



## Australian Community Services Employers Association, Union of Employers

# Stop Press

### The Queensland Child Care Case

#### Commissions Critique

The Full Bench of the Queensland Industrial Relations Commission (QIRC) released its decision late last Friday afternoon in response to the LHMU application which sought a new classification structure and significant wages increases which averaged in excess of 122% coupled with having their claim backdated to 2004.

In response to the Unions ambit claims, the QIRC focused its concerns from the Union by going on record with the following comments;

**“We reject the application made by the Liquor Hospitality and Miscellaneous Union, Queensland Branch, Union of Employees (LHMU) for the quantum of increases sought as excessive”** and ....

**“We are concerned about the length of time this application has taken to reach a substantive hearing**, particularly given that it is one where the argument for pay increases is compelling and in light of increases announced by the AIRC (*albeit* on different grounds) in January 2005”

The QIRC also went on to further say that it believed the claim went further than achieving equal remuneration, and put at risk the public interest consideration of *“.....ensuring that child care retains its quality and remains both affordable and accessible.”*

One can appreciate the concern and frustration by the QIRC given that this case had been ongoing since 2004. Long before the full bench was convened, the ACSEA (formally the CSEAQ) had attempted to reach a reasonable outcome with the Union back in 2005. It is ironic that the Union now blames their own members for not achieving the result that even the QIRC thought to go on record as being excessive.

It comes as no surprise when you consider that the Union raised expectations within their member base with over exaggerated wage claims (average approx 122%) which were never going to be realised or achieved.

The QIRC has issued an interim decision responding to the claim which was based on the IRC Equal Remuneration Principle which enabled the Full Bench to determine that wage increases should be awarded based upon a number of findings including that the work performed by Child Care Workers has been historically undervalued based on the gender of the workers.



Here are the findings;

## Wage rates

The increases are in range of \$55 p.w to \$77 p.w for one year Qualified Assistant, \$102 up to \$115 for two year Qualified Group Leader, three year Qualified Director receiving increases of \$150 up to \$208 per week.

### Childcare Wage Rates

Classification			Current Rate	New Rate	New Rate	New Rate	New Rate	New Rate	Final Rate
			\$	10/04/06	01/09/06	01/03/07	01/09/07	01/03/08	01/09/08
			\$	\$	\$	\$	\$	\$	\$
Assistant CCW	Unqualified	Year 1	494.90	497.60	497.60	497.60	497.60	497.60	497.60
Assistant CCW	Unqualified	Year 2	503.20	519.90	519.90	519.90	519.90	519.90	519.90
Assistant CCW	Unqualified	Year 3	513.60	540.80	540.80	540.80	540.80	540.80	540.80
Assistant CCW	1 Yr Qualified	Year 1	522.80	562.80	578.20	578.20	578.20	578.20	578.20
Assistant CCW	1 Yr Qualified	Year 2	534.50	574.50	594.50	601.40	601.40	601.40	601.40
Assistant CCW	1 Yr Qualified	Year 3	544.90	584.90	604.90	622.70	622.70	622.70	622.70
Group Leader	Unqualified	Year 1	544.80	584.80	604.80	622.70	622.70	622.70	622.70
Group Leader	Unqualified	Year 2	555.60	595.60	615.60	632.70	632.70	632.70	632.70
Group Leader	1 Yr Qualified	Year 1	565.00	605.00	625.00	642.70	642.70	642.70	642.70
Group Leader	1 Yr Qualified	Year 2	578.20	618.20	638.20	652.70	652.70	652.70	652.70
Group Leader	1 Yr Qualified	Year 3	591.60	631.60	651.60	662.70	662.70	662.70	662.70
Group Leader	2 Yr Qualified	Year 1	599.10	639.10	659.10	699.10	701.40	701.40	701.40
Group Leader	2 Yr Qualified	Year 2	609.50	649.50	669.50	709.50	713.20	713.20	713.20
Group Leader	2 Yr Qualified	Year 3	609.50	649.50	669.50	709.50	724.90	724.90	724.90
Group Leader	3 Yr Qualified	Year 1	619.90	659.50	679.50	719.50	724.90	724.90	724.90
Group Leader	3 Yr Qualified	Year 2	633.20	673.20	693.20	723.20	724.90	724.90	724.90
Assist Director	2 Yr Qualified	Year 1	619.90	659.50	679.50	719.50	737.30	737.30	737.30
Assist Director	2 Yr Qualified	Year 2	628.40	668.40	688.40	728.40	748.40	749.10	749.10
Assist Director	2 Yr Qualified	Year 3	628.40	668.40	688.40	728.40	748.40	760.80	760.80
Assist Director	3 Yr Qualified	Year 1	633.20	673.20	693.20	723.20	743.20	763.90	763.90
Assist Director	3 Yr Qualified	Year 2	649.90	689.90	709.90	749.90	763.90	763.90	763.90
Director	Unqualified	Year 1	626.60	666.60	686.60	726.60	746.60	760.80	760.80
Director	Unqualified	Year 2	640.30	680.30	700.30	740.30	760.30	763.90	763.90
Director	1 Yr Qualified	Year 1	640.30	680.30	700.30	740.30	760.30	763.90	763.90
Director	1 Yr Qualified	Year 2	657.00	697.00	717.00	757.00	777.00	780.00	780.00
Director	2 Yr Qualified	Year 1	666.70	706.70	726.70	766.70	786.70	826.70	840.00
Director	2 Yr Qualified	Year 2	674.20	714.20	734.20	774.20	794.20	834.20	867.70
Director	2 Yr Qualified	Year 3	689.50	729.50	749.50	789.50	809.50	849.50	879.50
Director	2 Yr Qualified	Year 4	704.20	744.20	764.20	804.20	824.20	864.20	891.20
Director	Min 3 Yr Qualified	Year 1	674.20	714.20	734.20	774.20	794.20	834.20	867.70
Director	Min 3 Yr Qualified	Year 2	689.50	729.50	749.50	789.50	809.50	849.50	879.50
Director	Min 3 Yr Qualified	Year 3	704.20	744.20	764.20	804.20	824.20	864.20	891.20



