

# Enterprise Bargaining Feedback Report

Following feedback from sub-branches and a discussion at Branch Council, we undertook to provide members with a feedback report and some additional details or clarification.

While this summary doesn't capture all feedback (and we have made a note of all comments from the session) we trust that it captures the key issues. We have also outlined the process for submitting feedback on the draft claims, and sub-branches are encouraged to provide additional feedback in the new year.

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## Comments on implementation and funding of current agreement

Members provided useful feedback about the implementation of the current agreement, including the failure to adequately resource some of the conditions. In particular, we heard that:

1. School budgets are not structured to give schools sufficient clarity and certainty about their funding.
2. The class sizes policy is not adequately funded, leaving schools to find savings elsewhere in their budgets.
3. Occupational Violence Risk Assessments are being conducted, but the measures identified are not funded or schools are asked to explain their OVRA-related costs.

Some members also voiced their view that the Enterprise Agreement Implementation Plans had, on occasion, been time-consuming and divisive.

**We will need to ensure that a final log of claims seeks to address these issues and ensure that schools are not being asked to continually make their own case to justify the need for more funding. Where a claim is proposed by the AEU (following endorsement by Council), it is our position that agreement by the Education Directorate means the claim will be *fully funded*.**

We have also sought an explanation of how funding is being provided to schools for OVRA-related costs in accordance with section O1.2 of the current EA, which provides that:

*Occupational violence of any kind will not be tolerated in Directorate workplaces. Where the head of service is made aware of instances of occupational violence, they will:*

*O1.2.1 investigate concerns in a timely manner; and*

*O1.2.2 ensure that resources, support and training are available, in accordance with the Directorate's Occupational Violence Policy and Management Plan to minimise the risk to employees.*

## Process for submitting claims feedback

We highlighted the timeline for the development of a final log of claims:



Members were encouraged to provide feedback through their sub-branch or directly by submitting a feedback form to the AEU office. It was noted that there will be further opportunities for feedback and claim development in the new year.

## Support for claims in draft log

While the claims were generally supported on the condition that they were properly funded and implemented, members particularly sought more information or expressed concern about some claims.

### Salaries

There was some confusion around the size of the claim. For clarity, the claim is for 5% per year, which would amount to a total pay increase of just over 21.5% over the life of the agreement. A draft salary table is provided at the end of this document which also models the proposed claim for a salary restructure.

Several sub-branches indicated support for a pay increase of *at least* 5% per year. Several sub-branches voiced support for a more ambitious pay claim, with one sub-branch indicating 5% was too ambitious.

## Superannuation

Similar to salaries, there was clarification sought around the size of the claim for superannuation. The claim is for an increase of 1% per year (up to 15.4%) for those currently receiving compulsory superannuation payments of 11.5%.

Several sub-branches supported a more rapid increase to superannuation to achieve 15.4% more quickly (or immediately).

## Time in lieu

In relation to the claim for TOIL, members expressed concerns about potential costs and implementation issues. It is clear that the claim requires further consultation and refinement.

The claim for TOIL or similar provision is in recognition of the excessive hours being reported by AEU members. According to the AEU's Staff Shortage Survey, teaching staff are performing an *"average workweek of 45 hours and 39 minutes"*.

Based on the ACTPS standard work week of 36.75 hours, teachers are working nearly 9 hours a week of overtime. Even if we considered stand down as a form of recompense for these excessive hours, this represents 82 additional hours per teacher each year, or approximately \$4500 of unpaid work on an average teacher salary.

Based on preliminary advice received by the AEU, unless the provision for working hours is clear (that is, applies some limit on working hours) the agreement may not be able to pass the Fair Work Act *"better off overall test"* (commonly known as the BOOT) that compares enterprise agreement to award conditions. This includes the provisions for SLA, SLB and SLC positions. The AEU is concerned that an agreement that does not provide some more assurance to the Fair Work Commission around weekly working hours risks being *"BOOTed"*.

While we note that there was not universal support for TOIL as set out in the draft claim, the ACT is the only jurisdiction on the east coast that does not have some form of time in lieu provision. Alternative approaches used in other jurisdictions include:

State	Maximum hours	TOIL provision	Requirement to work during term breaks
VIC	Teachers work 38 hours a week with 2.5 hours of paid lunch breaks. This is equivalent to a 35.5 hour work week.  Teachers must not be required to exceed 38 hours in a week unless there are scheduled parent/teacher meetings.	Teachers receive TOIL for attendance at parent/teacher meetings.	No.
NSW	There is no specified limit on hours, but determinations from the NSW IRC set limits on matters such as before and after school duties.  A 2016 study from Curtin University and the University of Sydney identified excessive teacher workloads, in part, on the failure to set a limit on weekly working hours.	TOIL is available in limited circumstances, such as where a maximum number of face-to-face teaching periods is exceeded.	No.

