



# TAFE Commission of NSW Teachers and Related Employees Enterprise Agreement 2016

Your guide to the agreement

November 2016

# Overview

The purpose of this document is to provide you with a summary of the TAFE Commission of NSW Teachers Related Employees Enterprise Agreement 2016.

To view or download the full list of drafting changes from the 2013 agreement, or to access a copy of the Agreement and other relevant material, visit the [TAFE NSW enterprise bargaining website](#).

**The proposed *TAFE Commission of NSW Teachers Related Employees Enterprise Agreement 2016* (the 'proposed agreement') covers all TAFE NSW staff employed in teachers and related roles.**

**The proposed agreement will be for a three-year period, and provides for a 2.5% increase to salaries, wages, and work related allowances effective from the first full pay period on or after 24 November 2016 and a further increase of 2.5% to salaries, wages and work related allowances annually.**

**The proposed agreement maintains key conditions of employment in the current agreement.**

## Proposal summary

Proposal	What this means for you
<b>Salary increase</b>	<ul style="list-style-type: none"> <li>A 2.5% salary increase on or after the first full pay period after 24 November 2016, with further rises of 2.5% annually in 2017 and 2018</li> </ul>
<b>Duration</b>	<ul style="list-style-type: none"> <li>The proposed agreement will be of three years duration</li> </ul>
<b>Implementation of positions previously under trial</b>	<ul style="list-style-type: none"> <li>Embedding the successful trial roles (Head Teacher Band 3, Assessor and Education Support Officer) to permanent positions into the enterprise agreement</li> </ul>
<b>Part-time casual teachers</b>	<ul style="list-style-type: none"> <li>2.5% salary increase for duties other than teaching (DOTT) and coordination/consultancy rate</li> </ul>
<b>Greater job security</b>	<ul style="list-style-type: none"> <li>Head Teacher Band 3, Education Support Officers and Assessors are able to be appointed to permanent positions</li> </ul>
<b>Leave and benefits</b>	<ul style="list-style-type: none"> <li>Clearer definitions about when annual leave is taken</li> <li>Entitlement to lactation breaks for lactating mothers</li> <li>Up to five days per calendar year of special leave to attend to matters arising from domestic violence</li> </ul>

# The proposal

Following many months of bargaining meetings and consultation with AEU NSW Teachers Federation, TAFE NSW is proposing a new enterprise agreement.

## What hasn't changed?

The following elements haven't changed:

- No change to the 7 weeks agreed non-attendance
- No change to the 5 non-teaching weeks
- No change to the leave entitlement of 4 weeks annual leave
- No change to the weekly hours of attendance
- No change for accrual of FACs leave
- No change to the total annual hours of attendance
- No change to face-to-face hours for counsellors and senior counsellors
- No change to duties other than teaching for Part-time Teachers
- No change in teaching hours for Head Teachers
- No change to conditions for EO, SEO, CEO, PEO, Cluster Managers
- No change to conditions for Special Program and Assistant Outreach Coordinators
- No change to conditions for Adult Literacy Officers

## What's changed?

A full list of drafting changes and a description of each clause is available on the [TAFE NSW enterprise bargaining website](#).

### What changes are in the proposed agreement?

All employees will receive a 2.5% pay increase each year for 3 years after the agreement is approved.

Part-time Teachers

- 2.5% pay increase to 'Duties other than teaching' (DOTT) and coordination/consultancy rate

Head Teacher Band 3, Education Support Officers and Assessors

- Greater job security with the ability to appoint to permanent positions

Other changes:

- Clearer definitions about when annual leave is taken.
- Entitlement to lactation breaks for lactating mothers.
- Up to five days per calendar year of special leave to attend to matters arising from domestic violence.

## The bargaining process

### Previous bargaining process

**1 June 2015** – Notice of employee representational rights issued.

**21 & 22 July 2015** – The first bargaining meetings for this agreement was held.

**20 April 2016** – TAFE NSW confirmed to bargaining representatives in writing the proposal it intended to take to employee ballot.

