

State Industrial Law Changes

The Industrial Law Reform (Fair Work) Bill 2005 recently passed through Parliament. As a result, amendments to the Industrial and Employee Relations Act 1994 will be proclaimed shortly. Set out below are just some of the changes that would be of interest to, and could impact on the child care industry.

S.65: General Functions of Inspectors

An inspector from Workplace Services can now conduct audits and systematic inspections without receiving a specific complaint against an employer.

Previously inspectors could only investigate a specific complaint.

S.75: Making an Enterprise Agreement

The concept of multi-employer agreements has been introduced by allowing one or more employers (in the same industry) to be party to an enterprise agreement.

Previously an enterprise agreement could only take place between an employer and group of employees within a single business.

S.90A: Equity in Remuneration

The Commission must, in deciding on wages in an industry, take steps to ensure the principle of equal remuneration for work of equal or comparable value is applied.

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Beyond 2005

The latest on the agency changes

As we have explained in the article in the March issue of the Update, the funding received by Network SA and other agencies will be ceasing and in order to replace this funding, agencies will need to compete in a tendering process.

The latest is that on Saturday April 9, FaCS called for applications for funding to provide Professional Support Coordinator (PSC) services. The selection documentation is available to download from the FaCS website www.facs.gov.au. Applications close on June 2, 2005.

Following the appointment the PSC will call for tenders for Professional Support Service Providers who will provide service to the sector. This is expected to take place in November 2005.

Anne Gawen

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Previously there was no provision for work of comparable value (i.e. different type of work), only equal value (i.e. the same type of work).

S.98B: Trial Work

The Commission may now make special provisions in relation to trial work for a specified category of work, and impose limitations on the performance of trial work.

Previously there was no provision in the Act for trial work. Trial work is when a business might employ someone to "try them out". This is different to a probation period.

S.102: Time and Wages Records

More detailed and clearer record keeping requirements are specified.

S.105A4: Unfair Dismissal

If a fixed term contract employee has been given an expectation of on-going employment, the Commission will be able to hear the matter.

Previously, a person on a fixed term contract could not apply for Unfair Dismissal if they were terminated at the end of their fixed term contract.

S.109: Remedies for Unfair Dismissal

Re-employment will be regarded as the preferred remedy except where the employer employs less than 50 employees.

Previously, the number of employees was not specifically considered.

S.140: Powers of Union Officials

Extensive changes have been made to this section with respect to Right of Entry of union officials by. E.g. giving reasonable notice in advance to an employer.

Greg Stevens

Industrial Consultant for Network SA Extra

Wage Case Update

Are you are currently calculating your next budget?

If so, remember that there are two separate wage rises to consider:

1. The annual minimum wage rise from July this year. The actual \$ amount is not yet finalised but it could be up to \$15 per week for all levels.
2. Then, you may need to re-do your budget at the end of 2005 to take into account the LHMU work value wage case which could be implemented anytime from September this year. The implementation date or timeline is unknown at this stage, as is the actual amount of the increase, but it may be around 8 -13%.

Watch for a wage case update each month in this newsletter.



Shortage or Glut! The Extremes of Australia's Child Care Places

Considering the ongoing topic of child care places, it was interesting to read two contrasting articles that were recently published in Australian newspapers on the same day.....

A Victorian paper reported on the Federal Community Services Minister Kay Patterson talking to parents about Australia's *shortage* of child care places. In contrast, a Queensland paper reported on a group of child care centre operators complaining about what they believe is an *overload* of child care places.

The Victorian story referred to the frustration felt by parents in inner city Melbourne who said that the lack of child care places had blocked their return to work. Proposals were put to Senator Patterson regarding a national summit on child care and for federal money to build more child care centres.

The Queensland report stated that a group of child care operators were claiming that it is a repeated myth that there are no child care places available and they want the influx of child care centre development applications squashed. The latest child care figures showed that the average occupancy rate of centres in Queensland is only 84%. The operators are arguing that their businesses are under threat because local council approves child care centre development applications based on building design and zoning and not on need. "Some areas are being left untouched and some areas are being over-developed" an operator said.

*"Some areas are
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developed"*

Childcare Queensland President Martin Corkery wants local authorities to use needs analysis as the major determining criteria of approvals. He explained *"We all understand the drive by the Federal Government to make child care even more affordable and to allow couples to get back into the workforce or study. However, we do not support unsustainable business ventures which will create serious economic problems for the child care industry in both the short and long terms."*

....Shortage or Glut? It seems that Australia may have both until further consideration is given to the planning process.

