

# Education Log of Claims - DRAFT

## **Preamble:**

This document forms the draft log of claims for Together members in respect of an agreement for Department of Education employees. This document is without prejudice and for further negotiation and discussion and Together members reserve the right to make further claims. This document does not currently include the claims for members working in the Office for Industrial Relations, they will be added later.

The 2015 Core Agreement is still being implemented through the CCF and ACC. There are several outstanding issues from Appendix 7 of the 2015 Agreement for education staff and matters to be carried over. Together reserves the right to add any outstanding matters from the previous agreement to this log of claims should the current agreement expires before they are implemented.

Together also notes the significant discussion and ongoing reviews in relation to:

- Temporary employment and employment security, particularly in relation to the implementation of Directive 08/17
- The Attraction and Retention Review – Joint Working Party Report in relation to therapy staff
- The review of roles for Science Operations Officers
- The impact of RoSAS and follow up required in implementing all the recommendations
- The review of Agricultural Assistants roles
- Implementation of the ICT Grant currently run through GAPS payments

## **1. Wages**

- 1.1. That employees receive annual wage increases in accordance with the following principles:
  - (1) A minimum of \$50 per week, or 3.5% whichever is greater, for each year of the agreement.
  - (2) This increase would support lessening the gender pay gap that exists in the department.
  - (3) Wage increases are to be fully and centrally funded.

## **2. Superannuation**

- 2.1. Preamble: That the employer acknowledge that Together members have won higher superannuation contributions as part of previous wage negotiations.
- 2.2. That superannuation payments should be based on OTE (Ordinary Time Earnings) including shift penalties.
- 2.3. That the QSUPER trust deed, or such other instrument that would need to be altered, such as to give effect to the following:
  - (1) That any Federal Government increase to the Superannuation Guarantee be reflected in superannuation improvements in the public sector.
  - (2) That superannuation contributions by both the employee and the employer be adjusted immediately, when an employee's pay changes rather than on 1 July each year.
  - (3) That the calculation of the final payout for members of the QSuper Defined Benefits be based on the member's salary at the time of resignation.

### **Superannuation for women**

Universal superannuation is a vital part of a system designed to give Australians a decent standard of living in retirement. But for millions of women, superannuation is failing. In a significant research collaboration, Per Capita and the ASU (your national union surveyed over 4,000 workers, complemented by a detailed analysis of the Household, Income and Labour Dynamics in Australia (HILDA) Survey.

This research found that the superannuation system is systematically biased against half the population. Women are simply not being assisted by super towards a reasonable standard of living in retirement. Women's superannuation balances at retirement are 47% lower than men's. As a result, women are far more likely to experience poverty in retirement in their old age. Superannuation is failing women. The following claims are based on the recommendations from this research.

Possible claims to get super working for women:

- Payment of superannuation for all periods of unpaid parental leave
- Payment by the employment of an additional superannuation contribution where a workers superannuation is not on track to meet the Association of Superannuation Funds of Australia (ASFA) retirement standard by the age of 65.

### **3. Improving gender equity through flexibility for all workers**

One of the key recommendations for reducing the gender pay gap is to extend flexibility to all workers, so that men are more likely to take time out from work to care for children and other relatives and contribute more to other unpaid domestic work. Included in this must be a program of cultural change, increasing the acceptance of, and value of, part-time work for all workers.

Possible claims:

- Extending workers' rights to flexible work arrangements to all workers in order to meet caring responsibilities, not just women;
- Extending workers' carers leave entitlements, in particular those caring for school age children, children with a disability or elderly family members to all workers, not just women;
- Building on the government funded Paid Parental Leave (PPL) scheme, by improving employer provided paid parental leave entitlements; and extending them to all primary carers.

### **4. Temporary Employment and Employment Security**

- 4.1 That the department acknowledges the government commitment to employment security for all workers.
- 4.2. The department acknowledges the incredibly high rate of insecure employment, particularly for low paid workers and women workers that exists at the current time.
- 4.3. That high levels of temporary and "higher duties" employment, tends to result in a culture conducive to bullying and harassment.
- 4.4. That the Temporary Employment Directive 8/17 has not addressed the significant issues surrounding job security for doE staff and that the reviews are not occurring in a timely fashion in accordance with the prescribed timeframes.
- 4.5. That temporary and higher duties staff must not be denied conversion to permanency due

to the failure of the department to follow the Recruitment and Selection Directive. That staff who have worked in 'higher duties' roles consistently for more than two years be appointed to those roles permanently if the role becomes substantively vacant or is 'ongoing'.

