

**CROWN EMPLOYEES (SCHOOL ADMINISTRATIVE AND  
SUPPORT STAFF, GENERAL ASSISTANTS IN SCHOOLS)  
STANDDOWN AWARD**

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Review of Award pursuant to Section 19 of the *Industrial Relations Act 1996*.

(Case No. 2016/00006989)

Before Commissioner Stanton

2 August 2016

**REVIEWED AWARD**

**1. Arrangement**

Clause No.	Subject Matter
1.	Arrangement
2.	Definitions
3.	Anti-Discrimination
4.	Payment During School Vacations
5.	Area, Incidence and Duration

**2. Definitions**

- 2.1 "Employee" means and includes persons employed as School Administrative and Support Staff under section 21 of the *Education (School Administrative and Support Staff) Act 1987* and persons employed as General Assistants under section 43 (1)(b) of the *Government Sector Employment Act 2013*.
- 2.2 "School Administrative and Support Staff" means and includes persons employed as Aboriginal Education Officers, School Administrative Officers, School Administrative Managers, School Learning Support Officers (Pre-School), School Learning Support Officers, School Learning Support Officers (Braille Transcriber), School Learning Support Officers (Sign Interpreter) and School Learning Support Officers (Ethnic).
- 2.3 "Parties" means the New South Wales Department of Education and the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales.

**3. Anti-Discrimination**

- 3.1 It is the intention of the parties bound by this award to seek to achieve the object in section 3(f) of the *Industrial Relation Act 1996* to prevent and eliminate discrimination in the workplace. This includes discrimination on the grounds of race, sex, marital status, disability, homosexuality, transgender identity, age and responsibilities as a carer.
- 3.2 It follows that in fulfilling their obligations under the dispute resolution procedure prescribed by the Crown Employees (School Administrative and Support Staff) Award or the Crown Employees (General Assistants in Schools - Department of Education) Award the parties have obligations to take all reasonable steps to ensure that the operation of the provisions of this award are not directly or indirectly discriminatory in their effects. It will be consistent with the fulfilment of these obligations for the parties to make application to vary any provision of the award which, by its terms or operation, has a direct or indirect discriminatory effect.
- 3.3 Under the *Anti-Discrimination Act 1977*, it is unlawful to victimise an employee because the

employee has made or may make or has been involved in a complaint in a complaint of unlawful discrimination or harassment.

- 3.4 Nothing in this clause is to be taken to affect:
- 3.4.1 any conduct or act which is specifically exempted from anti-discrimination legislation;
  - 3.4.2 offering or providing junior rates of pay to persons under 21 years of age;
  - 3.4.3 any act or practice of a body established to propagate religion which is exempted under section 56(d) of the *Anti-Discrimination Act 1977*;
  - 3.4.4 a party to this award from pursuing matters of unlawful discrimination in any State or Federal jurisdiction.
- 3.5 This clause does not create legal rights or obligations in addition to those imposed upon the parties by the legislation referred to in this clause.

#### **4. Payment During School Vacations**

- 4.1 When schools are in recess and employees are not required to work they shall be paid half ordinary pay for the period of recess provided that they are continuously employed for the full school term immediately preceding and for the full school term immediately following the recess.
- Provided that where an employee takes leave without pay, in accordance with the Crown Employees (School Administrative and Support Staff) Award exceeding five continuous days in a school term, the period of the school vacation next following such leave for which payment is made pursuant to this clause shall be reduced proportionately. A period of leave without pay of five continuous days or less shall not lead to a reduction in award entitlement.
- 4.2 Subclause 4.1 shall not apply in the first four weeks of the summer vacation whether or not the employee is receiving payment for recreation leave pursuant to the Crown Employees (School Administrative and Support Staff) Award or when the employee is being paid for a public holiday.

#### **5. Area, Incidence and Duration**

- 5.1 This award shall apply to all employees as defined in clause 2, Definitions above.
- 5.2 The changes made to the award pursuant to the Award Review pursuant to section 19(6) of the *Industrial Relations Act 1996* and Principle 26 of the Principles for Review of Awards made by the Industrial Relations Commission of New South Wales on 28 April 1999 (310 I.G. 359) take effect on and from 2 August 2016.
- 5.3 Changes made to this award subsequent to it first being published on 17 August 2012 (374 I.G. 242) have been incorporated into this award as part of the review.
- 5.4 This award remains in force until varied or rescinded, the period for which it was made having already expired.

J. D. STANTON, Commissioner