



Industrial Relations Alert

Final Decision on the Child Care Industry Award

The Full Bench of the Queensland Industrial Relations Commission (QRIC) released its final decision on the Child Care Industry Award. These changes are effective **4 December 2006** and are listed below:

1. The title of the Award has now been changed to the **Children's Services Award – State 2006**.

Award Coverage

This Award shall apply to persons engaged in the callings and classifications set out in this Award, who are employed at or in Child Care Centres as defined in the Child Care Legislation or Outside School Hours Care, adjunct care, wherein employees are charged with the care of children, and/or the delivery of child care services as per clause 1.5.2 within Queensland, for whom classifications and rates of pay are herein prescribed, and to their respective employers. Subject to clause 1.5.3 no other Award shall apply.

Without limiting the scope of coverage, this Award shall apply to employees engaged in the provision of long day care, sessional care, occasional care, vocational care, adjunct care, respite care, emergency care, before and after school hours care and extended hours care of children as defined in the Child Care Legislation.

2. Definitions:

“Assistant Director” means an employee appointed as such who is approved in terms of the relevant legislation to have charge of the Centre in the absence of the Director.

“Child Care Legislation” means the *Child Care Act 2002* and the *Child Care Regulation 2003* as amended from time to time and any predecessor legislation where relevant or consequential amendments.

“Children's Services Worker” means an employee who is engaged in the provision of child care within a Centre and/or who is engaged in functions in or in connection with the general operation of the Centre including but not limited to all aspects of food preparation and service, cleaning and maintenance of all areas of the Centre (internal and external) to the standards required by the employer.

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“Centre Based Care” means care for children in a centre as defined in the Child Care Legislation.

“Assistant Children’s Services Worker – Unqualified” – means an employee who:

- (a) has successfully completed Year 12 or Secondary School; or
- (b) on the day the person is first employed as an assistant, is at least 17 years of age and is undertaking, or has completed a Child Care Practice Certificate at a College of Technical and Further Education.

An assistant who is not an adult must be supervised by an appropriately approved Group Leader.

“Children’s Services Worker – 1 Year Qualified” means an employee who has completed an AQF Certificate 3 or 4 in Children’s Services.

- (a) This classification will also include who prepares at least one full meal per day for each of a substantial proportion of children present at the Centre.

“Commission” means the Queensland Industrial Relations Commission.

“Group Leader – 1 Year Qualified” means an employee who has completed a Certificate 3 or 4 in Children’s Service.

“Group Leader – 2 Year Qualified” means an employee who has completed an AQF Diploma in Children’s Services.

- (a) A Registered Nurse who has enrolled in or has successfully completed an appropriate bridging course in Early Childhood studies will also meet the criteria for a 2 Year Qualified Group Leader.

“Group Leader – 3 Year Qualified” means an employee who has completed an AQF Advanced Diploma or higher qualifications in the field of Children’s Services or Education.

“Assistant Director – 2 Year Qualified” means and employee who has completed an AQF Diploma in Children’s Services.

“Assistant Director – 3 Year Qualified” means an employee who has completed an AQF Advanced Diploma or higher qualification in the field of Children’s Services or Education.

“Director – 2 Year Qualified” means an employee who has completed and AQF Diploma in Children’s Services.

“Director - 3 Year Qualified” means an employee who has completed a AQF Advanced Diploma or higher qualification in the field of Children’s Services or Education.

Outside School Hours Care and Vacation Care

“Assistant Children’s Services Worker – Unqualified” means an employee who is unqualified and is employed to assist at an Outside School Hours Care and Vacation Care Service.

“Children’s Services Worker – 1 Year Qualified” means an employee who has completed an AQF Certificate 3 or 4 in Children’s Services.

(a) This classification will also include a cook who prepares at least one full meal per day for each of a substantial proportion of children present at the Centre.

“Assistant Co-ordinator – Large Service” means an employee who is required to assist a Co-ordinator of After School Hours Care as prescribed by the Child Care Legislation to manage a licensed Outside School Hours Care service licensed to accommodate 60 or more children at any time of the day.