**5-10 May 2016** – ballot for agreement held.

**11 May 2016** – ballot result declared. Agreement not made.

**1 November 2016** – bargaining process terminated.

### Current bargaining process

**1 November 2016** – A new bargaining process was initiated and a new notice of representational rights was issued.

TAFE NSW has negotiated with the Teachers Federation and other bargaining representatives about the drafting of the proposed agreement.

## Bargaining representatives

Bargaining representatives who participated in negotiations were:

- the TAFE NSW team, led initially by Kerry Penton, Institute Director of Riverina Institute, and more recently by Susie George, General Manager People and Safety
- Australian Education Union NSW Teachers Federation
- self-nominated bargaining representatives.

# Frequently asked questions?

## Who is covered by the Agreement?

The proposed agreement covers Teachers and Related Employees. Employee groups covered by the agreement include: head teachers, counsellors and senior counsellors, full-time teachers, part-time casual teachers, Head Teachers Band 3, Education Support Officers, Assessors, EOs, SEOs, CEOs, PEOs, Cluster Managers, Special Program Coordinators, Assistant Outreach Coordinators and Adult Literacy Officers. A full list of classifications covered by the agreement are included in the proposed agreement.

## Where can I find the ballot copy of the Agreement?

A copy of the proposed Agreement is [available on the TAFE enterprise bargaining website](#). A copy of the agreement will be attached to the email that will be sent to employees covered by the agreement prior to the access period. You can also request a hard copy of the proposed Agreement and any documents referred to in the Agreement from your HR representative or Manager.

## Do I have to vote?

Voting is not compulsory, but participation is strongly encouraged, because the Enterprise Agreement is the basis of pay and conditions for people employed under it. It's important that you have your say on the proposed Agreement.

## What does it take to get an Agreement approved?

Employees have to endorse an agreement by voting on it. For an agreement to be made, it has to be approved by the majority of employees who vote. It then goes to the Fair Work Commission for approval. The agreement comes into effect seven days after approval by the Fair Work Commission.

## What part(s) of the agreement apply to me?

The structure of the proposed agreement mirrors the structure in the 2013 agreement.

## Documents referred to in the proposed agreement

Clause reference	Policy / Procedure / Guideline
3. Dictionary	Fair Work Act 2009 (Cth), Australian Qualifications Framework (as at July 2011) (see <a href="http://www.aqf.edu.au/resources/aqf/">http://www.aqf.edu.au/resources/aqf/</a> ), Technical and Further Education Commission Act 1990 (NSW) TAFE Commission of NSW Teachers and Related Employees Enterprise Agreement 2013 ( <a href="https://www.fwc.gov.au/documents/documents/agreements/fwa/ae404921.pdf">https://www.fwc.gov.au/documents/documents/agreements/fwa/ae404921.pdf</a> )
9.6 Salaries	TAFE Policy - Teachers Commencing Salary ( <a href="https://staff.tafensw.edu.au/documents/2016/06/commencing-salary-for-tafe-teachers.pdf">https://staff.tafensw.edu.au/documents/2016/06/commencing-salary-for-tafe-teachers.pdf</a> )
12.1.2 Teacher Quality	TAFE Teachers and Related Employees Annual Review Policy ( <a href="https://staff.tafensw.edu.au/documents/2016/06/tafe-teachers-and-related-employees-annual-review.pdf">https://staff.tafensw.edu.au/documents/2016/06/tafe-teachers-and-related-employees-annual-review.pdf</a> )
33.1 33.Leave for Teachers, Related Employees, Head Teachers Band 3, Education Support Officers and Assessors	TAFE NSW Adoption, Maternity and Parental Leave Procedures ( <a href="https://staff.tafensw.edu.au/documents/2016/06/adoption-maternity-and-parental-leave.pdf">https://staff.tafensw.edu.au/documents/2016/06/adoption-maternity-and-parental-leave.pdf</a> )
33.6 Extended Leave	Procedures for Extended Leave in TAFE NSW ( <a href="https://detwww.det.nsw.edu.au/media/downloads/intranet/lists/directories/humanresources/tafenswstaff/policy/leave/extendleave.pdf">https://detwww.det.nsw.edu.au/media/downloads/intranet/lists/directories/humanresources/tafenswstaff/policy/leave/extendleave.pdf</a> )
33.7 Community Service Leave	TAFE Policy – Special Leave ( <a href="https://detwww.det.nsw.edu.au/media/downloads/intranet/lists/directories/humanresources/tafenswstaff/policy/leave/specialleave.pdf">https://detwww.det.nsw.edu.au/media/downloads/intranet/lists/directories/humanresources/tafenswstaff/policy/leave/specialleave.pdf</a> )
33.8 Family and Community Service Leave	TAFE Policy – Special Leave ( <a href="https://detwww.det.nsw.edu.au/media/downloads/intranet/lists/directories/humanresources/tafenswstaff/policy/leave/specialleave.pdf">https://detwww.det.nsw.edu.au/media/downloads/intranet/lists/directories/humanresources/tafenswstaff/policy/leave/specialleave.pdf</a> )
33.10.1 Casual Education Support Officers, Assessors and Trainers – Long Service Leave	Long Service Leave Act 1955 (NSW)
37.1 Working Conditions – Part time Casual Teachers, Coordinators and Counsellors	TAFE NSW Adoption, Maternity and Parental Leave Procedures ( <a href="https://staff.tafensw.edu.au/documents/2016/06/adoption-maternity-and-parental-leave.pdf">https://staff.tafensw.edu.au/documents/2016/06/adoption-maternity-and-parental-leave.pdf</a> )
37.8.2 Training and Development	Australian Taxation Office, Determination TD 2016/13 ( <a href="http://law.ato.gov.au/pdf/pbr/td2016-013.pdf">http://law.ato.gov.au/pdf/pbr/td2016-013.pdf</a> )