- 4.6. That after a period of two years of meritorious service an employee will be deemed appointed on merit for the purpose of conversion to permanent status for all their current hours, or the hours they were undertaking immediately prior to any leave that they are taking at the time of review. This should apply to all staff regardless of funding arrangements, particularly in reference to AAEP/AO2 staff.
- 4.7. Employees must also have access to conversion to permanent status after continuous temporary employment, even if in different roles within a Department or Agency.

### **5. Employment Security**

- 5.1. There will be no redundancies or retrenchments during the life of this agreement including for long term temporary staff.
- 5.2. There will be no contracting out or privatisation of jobs or services during the life of the Agreement
- 5.3. That the Government commit to only using casual employment or agency (labour hire) staff when absolutely necessary
- 5.4. That the Department commit to no use of labour hire staff until a recruitment process has been run for a public service officer to perform the role. If the recruitment process is unsuccessful then labour hire contractors may be engaged, never for less take home pay than the public sector worker that they are replacing. That this will be monitored and enforced by reports to the Consultative Committee.
- 5.5. That the Government commit that the use of external consultants will be minimised – for example, only in instances where appropriate workers cannot be recruited to the public service, and in that case role descriptions and levels should also be reviewed, in case it is classification levels that is prohibiting recruitment. That this will be monitored and enforced by Consultative Committee
- 5.6. That redeployment across the sector should be the first option considered and exhausted by any Department prior to any consideration of redundancies, or other separations.
- 5.7. That any attempt to reduce the size of the workforce through natural attrition or redundancies or other measures must be

accompanied by workload impact studies to be completed and reported to the Consultative Committee prior to any decision to offer redundancies, not to fill vacancies, not to backfill staff on leave or secondment or to abolish vacant positions.

## **6. Union Rights and Workplace Consultation**

- 6.1. That Consultative Committees should continue as the minimum and standard form of consultation and the relevant decision maker/s be required to attend each and every committee meeting. (The decision maker refers to the Director General of the Agency and/or any person who has the appropriate delegated authority in that they have the capacity to make a binding decision with regards to the issues being raised and discussed).
- 6.2. That the Government commit that no workers conditions will be changed without agreement from those workers.
- 6.3. That the Government agree to a requirement that workers be consulted prior to any decision being made that may affect their employment, welfare, workload or job satisfaction.
- 6.4. That prior to making any decision mentioned above the department is required to demonstrate clear benefits in a business case tabled for the purposes of consultation at the relevant Consultative Committee.
- 6.5. That the department commit that all workers will continue to have access to union delegates and union staff in the workplace during work hours.
- 6.6. That the department acknowledge a standard of information to be provided for the purposes of consultation when making change.
- 6.7. The standards referred to in 4.6 must require that the information provided as part of a consultation be provided in a timely way and that it must include as a minimum:
  - (1) Who will be affected by the change (NAMES OF IMPACTED STAFF)
  - (2) How they will be affected
  - (3) Justification of the change
  - (4) Costs and cost benefit
  - (5) Time frames
  - (6) Consultation process
  - (7) Positions and levels of change
  - (8) Review and evaluation process
  - (9) How this will work within consultative committees.

- 6.8. That where any worker is to have their physical work location moved more than a reasonable distance from their existing work location those workers are entitled to consultation about compensation for the change in circumstances.
- 6.9. The consultation in 4.8 above must include but is not limited to discussion and consideration of:
  - (1) Compensation for the additional cost of public transport (such as busses, trains,) etc.),
  - (2) Private transport (such as car parking etc)
  - (3) Provision of direct assistance such as providing shuttle busses, car parking etc
  - (4) Additional assistance such as facilitating, providing or compensating for local childcare, additional time to travel, accommodation etc.
- 6.10. That the Government commit to genuine consultation whereby employees have the bona fide opportunity to influence the decision maker.
- 6.11. That consultation be further defined as and carried out in accordance with the attached policy (refer Union Consultation Policy – 25 November 2008).