“Broken Shift” means a shift or work performed by employees in the Outside School Hour Care Program which is broken into not more than 2 periods (excluding rest pauses and meal breaks), where the unpaid break in between such periods is greater than one hour.

“Co-ordinator – Unqualified” means an employee who co-ordinates and manages an After School Hours Care and/or Vacation Care Service for children and has no relevant post secondary qualification.

“Co-ordinator – Qualified” means an employee who has completed a AQF Diploma in Children’s Services.

“Outside School Hours Care” – means care of children provided in schools, supervised playgrounds and other establishments, but not including child care centres as defined in the Child Care Legislation, outside normal school hours.

“Vacation Care” – means care of children provided in schools, supervised playgrounds and other establishments, but not including child care centres, as defined in the Child Care Legislation, during school vacations.

3. Term-time employment – Outside School Hours Care

This applies only to employers who operate facilities to specifically provide Outside School Hours care, and to employees who are specifically engaged under their contract of employment to provide Outside School Hours Care, and this is the primary purpose of their engagement.

An employee, who consents to such an engagement, may be classified as a term-time employee. The employee’s consent to be classified as a term-time employee is to be genuine and in writing and a copy of the written agreement is to be maintained with relevant time and wages records.

A term-time employee is an employee engaged to work only those weeks of the year deemed to coincide with the provision of primary education to school children in a school setting.

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All entitlements for term-time employees are no less than those for their non-term time counterparts, except that no ordinary wages are payable for the weeks the employee is not engaged to work.

Non-engaged periods count as service and employment for the purposes of the accrual of paid leave for annual leave, sick leave and wage increments, except that no ordinary wages are payable for the weeks the employee is not engaged to work.

Where a public holiday falls on a day upon which an employee normally works during term time or any public holiday falling on their annual leave, the employee shall be paid at the ordinary hourly rate for the number of hours that would ordinarily be worked by the employee on that day.

More than one engagement – OSHC and Vacation care

This applies only to employers who operate facilities to specifically provide Outside School Hours Care and/or Vacation Care, and to employees who are specifically engaged under their contract of employment to provide Outside School Hours Care and/or Vacation Care, and this is the primary purpose of their engagement.

A part-time employee may be engaged on a casual basis for duties in a separate engagement under this Award provided that such engagement satisfies the following criteria:

- (a) This arrangement is subject to mutual agreement between the employee and employer. Such agreement is to be recorded in writing and maintained with relevant time and wages records.
- (b) An employee who elects to take a casual engagement is to be required to work no more than 38 hours in any one week.
- (c) The work required to be performed in the separate engagement may be consistent with the usual job description of the employee concerned.
- (d) The work required to be performed in the separate engagement does not interfere with the employee's original contract of employment.
- (e) The work required to be performed in the separate engagement is not designed to avoid overtime obligations.
- (f) The separate engagement enables the employee to obtain additional hours and/or remuneration; and
- (g) Employment on a casual basis performed during the separate engagement does not break the continuity of service of an employee.

Where the casual engagement requires an employee to travel a distance in excess of that travelled to the usual workplace the employee must be:

- (a) paid for such excess time as for other work; and
- (b) either paid the amount prescribed in clause 5.2.2 or be provided with transport by the employer to the workplace.

4. Payment for meetings

In each calendar month, where an employee is expected by the employer to attend a meeting or meetings, outside of the employee's ordinary paid working hours and/or usual commencing or ceasing time, such attendance shall be paid for at a minimum rate of:

- (a) time for the first 1½ hours;
- (b) single time and half for all the time in excess of 1½ hours and up to and including 3 hours;
- (c) double time for all time in excess of 3 hours; or
- (d) the actual remuneration being paid for such attendance by the employer prior to 27 June 2006, whichever is the greater.

“meeting” includes, but is not limited to, staff meetings, meetings to discuss accreditation requirements, meetings with parents and meetings where training is delivered.

5. Skill development course

Where a child care worker as defined in the Child Care Legislation attends a course or conference relevant to their employment outside of ordinary working hours the employer is to:

- (a) pay the cost of the course or conference;
- (b) provide transport to the course or conference or pay the allowance to the employee specified in clause 5.2.2. for travel to and from the conference;
- (c) pay all other expenses associated with attending the course or conference, including accommodation expenses.