Clause reference	Policy / Procedure / Guideline
41. Implementation of Education Support and Leadership Roles	Education support and leadership roles in TAFE NSW Procedures ( <a href="https://www.tafensw.edu.au/_data/assets/pdf_file/0011/24689/Teachers_ImplementationOfEducationSupportAndLeadershipRolesProcedures.pdf">https://www.tafensw.edu.au/_data/assets/pdf_file/0011/24689/Teachers_ImplementationOfEducationSupportAndLeadershipRolesProcedures.pdf</a> )
42.7 Leave – Education Support Officers, Assessors and Trainers	Public Holidays Act 2010 (NSW)
44. Leave for matters arising from domestic violence	Crimes (Domestic and Personal Violence) Act 2007 (NSW)
Schedule 3, 5.1.2	Teaching Service Act 1980 (NSW)
Schedule 3, 7.2	Crown Employees (Public Service Conditions of Employment) Award 2009 (368 I.G. 884) ( <a href="http://www.ircgazette.justice.nsw.gov.au/irc/ircgazette.nsf/files/C7087.doc/\$FILE/C7087.doc">http://www.ircgazette.justice.nsw.gov.au/irc/ircgazette.nsf/files/C7087.doc/\$FILE/C7087.doc</a> )
Schedule 5, 8	Australian Taxation Office Determination TD 2016/13 ( <a href="http://law.ato.gov.au/pdf/pbr/td2016-013.pdf">http://law.ato.gov.au/pdf/pbr/td2016-013.pdf</a> )
Schedule 9, 17. Teacher Quality	TAFE Teachers and Related Employees Annual Review Policy (TAFE Gazette No. 32, 10 October 2001) ( <a href="https://detwww.det.nsw.edu.au/admin/gazette/2001/week32.pdf">https://detwww.det.nsw.edu.au/admin/gazette/2001/week32.pdf</a> )
Schedule 9, 20. Remuneration	Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2009 ( <a href="http://www.ircgazette.justice.nsw.gov.au/irc/ircgazette.nsf/files/C7330.doc/\$FILE/C7330.doc">http://www.ircgazette.justice.nsw.gov.au/irc/ircgazette.nsf/files/C7330.doc/\$FILE/C7330.doc</a> ) TAFE Commission of NSW Teachers and Related Employees Enterprise Agreement 2013 ( <a href="https://www.fwc.gov.au/documents/documents/agreements/fwa/ae404921.pdf">https://www.fwc.gov.au/documents/documents/agreements/fwa/ae404921.pdf</a> )
Schedule 9, 26. Extended Leave and Long Service Leave	Teaching Service Act 1980, Determination 6 of 2006, Extended Leave, (20 Jan 2006) ( <a href="http://www.dec.nsw.gov.au/detresources/d6_2006_HZTJQxFbXq.pdf">http://www.dec.nsw.gov.au/detresources/d6_2006_HZTJQxFbXq.pdf</a> )
Schedule 9 28. Community Service Leave	TAFE Policy – Special Leave ( <a href="https://detwww.det.nsw.edu.au/media/downloads/intranet/lists/directoratesaz/humanresources/tafenswstaff/policy/leave/specialleave.pdf">https://detwww.det.nsw.edu.au/media/downloads/intranet/lists/directoratesaz/humanresources/tafenswstaff/policy/leave/specialleave.pdf</a> )
Schedule 9 32. Other Leave	Trade Union Activities, TAFE Commission Gazette No. 4 of 1993 ( <a href="https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1993/gzr9304.htm">https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1993/gzr9304.htm</a> ) Special Leave, TAFE Commission Gazette No. 4 of 1993 ( <a href="https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1993/gzr9304.htm">https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1993/gzr9304.htm</a> ) Military Leave, TAFE Commission Gazette No. 10 of 2004



