduate and postgraduate teaching leading to the conferring of accredited degrees or other higher education qualifications recognised within the AQF, except teaching in a university approved to operate in Australia
- foundation studies programmes or bridging course teaching where the programme or course is preparatory to or articulates with programmes of teaching leading to higher education qualifications recognised within the AQF
- the employees of student unions in post-secondary educational institutions

Are there any exclusions from the award?

The award specifically excludes the following employers:

- any secondary school
- any higher education employer covered by the Higher Education awards
- any employer whose principal function is the provision of labour market assistance programs.

And the following employees:

- trades, cleaning or maintenance staff

EMPLOYMENT CATEGORIES IN THE AWARD

Full-Time Employee

An employee engaged to work an average of 38 ordinary hours each week.

Part-Time Employee

An employee who is engaged to work less than 38 hours each week or in the case of a teaching staff member for less than the face-to-face teaching load of a full-time teaching staff member.

- All award entitlements are paid or calculated on a pro rata basis by reference to the time worked.
- Minimum engagement for each roster is two consecutive hours on any day.
- Except where hours are averaged, all time worked in excess of the hours mutually arranged at commencement or varied by agreement will be overtime.



Casual Employee

An employee who is engaged and paid by the hour.

- academic staff are paid casual rates which in some cases includes associated working time
- teachers/tutors/instructors can be paid a casual daily or hourly rate depending on the length of the engagement for the day
- general staff are paid hourly for a minimum of 3 hours.

Sessional Employee - teaching staff members only

A full-time or part time employee engaged for a specified period or periods of between 4 and 40 weeks in any calendar year.

Sessional employees on termination may elect to be paid accrued annual leave or preserve it for use during a subsequent sessional engagement. If leave not taken within 12 months of accrual or employee is not re-engaged within 8 weeks, accrued annual leave is paid out.

Minimum Wages

See the wages fact sheet for rates of pay applicable under this award.

Allowances

See the allowances fact sheet for allowances applicable under this award

Hours of Work

Ordinary hours of work

Full-time employees average of 38 hours per week over a work cycle of up to 4 weeks, with a maximum of 10 consecutive hours in one day

Rostered day off can be worked by agreement by averaging the 38 hours over a 28 day work cycle and flexible daily attendance arrangements can be agreed

Span of Ordinary Hours

Academic Teachers:

Hours of work may be annualised over 12 months or the period of employment if less than a year

A lecture will count as 3 hours' work for each hour of delivery, and will include associated preparation, assessment and student consultation

A tutorial will count as 3 hours' work for each hour of delivery and will include associated preparation, assessment and student consultation

A repeat of a lecture or tutorial, carried out within 28 days of the first delivery, will count as 2 hours' work for each hour of delivery

Teachers and Tutor /Instructors:

Hours of work may be annualised over 12 months or the period of employment if less than a year

Each contact hour of teaching delivery by a teacher will count as 1.5 hours of work, including administration, assessment and consultation

Each contact hour of delivery by a tutor/instructor will count as 1.25 hours of work, including administration, assessment and consultation



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General Staff (day shift)	Ordinary hours can be worked between 7.00 am and 7.00 pm Monday to Friday and from 7.00 am to 12.30 pm on a Saturday (penalty applies) and up to 8.00 pm on up to 8 weekdays within 28 days
	The spread of hours may be altered by up to one hour at either end by agreement between an employer and the majority of employees concerned

Meal & Rest Breaks

Rest Break:	Two 10 minute rest breaks each day
Meal Break:	After no more than 5 hours – a 30 minute to 1 hour unpaid meal break must be provided
All employees:	If required to work through their normal meal break they are paid double time until the meal break is given
An employee working overtime:	Is entitled to a paid meal break of 20 minutes after each 4 hours of overtime worked

Overtime, Weekend & Public Holiday Penalties

See penalties loadings and overtime fact sheet
Shift work – general staff see shift worker fact sheet

Leave

Annual leave	4 weeks each year 17.5% leave loading see the Annual Leave fact sheet
Personal/Carer's Leave and Compassionate Leave	10 days per year see Personal/Carer's Leave fact sheet
Parental Leave	12 months unpaid leave See Parental Leave fact sheet
Public Holidays	See Public Holidays fact sheet
Community Service Leave	Jury service up to 10 days paid leave otherwise unpaid see Community Service Leave fact sheet



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Other Employer Obligations

Termination of employment	Notice and termination provisions apply see Termination of Employment fact sheet
Consultation	The employer is required to consult with employees and their representatives where it has been decided to make major changes in the workplace
Dispute Resolution	The award contains a dispute resolution procedure that should be utilised if disputes occur in relation to matters arising under the award or the NES.
Superannuation	Contributions in accordance with the Superannuation Guarantee legislation. The award details default funds applicable where an employee does not nominate a superannuation fund

Individual Flexibility provisions

The award provides a flexibility clause which allows the employer and individual employee to agree to vary the arrangements for when work is performed, overtime rates, penalty rates, allowances; and leave loading, providing the employee is better off under the agreement.

This advice is general summary only of the provision of the Fair Work Act in relation to this topic. The full text of the Fair Work Act and associated legislation should be used and advice sought before determining any course of action arising from obligations or requirements of the legislation which may be applicable to specific arrangements
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