Awards Agreements and Rates of Pay

Do Schools need to comply?

Yes.

Conditions of compliance:

Schools must comply with the minimum requirements as contained in the Educational Services (Schools) General Staff Award 2010 and the Educational Services (Teachers) Award 2010 for employees covered by the scope of these awards unless these employees are covered by a current registered agreement. No other awards normally apply to independent schools, unless they are contained in an enterprise agreement.

Schools must comply with the requirements of any current registered enterprise or collective agreement, even if it has passed its nominal expiry date. Normally the Educational Services (Schools) General Staff Award 2010 and the Educational Services (Teachers) Award 2010 do not apply to employees covered by a registered agreement. Some of the award conditions may apply to an employee if their income in any pay period would have been higher under the award than the agreement.

If you have to comply, what do you have to do?

You must ensure that each employee’s rate of pay and conditions are at least equivalent to the pay and conditions contained in the relevant awards or agreements. If you are in doubt you should contact AISSA at the contact below.

Some of the following industrial instruments will apply:

- The Fair Work Commission wage and conditions decisions.
- The National Employment Standards.
- The Educational Services (Schools) General Staff Award 2010.
- The Educational Services (Teachers) Award 2010.
- Your school’s workplace agreement.
- The Fair Work Act 2009 (Commonwealth).
- The Long Service Leave Act (SA).
- Superannuation Choice legislation.

What are the consequences if you don’t comply?

Your schools could be exposed to penalties, grievances, disputes and litigation.

See also:

Human Resource Management

Useful links:

Fair Work Commission