Classification			Current Rate	New Rate	New Rate	New Rate	New Rate	New Rate	Final Rate
			\$	10/04/06	01/09/06	01/03/07	01/09/07	01/03/08	01/09/08
			\$	\$	\$	\$	\$	\$	\$
Director	Min 3 Yr Qualified	Year 4	719.00	759.00	779.00	819.00	839.00	879.00	927.10
Director	Min 3 Yr Qualified	Year 5	748.40	788.40	808.40	848.40	868.40	908.40	936.50
Director	Min 3 Yr Qualified	Year 6	777.80	817.80	837.80	877.80	897.80	937.80	948.30
Director	Min 3 Yr Qualified	Year 7	805.30	855.30	875.30	915.30	935.30	960.60	960.60
Director	Min 3 Yr Qualified	Year 8	827.90	867.90	887.90	927.90	967.90	972.40	972.40
Director	Min 3 Yr Qualified	Year 9	852.50	892.50	912.50	952.50	972.50	984.20	984.20

## Outside School Hours Care Wage Rates

Classification			Current Rate	New Rate	New Rate	New Rate	New Rate	New Rate	Final Rate
			\$	10/04/06	01/09/06	01/03/07	01/09/07	01/03/08	01/09/08
			\$	\$	\$	\$	\$	\$	\$
Assistant CCW	Unqualified	Year 1	494.60	497.60	497.60	497.60	497.60	497.60	497.60
Assistant CCW	Unqualified	Year 2	503.20	519.90	519.90	519.90	519.90	519.90	519.90
Assistant CCW	Unqualified	Year 3	513.60	540.80	540.80	540.80	540.80	540.80	540.80
Assistant CCW	Qualified	Year 1	522.80	562.80	578.20	578.20	578.20	578.20	578.20
Assistant CCW	Qualified	Year 2	534.50	574.50	594.50	601.40	601.40	601.40	601.40
Assistant CCW	Qualified	Year 3	544.90	584.90	604.90	622.70	622.70	622.70	622.70
Asst Coordinator+	Qual-Large Serv	Year 1	-	659.50	679.50	719.50	737.30	737.30	737.30
Asst Coordinator+	Qual-Large Serv	Year 2	-	666.60	686.60	726.60	746.60	760.80	760.80
Coordinator	Unqualified	Year 1	619.90	659.50	679.50	719.50	737.30	737.30	737.30
Coordinator	Unqualified	Year 2	626.60	666.60	686.60	726.60	746.60	760.80	760.80
Coordinator	Unqualified	Year 3	640.30	680.30	700.30	740.30	760.30	763.90	763.90
Coordinator*	Qual-Small Serv	Year 1	658.20	698.20	718.20	758.20	778.20	780.00	780.00
Coordinator*	Qual-Small Serv	Year 2	666.70	706.70	726.70	766.70	786.70	800.00	800.00
Coordinator+	Qual-Large Serv	Year 1	658.20	698.20	718.20	758.20	778.20	818.20	820.00
Coordinator+	Qual-Large Serv	Year 2	666.70	706.70	726.70	766.70	786.70	826.70	840.00
Coordinator+	Qual-Large Serv	Year 3	674.20	714.20	734.20	774.20	794.20	834.20	867.70
Coordinator+	Qual-Large Serv	Year 4	-	729.50	749.50	789.50	809.50	849.50	879.50

\* A "small service" is licensed to accommodate up to 59 children daily average, up to 59 children in care on one or more shifts.

+ A "large service" is licensed to accommodate 60 or more children daily average, 60 or more children in care on one or more shifts.

## Classification structure

The Queensland Award classification structure remains unchanged and increases have been awarded on the existing structure. The addition of the Assistant Coordinator, Qualified Assistant classification also the Coordinator Qualified has been broken up into Small Service and Large Service with the addition of a Year 4 level for Coordinator Qualified – Large Service within the OSHC structure.