Michelle Brereton

Rural & Remote Directors' Conference a Great Success

On April 14th and 15th Network SA held a directors' forum for remote non-profit service providers. Directors came to Adelaide for the 2 day conference which was part funded by SAACBCCC (South Australian Association of Community Based Child Care Centres).

The feedback Network SA received from the participants was overwhelmingly positive.

The exciting two days included:

- Lyn Rutherford (Chairperson of SAACBCCC) speaking about the role of SAACBCCC.
- Maurice Elmendorp from FaCS discussed the new sustainability money and the loss of DAS money for some services.
- Betty Hartnup and Kathy Wright from DECS Licensing and Standards discussed general licensing issues, including qualified staff exemptions for rural services.

The directors also participated in professional development sessions including risk management and managing stress. They also spent time networking and visiting three community based child care centres.

Participants explained how much they enjoyed the two days, especially given their isolated locations. Feedback included:

"This has been excellent"

"Useful and informative"

"I really enjoyed discussing issues with DECS and FaCS"

"Thanks to SAACBCCC and Network SA, the opportunity was great."

The directors commented that it would be great to have another forum in September.

If funding allows, Network SA would like to continue holding forums.



Anne Gawen

Calculating Sick Leave Entitlement

Recently we had a call from a child care centre where the manager had just become aware that they had been calculating sick leave entitlements incorrectly. Following our discussions with management and administration staff from this centre, we realised that the same misunderstanding about the calculations could be quite widespread. Put briefly, in the first year of continuous service an employee is entitled to a proportion of the sick leave entitlement as described in the relevant award. For each later year of continuous service, an entitlement of 10 working days' sick leave accrues at the *beginning* of the year. Here is how it works:

Child Care (SA) Award:

In the first year of continuous service, a part time or full time staff member is entitled to leave at the rate of 1/26 of his or her weekly normal hours for each week of service.

Say Jane started working in your service 13 weeks ago in a part time (not casual) position for 20 hours per week. She has taken no sick leave, but now has a throat infection and must take time off work. If we divide 20 (weekly normal hours) by 26, we see that Jane has accrued .77 hours per week of sick leave, and is entitled to take .77 hours x 13 (weeks of service) paid sick leave. Therefore she has accrued an entitlement to 10.01 hours sick leave.

If Jane takes this leave, then takes no more sick leave for the rest of the year, the remaining 30.03 hours of sick leave entitlement she accrues this year will be added to her entitlement for the next 12 months of service.

At the commencement of the second year, and at the commencement of each year of continuous service after that, a part time or full time staff member is entitled to another grant of 10 (FTE) working days sick leave.

In Jane's case, working a 20 hour week, she will accrue another 40.04 hours of sick leave entitlement at the commencement of her second year. Added to the 30.03 hours unexpended from this year, Jane will have a total entitlement of 70.07 hours from the beginning of her second year of continuous service.

Clerks (SA) Award:

Maurice is the clerical officer employed by a child care centre. According to the Clerk's (SA) Award, Maurice's entitlement is calculated slightly differently to Jane's in the first year of service, but the outcome is similar. In his first year of service, Maurice accrued 1.46 hours of sick leave entitlement for each completed 38 hours of work (to a maximum of 76 hours entitlement in one year).

At the commencement of the second and subsequent years of service, a full time clerk would immediately accrue another 76 hours of sick leave entitlement. For a part time employee such as Maurice, the entitlement is calculated by dividing 76 by 38, and multiplying by the average weekly ordinary hours over the previous 12 months. Therefore, Maurice, who worked 20 hours per week for the first year, accrued 40 hours of sick leave entitlement at the commencement of the second year.

Even though the calculation methods in the two awards are different, the intention is the same and the table shown on this page can be used to calculate sick leave entitlement under both awards. Remember, the conditions outlined in an award are the compulsory bottom line standards of employment, so you cannot provide less than these entitlements, but you may choose in certain cases to better them.

For more information about sick leave entitlements, refer to Part 7, Clause 7.2 of the Child Care (South Australia) Award and Part 7, Clause 7.2 of the Clerks' (South Australia) Award. Copies of the awards may be downloaded from www.eric.sa.gov.au. Follow the *Wages and Conditions* link to *State Awards and rates of pay*.