Time spent travelling to and attending courses/conferences outside of ordinary working hours is unpaid time.

Where a child care worker as defined in the Child Care Legislation attends a course or conference relevant to their employment during ordinary working hours, the employee shall not suffer any loss of pay.

Whilst the employer is not to unreasonably withhold permission for an employee to attend a course/conference either during or outside ordinary working hours, the employee shall obtain prior approval for attendance at such skill development course. Attendance at such skill development course shall not interfere with the activities of the business.

6. Financial assistance to obtain qualifications

This does not apply to qualifications undertaken as part of a traineeship or apprenticeship under the *Vocational Education, Training and Employment Act 2000*. Where there is a mandatory requirement for the employee to possess or enrol in a Certificate III in Children's Services or where the employer requires and/or approves an

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employee to undertake other studies such as a Diploma or higher qualification in Children's Services or Education, the following will apply:

- (a) Financial assistance to undertake a Diploma or higher qualifications is dependant on the employer requiring or approving the child care worker to undertake the applicable course.
- (b) Where the employee undertakes a Certificate III, Diploma or higher qualification then the employer shall contribute 50% of the approved course in 2 equal instalments; 25% on commencement and 25% on completion, subject to satisfactory proof of successful completion of the course being provided to the employer.
- (c) The employee will refund the employer the initial 25% paid if the course is not completed unless it is not completed for unforeseen circumstances e.g. serious illness, family bereavement or other reasons which are no less compelling. Such reimbursements shall be paid under mutually agreed arrangements between the employee and the employer.
- (d) Unless an agreement is reached between the employer and the employee that the employer will pay the training costs directly to the training provider, the employee will pay for the course and be reimbursed by the employer. Such reimbursement will be made to the employee within 14 days of proof to the employer of the initial payment being made by the employee and proof of successful completion of the course, respectively.
- (e) The employer shall reimburse the employee 50% of the cost of the prescribed textbooks and other prescribed course materials. Such reimbursement will be made to the employee within 14 days of the production of the receipts.
- (f) Where any disputes arise over financial assistance then the grievance procedure contained in the Award is to be accessed.

7. Wage Rate

5.1.1 Wage Rates

- (a) The minimum weekly rates of pay for employees in the Southern Division, Eastern District working in Other Than Outside School Hours Care and Vacation Care will be as set out hereunder:

Wage Rates per week - Other than Outside School Hours Care and Vacation Care

Classification	Current Rate 1.09.06	New Rate 01.03.07	New Rate 01.09.07	New Rate 01.03.08	Final Rate 01.09.08
Assistant CCW Unqualified					
Year 1	537.00	544.40	544.40	544.40	544.40
Year 2	559.30	566.90	566.90	566.90	566.90
Year 3	580.20	589.40	589.40	589.40	589.40
Children's Services Worker 1 year Qualified					
Year 1	602.20	629.40	629.40	629.40	629.40
Year 2	613.90	644.40	644.40	644.40	644.40
Year 3	624.30	659.40	659.40	659.40	659.40
Group Leader 1 Year Qualified					
Year 1	644.40	684.40	694.40	694.40	694.40
Year 2	657.60	697.60	706.90	706.90	706.90
Year 3	671.00	711.00	719.40	719.40	719.40
Group Leader 2 Year Qualified					
Year 1	678.50	718.50	738.50	738.50	759.40
Year 2	688.90	728.90	748.90	771.90	771.90
Year 3	688.90	728.90	748.90	784.40	784.40
Group Leader 3 Year Qualified					
Year 1	698.90	738.90	758.90	784.40	784.40
Year 2	712.60	742.60	762.60	784.40	784.40
Assistant Director 2 Year Qualified					
Year 1	698.90	738.90	758.90	794.40	794.40
Year 2	707.80	747.80	767.80	804.40	804.40
Year 3	707.80	747.80	767.80	807.80	814.40
Assistant Director 3 Year Qualified					
Year 1	712.60	752.60	773.30	813.30	824.40
Year 2	729.30	769.30	789.30	829.30	834.40
Director 2 Year Qualified					
Year 1	746.10	786.10	806.10	846.10	874.40
Year 2	753.60	793.60	813.60	853.60	886.90
Year 3	768.90	808.90	828.90	868.90	904.40
Year 4	783.60	823.60	843.60	883.60	919.40
Director 3 Year Qualified					
Year 1	753.60	793.60	813.60	853.60	904.40
Year 2	768.90	808.90	828.90	868.90	919.40
Year 3	783.60	823.60	843.60	883.60	936.90
Year 4	798.40	838.40	858.40	898.40	954.40
Year 5	827.80	867.80	887.80	927.80	971.90
Year 6	857.20	897.20	917.20	957.20	989.40
Year 7	894.70	934.70	954.70	994.70	1001.90
Year 8	907.30	947.30	987.30	1014.40	1014.40
Year 9	931.90	971.90	991.90	1024.40	1024.40