### **Phase in period**

All increases are to be phased in over 2½ years i.e. 30 months. The first increase operative from 10 April 2006 is up to \$40 per week with further increments of up to \$20 per week on;

1 September 2006,  
1 March 2007,  
1 September 2007,  
1 March 2008 and  
1 September 2008.

**The average increase across the board is 18.38%.**

The phase in period identified by the full bench states that the increases will be phased in within 2 ½ years however in conflict with its own decision the full bench identifies that for most employees they will receive their increases within the first 12 months. The practical outcome is at odds with the intent and meaning of a practical phase in period of 2 ½ years.

### **Matters Yet to be Determined**

The QIRC has stated that it will make decisions in relation to the following matters raised by the Union in its final decision:

- (a) First Aid allowance;
- (b) Graduate Certificate in Child Care Management Allowance, and
- (c) Employer to meet training cost expense of obtaining the above qualifications.

The bench has reserved its decision in relation to whether any further wage increases will be granted.

### **Those effected by WorkChoices**

Most of our membership base will not be effected by Work Choices. There will be some members, based upon their organisational structure for which Work Choices and the subsequent increases will apply. For those employers transferring to new Federal system it is unlikely that any more increases in addition to those awarded on 24 March 2006, would have further application.

This means that if there are any further entitlements awarded by the Commission in relation to First Aid or the comprehensive Training provisions etc. sought by the Union, then they will not apply to employers who are now covered under Work choices. This will be a major issue for those employers who are not covered under Work choices in the future, as the cost potential, of the training provisions may be significant.



## What next

The ACSEA are in the process of appealing the decision based upon the following grounds;

1. The cold hard facts of life are that there for all intense purposes there is no phase in period as the great bulk of recipients of the decision will receive their increase (\$40 per week) within the first 12 months. Over the last 12 months wages will have gone up by \$57.00 per week (this figure incorporates the State wage increase 1<sup>st</sup> September 2005). Our concern is one of immediate affordability over the ensuing 12 months for parents within the Community sector !
2. We feel that "Term Time" for OSHC was a causality of the expediency of the decision's rushed release. It should have (we feel) been for all OSHC and not just Centacare facilities.
3. Aspects of yet to be decided matters involving Training and First Aid, coupled with either Australian Fair Pay Commission hand downs / State wage increases are for the most part the "smoking guns" of this decision.

Please don't hesitate to contact ACSEA on 3852 5177 if we can be of any further assistance.