QLD	<p>Teachers have no maximum working hours. However only 25 hours a week can be directed by the employer, including the teacher’s face-to-face hours.</p> <p>This leaves teachers 11.25 hours a week at their own direction within the standard 36.25 hours worked by QLD public sector workers.</p>	In limited circumstances with prior agreement.	No.
ACT	Teachers are remunerated based on a 36.75 hour work week. While the AEU asserts that this is a limit on working hours, the ACT Government claims that there are no limits on teachers’ weekly working hours during term time.	No.	No.

We encourage members to provide feedback on how to best limit the workload of teachers during term, or what mechanism might best be used to recognise overtime hours.

### Master teacher / Learning specialist

Members expressed a desire for further information about the MT/LS model, including concern that the Master Teacher role undermined the role of a principal in being the instructional leader of their school.

The Master Teacher and Learning Specialist roles are dedicated “day jobs” to support teaching across all schools. In accordance with the recommendation of the Gallop Inquiry:

*“Master Teachers” (the top 1 per cent of the profession) would have no formal classroom load but would be the overall pedagogical leaders in their subjects, working across a network of schools in their region. They would help identify teacher needs and coordinate training.*

*They would guide “Instructional Specialists” (limited to 8 per cent of the workforce), who would split their time between classroom teaching and instructional leadership. Instructional Specialists would work in their own schools to support and guide other teachers.*

*Both roles would focus on specific subjects such as maths, science, and English.*

We envisage that, given the ACT’s focus on inclusion, there would also be a role for specialists in learning support.

These roles are intended to support the Principal’s role as an instructional leader with additional resourcing at a school and system level. The salaries proposed are not intended to indicate the managerial level of staff in these roles but are an indication of “what is required for full recognition of the work of expert teachers within the profession”.<sup>1</sup>

This proposal also seeks to recognise and formalise the need for central supports for teachers and teaching. Over the last decade, we have increasingly seen the removal of support for teaching and learning functions from the central authority. Most recently, we have seen the resources of the Network Student Engagement Teams re-allocated, with inclusion support officers sent back to

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<sup>1</sup> Gallop Inquiry, p126

classroom duties and a proposal to leave these roles vacant and focus on the provision of allied health supports. This left a number of schools without the support they needed.

Further, we know that previous initiatives in this area, like the Executive Teacher Professional Practice, have failed because they were poorly-defined and did not meet the needs of schools. The implementation of the Highly Accomplished and Lead teacher incentives has similarly been unsupported by any career paths or defined roles, leaving many who achieve HA/LT certification to feel that they are not contributing sufficient value to the system.

The process for selecting Master Teachers and Learning Specialists should not replace HA/LT certification, but complement it. In line with the Gallop recommendation, there should be no quotas applying to the positions and access should be open, with selection based on credible standards and process.

## Salary Structure

Some members raised questions about the proposed changes to the salary structure. To address some initial confusion, the existing salary structure (excluding 3-year trained teachers), includes nine **increments** and eight **steps**. Draft pay tables are provided at the end of this report. These pay tables also assume our pay claim for 5% p.a.

The proposed claim is to remove the first and third pay increments from the salary table, reducing the salary structure to seven **increments** with six **steps**. Additionally, the claim proposes to introduce the opportunity for new educators to progress to the “proficient” teacher salary point immediately upon achieving proficient TQI status. In effect this would see new educators enter the profession on a higher starting salary and be given the opportunity to progress more rapidly up the pay scale.

It is worth noting that this proposed claim is envisaged to work in conjunction with other claims for new educators, namely that for as long as someone remains at the “new educator” classification they would receive a reduced face-to-face teaching load of 80%, as well as the proposed mentoring supports. While new educators have up to five years to complete their TQI portfolios, few teachers take this long to achieve proficient status. Altogether, the AEU’s claims would incentivise teachers to achieve proficient status, while building in “automatic stabilisers” of assistance for those who take longer and would benefit from further support.

## Excursion allowance

Some members expressed concern over the inclusion of this claim, indicating concerns over how it would be administered. Others added that workload arranging excursions was the issue, not cost. Several sub-branches indicated support for an overnight allowance, but not a day-time allowance.