- (b) The minimum rates of pay for employees working in the Southern Division Eastern District in Outside School Hours Care and Vacation Care will be as set out hereunder.

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Wage rates per week - Outside School Hours Care and Vacation Care

Classification	Current Rate 1.09.06	New Rate 01.03.07	New Rate 01.09.07	New Rate 01.03.08	Final Rate 01.09.08
Assistant CCW Unqualified					
Year 1	537.00	544.40	544.40	544.40	544.40
Year 2	559.30	566.90	566.90	566.90	566.90
Year 3	580.20	589.40	589.40	589.40	589.40
Children's Services Worker 1 Year Qualified					
Year 1	602.20	629.40	629.40	629.40	629.40
Year 2	613.90	644.40	644.40	644.40	644.40
Year 3	624.30	659.40	659.40	659.40	659.40
Assistant Coordinator - Large Service					
Year 1	698.90	738.90	758.90	794.40	794.40
Year 2	706.00	746.00	766.00	804.40	804.40
Coordinator Unqualified					
Year 1	698.90	738.90	758.90	794.40	794.40
Year 2	706.00	746.00	766.00	804.40	804.40
Year 3	719.70	759.70	779.70	819.40	819.40
Coordinator Qualified Small Service					
Year 1	737.60	777.60	797.60	834.40	834.40
Year 2	746.10	786.10	806.10	846.10	854.40
Coordinator Qualified Large Service					
Year 1	737.60	777.60	797.60	837.60	874.40
Year 2	746.10	786.10	806.10	846.10	886.90
Year 3	753.60	793.60	813.60	853.60	904.40
Year 4	768.90	808.90	828.90	868.90	919.40

- * A "Small Service" is an appropriately licensed Service accommodating up to 59 children at any time of the day.
- + A "Large Service" is an appropriately licensed larger Service accommodating 60 or more children at any time of the day.

NOTE: The rates of pay in this Award are intended to include the arbitrated wage adjustment payable under the 1 September 2006 Declaration of General Ruling and earlier Safety Net Adjustments and arbitrated wage adjustments [Disputed cases are to be referred to the Vice President]. This arbitrated wage adjustment may be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employed are regulated by this Award which, excluding bonus or incentive payments, are above the wage rates prescribed in the Award. Such payments include wages payable pursuant to certified agreements and overaward arrangements. Absorption which is contrary to the terms of an agreement is not required.

Increases made under previous State Wage Cases or under the current Statement of Policy, excepting those resulting from Enterprise Agreements are not to be used to offset arbitrated wage adjustments. Increases in amounts as a result of the State Wage Case in 2007 and subsequent years are to be added to the amounts prescribed by this Award and not absorbed in any way.

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(c) Translation

In implementing the amendments to this Award arising from the QIRC decisions of 24 March 2006 and 27 June 2006, employees are to receive the wage rate consistent with the classification and paypoint to which they were entitled immediately prior to such amendments.

(d) No employee (qualified or unqualified) shall suffer any reduction in pay as the result of the introduction of the above structure and/or wage rates.

All Members will receive updated Children Services Award – State 2006 in the near future.

For further information please contact the Staff of ACSEA 3852 5177.