Hours worked per week	Hours of Sick Leave entitlement per week
15	0.58
16	0.62
17	0.65
18	0.69
19	0.73
20	0.77
21	0.81
22	0.85
23	0.88
24	0.92
25	0.96
26	1.00
27	1.04
28	1.08
29	1.12
30	1.15
31	1.19
32	1.23
33	1.27
34	1.31
35	1.35
36	1.38
37	1.42
38	1.46

This table can be used as a quick reference to calculate sick leave entitlement

Maureen McGuire

OSHCQA BULLETIN
MAY 2005



“Our values encompass who we are yet our philosophy is how we project those values”

This statement comes from an unrelated article read recently but it speaks to us in our OSHCQA environment. Quality Assurance is about looking at our services and assessing how practices will be validated against our philosophies.

The Network SA OSHCQA Team has completed the support and training calendar for Term 1. The evaluations have been very pleasing and the ability to work with smaller groups has had very real benefits.

The sessions that were delivered in the four main regions have been tailored to an assumed need but were flexible enough to accommodate individual needs. This concept has been well received. We are always interested in supporting you with relevant sessions and it is planned that we will continue in this vein as the year progresses. The support that is offered must be relevant to the needs of the sector, so please keep us informed of any areas that would be most valuable and every effort will be made to tailor future sessions to the needs identified.

The networks that are evolving from the sessions presented so far are a very positive development, as these links are wonderful for information sharing.

During the early weeks of Term 2 Teresa & Kay are travelling the countryside. Kay will go to Central Australia and Teresa to Port Lincoln, Mt Gambier and the Riverland.

Similar sessions to those delivered in the metro area will be delivered in the country areas. Please be aware that if you phone Network SA for support there may be a delay in either Teresa or Kay getting back to you.

In the coming week you will be receiving the Calendar for Term 2 Support & Training. Please book early as these sessions are limited to 25 people. We will accommodate and organize other sessions if the first sessions become booked out.

The Mentoring service we are offering is being taken up by a number of services. Please call us if you feel you need this extra assistance. There is a fee for this service of \$55.00 per session.

We are presently looking at Network SA having a designated phone line for OSHCQA calls. Check next month's Update for the number.

Quick reminders:

- If things are working well don't change for the sake of changing, look at what you are doing and how you can fine tune the practice.
- Be clear about the supporting evidence you require when the validator visits. Have an efficient filing system so you can find what you need and be sure that what you have written up as your procedures is what you actually do.
- Be familiar with what to expect from the validation visit and use this time effectively. In the final accreditation tally, the validator's visit counts for 40% of the total, the self study 20%, surveys (x3) 30% and the moderation 10%.
- Do not panic and ask for help if you need to.
- The Question and Answer Forums are a great place to ask questions and talk to colleagues in the same position as you. These forums are for you, check the calendar for times and venues

We look forward to working together with you and your services this coming month.

Teresa Harnett and Kay Thomas

Recent News Reports:

- Hutchison Child Care Services chief executive Craig Napier, chairperson Cherrell Hirst and independent director Nigel Chamier have all resigned. Geoff Boynton, company secretary and financial officer, has been appointed acting chief executive, and former chairperson Trevor Maloney will again fill the role of chairperson.
- ABC Learning Centres has won a five year contract with the Department of Defence to provide child care services to Defence families throughout Australia. Defence data indicates that this is a potential market of 15,000 children.



Staff Breaks

Staff breaks have taken centre stage this month with the magic number five being popular as a benchmark for hours worked without a break. Please **don't** think five hours. There is no mention of five hours as being the length of time employees work, without a break, in the Child Care (South Australia) Award.

Well, what daily break times are required in this Award? (You might ask)

- A 10 minute morning tea break (paid).
- At least 30 minutes for a lunch break (unpaid).
- A 10 minute afternoon tea break (paid).



The real difficulty appears to arise in working out how to include these breaks into a busy children's service roster. This award nominates 8 hours as being the maximum number of ordinary hours to be worked on any day (notwithstanding specific work cycles allowed, by agreement, within the award).

It also nominates allowance for a midday lunch break, free of interruption. Midday is 12.00noon, according to our time system.

How do I apply these nominated breaks to my roster? (You might ask)

By using a just and equitable system that complies with the Child Care (South Australia) Award requirements and supports the wellbeing of staff and, ultimately, service participants.

So where do I get my magic wand, because this is so difficult with the variation of hours, levels and full-time, part-time, casual staff? (You might very well ask)

Sorry, directions for the purchase of magic wands do not form part of my job description as a consultant, however, I can suggest a pathway through the maze.