## **7. Career Paths, Classifications - General**

- 7.1. That the department review the classification levels and the work undertaken across the agency to ensure equality of pay and work/responsibility with a whole of government (department) standard. That this review of classification and position titles across the department is designed to ensure there is equity and no relative disadvantage.
- 7.2. No employee is to be disadvantaged as a result of 7.1.
- 7.3. That the department commit that access to higher duties in all centres and that higher duties opportunities are to be advertised and recruited to inter-regionally.
- 7.4. That the department commit to increase access to progression between all levels, in all streams, to create real career paths. That the department review role classification levels and value across all occupational groups in the department, eg. The relative classification of the teaching workforce in relation to regional and central office staff.
- 7.5. That 'broad-banding' arrangements be extended to all roles where there is a substantive occupant and the role is reclassified up one level.

## **8. Career Paths, Classifications and revision of the Allocative Model– Therapists, Science Operations Officers, Agricultural Assistants, Unit Support Officers, IT Staff, Administrative Staff**

- 8.1. Therapists working in the Department of Education to be translated to the Health Practitioner Stream. The Health Practitioner Stream will be imported as part of the Classification and Remuneration Structure of the Agreement to facilitate this change.
- 8.2. Science Operations Officers to be reclassified as Technical Officers – TO2, TO3 or TO4 depending on role requirements.
- 8.3. Separate the funding of AAEP and Science Operations Officers to appropriately recognise the STEM curriculum resource and role are separate to the administrative requirements in state school.
- 8.4. Agricultural Assistants be reclassified in line with their level of expertise, the need for them to conduct technical work, provide expert advice to teachers and to instruct students.
- 8.5. All AO2 officers in state schools to be reclassified to a minimum of AO3.
- 8.6. Further position descriptions be developed for finance, HR, Facilities and other key roles at AO4 and AO5 levels, consistent with duties.
- 8.7. All International Student and HomeStay Coordinators to be reclassified to AO3 and back paid to December 2016 at this rate.
- 8.8. Review and reclassify Unit Support Officer roles in Environmental Education Centres.
- 8.9. IT staff to be allocated as per the GAPS funding announcement in to the staffing model.
- 8.10. No loss of AAEP hours when a new position (BM or SOO) is allocated in the staffing model.

### **Implementation of the Therapy Attraction and Retention Working Group Recommendations**

In addition to the change in classification structure and implementation of the Health Practitioner stream. Implement all of the recommendations of the TARWG.

- Access to resources (ICT and appropriate base location resources)
- Improve the amount of the grant and access to grants for all staff, regardless of fraction
- Professional development
- Implement the resources for Evidence Based Practice

- Conduct a review and update to the supervisory position levels and number of supervisory positions to support therapists working in schools.

## **9. Leave – Replacement of Staff**

- 9.1. School based staff shall be replaced immediately, across all classification levels and occupations to ensure the ongoing operations of the school.
- 9.2. The department shall backfill non school-based staff when officers are on for a period of greater than 3 days leave, regardless of the type of leave.
- 9.3. That relief pools or permanent relief arrangements will be introduced in order to facilitate backfilling. This should occur in consultation with the local union delegates.

## **10. Reasonable Workloads**

- 10.1. There should be a minimum of 30 hours per week for each Small School Business Manager, with schools of over 100 students there should be a full time Business Manager position.
- 10.2. An additional schools officer position shall be allocated to each primary school, consistent with secondary school allocations.
- 10.3. There shall be additional staff employed in regional offices to address the significant workload issues currently being experienced.
- 10.4. That all base grade vacancies are to be filled within two weeks of the vacancy arising (i.e. 4 weeks from notice of resignation).
- 10.5. That all other vacancies to be filled within 4 weeks of the vacancy arising (i.e. 6 weeks from notice of resignation).
- 10.6. The department will limit the use of external organizations and consultants and work towards having a supportive and positive internal approach to workload management.

## **11. Professional development and training**

- 11.1. Science Operations Officer training shall be developed and implemented as per Appendix 7 of the current agreement.
- 11.2. Mandatory safety training and induction for all school based staff will be introduced from 2019.
- 11.3. Improve access to professional development for all staff with leave to attend and funding to attend relevant PD provided for all staff.

## **12. Work-life balance**

The Queensland Government has some excellent policies about balancing work and life. However these arrangements are often not accessible due to local management attitudes or lack of awareness of these policies.