Clause reference	Policy / Procedure / Guideline
	<p data-bbox="699 253 1417 320"><a href="https://detwww.det.nsw.edu.au/admin/gazette/2004/TG10_2004.pdf">https://detwww.det.nsw.edu.au/admin/gazette/2004/TG10_2004.pdf</a>)</p> <p data-bbox="600 327 1394 394">Study Leave, TAFE Commission Gazette No. 31 and 36 of 1991 and 49 of 1992.</p> <p data-bbox="699 400 1417 607"> <a href="https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1991/gzr9131.htm">https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1991/gzr9131.htm</a> ,  <a href="https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1991/gzr9136.htm">https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1991/gzr9136.htm</a> ,  <a href="https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1992/gzr9249.htm">https://detwww.det.nsw.edu.au/admin/gazette/Archive90to94/1992/gzr9249.htm</a> ) </p>
Schedule 9, 33. Occupational Health and Safety	Work Health and Safety Act 2011
Schedule 9, Schedule D – Bradfield College Excess Travel and Compensation for Travel on Official Business	<p data-bbox="600 752 1241 819">Australian Taxation Office Determination TD 2016/13  <a href="http://law.ato.gov.au/pdf/pbr/td2016-013.pdf">http://law.ato.gov.au/pdf/pbr/td2016-013.pdf</a>)</p>

Legislation referred to in the agreement can be accessed at:

- Commonwealth legislation at: <https://www.legislation.gov.au/>
- New South Wales legislation at: <http://www.legislation.nsw.gov.au>

# Next steps

<b>1. Employees consider the Agreement</b>	<b>2. Employees vote</b>	<b>3. Implementation</b>
<ul style="list-style-type: none"><li>• Employees will be given an opportunity to review the proposed Agreement throughout the 7 day access period which runs from <b>17 to 24 November 2016</b>.</li><li>• This gives you the chance to check out the website, ask questions and get the information you need to cast an informed vote.</li></ul>	<ul style="list-style-type: none"><li>• Employees are being asked to support the proposed Agreement by voting for it.</li><li>• The <b>ballot opens on 25 November and will close on 1 December 2016</b>.</li><li>• For the Agreement to be approved by employees, the majority of employees who vote must vote 'yes'.</li><li>• That means, 50% +1 vote = 'yes'</li><li>• CorpVote, an independent company with expertise in managing independent and secure voting processes, is managing the electronic balloting process.</li></ul>	<ul style="list-style-type: none"><li>• If the Agreement is supported by a majority of employees, then it will be filed with the Fair Work Commission for approval.</li><li>• The new Agreement will come into effect 7 days after the Commission approves it.</li><li>• The increase will be paid effective from the first pay period after 24 November 2016 following approval of the Agreement by the Fair Work Commission.</li></ul>

## Want to know more?

If you have any questions about the *TAFE Commission of NSW Teachers and Related Employees Enterprise Agreement 2016*, or and further information about the changes you can:

- Visit the enterprise bargaining [website](#)
- Email the [TAFE Bargaining team](#)
- Speak to your People and Safety representative or Manager.