To clarify the intention behind the claim, the purpose is not to remunerate people for the costs of planning or running excursions, but to provide an allowance that recognises additional costs (including time) of being away from home or purchasing incidentals, such as meals. Many industries provide an allowance where employees travel overnight or interstate, however teachers have not been afforded this historically, conceivably by legacy of being a feminised and “carer” profession.

## Additional claims

### Personal leave flexibility

School leader and classroom teacher members have raised the difficulties caused, especially during the Covid-19 lockdown periods, by the lack of available paid leave during term time. Members have requested consideration of a claim for personal leave flexibility, which would allow the use of a

proportion of an employee's personal leave entitlement for preventative health measures, such as visiting family or attending key life events such as graduations.

### Relief Teacher Pool

While the notion of a relief teacher pool was broadly supported, the office was asked for clarification around how such a "pool" of relief teachers would work.

An important starting point is to recognise that, for all intents and purposes, relief teachers are already in a "pool". From this standpoint, little would change in the way of engaging relief teachers. Schools would still be able to nominate preferred relief teachers before booking them through the centralised system (such as SiMS or Kronos).

The main changes proposed are for a change to the funding obligations where relief staff are required to fill an unplanned absence, and that relief teachers in this pool may be engaged on a temporary or full-time basis if they so choose. Currently schools are carrying the burden for "unplanned" absences through their staffing budget. The difficulty of "planning" a budget that accommodates "unplanned" absences is self-evident and so the proposal is that schools only have obligations for staffing costs in relation to planned absence through the year (for example, professional learning) and that unplanned absences are funded centrally by the employer.

Teachers may apply to be employed in the "relief pool" on a temporary contract or full-time basis, with the access to annual- and sick-leave benefits afforded by such employment status. On the other side, part of the obligation of being engaged in this way would be agreement to be deployed at hard to staff sites on an "as needed" basis. As is currently the case, casual teachers who wish to remain casual may do so; no one can be "forced" to take a contract or be permanently engaged.

We continue to consult with the relief teachers sub-branch around the relief teacher claim.

### Incentives to aspire to a principal's job

We heard that the principal pay structure and bands needed review. Members noted the current bands provided disincentives for principal mobility. They also noted the general disparity between the pay of primary and secondary positions and the relative closeness of the bottom of the SLA classification to the SLB pay rate.

The AEU is currently assisting principal members on an individual basis to seek reviews and reconsiderations of classifications. It seems probable that these matters may not be resolved without formal industrial dispute. The AEU is seeking the views of members about whether such a dispute should proceed, or if it would be preferable to seek a formal review of the principal classification structure more broadly.

### Class-specific claims

We heard from teachers including those in specialist settings, SLCs and teacher librarians about additional claims for their sector or class of employees. We will work with those members in the new year to ensure that we capture their interests through the claim development process.

**Draft Pay Tables**

		Pay rates at 7 Jul 2022	5% from Jul 2023	5% from Jul 2024	5% from Jul 2025	5% from Jul 2026
		\$ 76,575				
New Educator		\$ 80,654	\$ 84,687	\$ 88,921	\$ 93,367	\$ 98,035
		\$ 84,729				
Proficient Teacher	PT1	\$ 88,805	\$ 93,245	\$ 97,908	\$ 102,803	\$ 107,943
	PT2	\$ 92,884	\$ 97,528	\$ 102,405	\$ 107,525	\$ 112,901
	PT3	\$ 96,960	\$ 101,808	\$ 106,898	\$ 112,243	\$ 117,855
	PT4	\$ 101,036	\$ 106,088	\$ 111,392	\$ 116,962	\$ 122,810
Experienced Teacher	ET1	\$ 107,832	\$ 113,224	\$ 118,885	\$ 124,829	\$ 131,070
	ET2	\$ 114,624	\$ 120,355	\$ 126,373	\$ 132,692	\$ 139,326
SLC		\$ 132,293	\$ 138,908	\$ 145,853	\$ 153,146	\$ 160,803
SLB		\$ 154,033	\$ 161,735	\$ 169,821	\$ 178,312	\$ 187,228
SLA	Band 1	\$ 175,964	\$ 184,762	\$ 194,000	\$ 203,700	\$ 213,885
	Band 2	\$ 189,549	\$ 199,026	\$ 208,978	\$ 219,427	\$ 230,398
	Band 3	\$ 203,135	\$ 213,292	\$ 223,956	\$ 235,154	\$ 246,912