So...back to the roster, compliance and wellbeing!

Rostered shifts vary from split 2 hour shifts in OSHC to 8 hours plus overtime in long day care and Vacation care. Given that the span of ordinary hours nominated in this award is between 6.30am and 6.30pm, except for the extended services provision, lunch breaks would need to be extended out either side of midday. That's pretty obvious, I hear you say. Good, now we can look at what's practical within the intent of the award.

Returning to the 8 hour principle and looking at breaks in a rational manner, lunch would be rostered at approximately the halfway point of a 7.6 or 8 hour shift. That being the case, morning and afternoon tea breaks would need to occur approximately halfway between beginning a shift and lunch and ending a shift and lunch.

Staff/child ratios, number of employees and hours employed require flexibility of break time allocation, however, breaks are entitlements under the Child Care (South Australia) Award. Breaks are important in child care services – particularly as the work does not allow for a few minutes here and there to take care of personal needs outside of break times (toilet breaks excepted). Staff need to be consistently alert and respectfully responsive throughout their shifts. The pace of work is continuous, unlike some work environments where there are peaks and troughs of busy and quieter periods. Breaks contribute to the wellbeing of staff which, in turn, impacts on their interactions with children and families.

To recap simply, within the spirit and intent of this award, staff need a:

- Lunch break of at least 30 minutes about **mid-way through** a 7.6 or 8 hour shift.
- A 10 minute tea break **during** the morning and afternoon of a 7.6 to 8 hour shift.
- A 10 minute tea break **during** a morning or afternoon 3 to 4 hour shift.

If longer hours are required, as per the award, commonsense must prevail in relation to breaks, using the above as a basis for negotiation.

Still no magic wand, just common sense and a commitment to children, staff entitlements and the best children's services we can provide.

Bev Pope

Staffing Selection Paper 9: "Induction and Probation"

Included as an insert this month is the 9th and final Child Care Staffing Resource Paper: Induction and Probation. To help you find previously published papers more easily, we have also included an index page listing the month each paper was published as an insert in the Update Newsletter.

If you have missed previous papers, we would be happy to send you copies. Call Sue Pens or Michelle on 8445 8128 or e-mail sue.pens@networksa.org.au or michelle.brereton@networksa.org.au

Alternatively, you can download them from our website www.networksa.org.au. You will need Microsoft Publisher to open them.



What they come out with...

*At child care, Anthony, 3 y.o, answered the play phone in the home corner....
"Hello, Anthony's child care centre,
Anthony speaking, can I help you?"*

Positions Vacant

**Kidman Park
Community Child Care Centre**

**Director – Level 2 Full Time
(Readvertised)**

We are seeking an experienced and motivated person to join our team

The Person will need:

- Qualifications as approved by DECS.
- Leadership and communication skills.
- Commitment to equality and respect of clients and peers.
- Skills in supporting and encouraging staff to meet their responsibilities.
- Knowledge of Accreditation and SACSA.

Applications must address the job specifications (Ph: 8235 0636) and include 3 work related referees.

Applications close 13th May

ASSOCIATIONS

Childcare South Australia Inc

Meetings are held on the 3rd Monday of the month (4th if the 3rd is a public holiday) at the Education Centre, Milner St, Hindmarsh at 7.30pm.

Postal address: P.O. Box 406 Hindmarsh SA 5007.

Email accsa@internode.on.net.

Phone: 0407 580 645

OSHC Association

Meetings for all OSHC staff, parents and advisory committee members are held at Education Department Centre [EDC] Milner Street Hindmarsh or Network SA at the Parks Community Centre, Trafford Street, Regency Park at 10 -12.00 noon in weeks 3 and 8 on the Tuesday.

For further information contact the Chairperson, Teresa Harnett, on 0411 558 050.

National Association of Community Based Children's Services (SA)

Meetings are held on the 1st Tuesday of each month at 9.30am at the Gowrie Training Centre.

For further information contact Deb on 8231 0941 or by fax on 8231 0949.

South Australian Association of Community Based Child Care Centres

Meetings are held on the 3rd Tuesday of each month at 9.30am. at the Gowrie Resource Centre.

For further information contact Lynne Rutherford on 8222 5880.

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Network SA and ARMSU are located at The Parks Community Centre, Trafford Street, Angle Park. Enter from Trafford St (car park 7) and follow the path to the centre of the complex. We are in the 2nd building on your left, opposite the Health Centre.