Possible claims around WORK/LIFE BALANCE INITIATIVES include:

- Formal recognition of:
  - o Transition to retirement
  - o Career break
  - o Flexible working arrangements / work from home
  - o Smart work centres
- Ongoing commitment by management to assisting workers to balance work and life, this includes access to recreation leave or other leave outside of school holiday periods when required.
- Managers to not unreasonably refuse requests by workers to access work/life initiatives
- Right of appeal if refused.

## **13. Workplace Health and Safety**

13.1 Workers in schools are experiencing escalating levels of abuse and violence across the front counter from parents and carers, in classrooms and at events. There needs to be zero tolerance for workplace abuse and violence and active support for workers.

Personal Protective Equipment - schools officers  
Chemical Safety - SOOs

## **14. Hours of work**

14.1. There shall be no loss of accrued hours for any worker. Should a worker not be able to take any of their accrued time for 12 months, the time, at the employees' choice, may be paid out or carried forward to the following year as TOIL.

14.2. Managers cannot unreasonably refuse applications to take accrued time. Supervisors are responsible for ensuring that employees' workloads are properly managed and that they have the ability to take accrued time off. This should be proactively negotiated with the employee.

14.3. The carry-over period is to be increased to 10 working days per calendar month.

14.4. Consideration given to extend the spread of hours to commence at 5am for schools officers upon their request.

14.5 Science Operations Officers or any School Support Staff attending school camp need to be paid overtime or receive TOIL for all hours of duty.

14.6 Disputes in hours of work arrangements can be taken to the consultative committee for resolution thus giving employees an appeal right to that body if local resolution cannot be achieved.

## **15. Allowances**

15.1. Any worker who is required to have a first-aid certificate should be paid the First Aid allowance as a result of this requirement.

15.2. That the current Directive relating to Motor Vehicle Allowances and the application of the Directive be reviewed to ensure that all employees expected to use their personal vehicle for work purposes be appropriately compensated and paid a kilometric allowance.

15.3. Kilometric allowance should be increased as the relative cost of fuel is much higher now

15.4. That there be a review of the on-call allowance with a view to it being increased to better reflect the inconvenience caused by being on-call.

15.5. Further, that a condition of on-call work be that workers are paid a minimum call-out of 2 hours paid per phone call. This should specifically include matters that are resolved on the phone without the need to return to an office.

15.6. That all time worked on issues from home should be counted as additional paid work done by the employee.

15.7. That all current allowances are to be increased annually by the percentage wage increase awarded or the CPI, whichever is greater.

15.8. Qualifications Allowance shall be paid on attainment of the qualification, not paid only when 12 months at top increment completed.

## **16. Additional allowances**

16.1. That there be additional allowances created and paid to those workers who take on additional and important duties in the workplace – that these allowances be for those roles named below and paid at the rate suggested (equivalent to the First Aid Allowance):

(1) Fire Wardens and Fire Safety Advisors Allowance - \$60 per fortnight.

(2) Rehabilitation and Return to Work Coordinator - \$60 per fortnight.

(3) For those staff elected Workplace Health and Safety Representatives or Advisers (note – some Departments still use the term "Officer" also) - \$60 per fortnight.

## **17. Fair treatment at work**

Workers are often at their most vulnerable when under investigation in the workplace or subject to a formal process with risks for their ongoing employment. Members have raised concerns about the lack of transparency and fair processes currently being used to conduct workplace investigations, manage complaints, discipline employees, performance management and managing medical assessments and medical retirement matters. Current practices do not allow people enough access to support in these processes and rely on management “doing the right thing” rather than proper protection for workers’ rights. Members have said they want these processes to be more transparent and fair for employees and agreed and published guidelines about how these processes work.

Possible claims around FAIR TREATMENT AT WORK are:

- Review of all discipline, workplace investigations and complaint management processes, timelines and penalties
- A review of these areas in line with a review of the Public Service Act
- A review and clarification of how performance management works

## **18. Bullying and harassment**

Identifying ways that workers either by themselves, or as a group, can effectively blow the whistle on bullying and harassment.

**To give your feedback or to add suggestions to your delegates about these claims please send in your feedback by Thursday 21 June to [schools@together.org.au](mailto:schools@together.org.au).**