

AEU takes Victorian Government to court over salary progression

24 October 2013 2:27pm

The Federal Court will next month hear the AEU's claim that the Victorian Government has unlawfully changed the rules for salary progression for the state's education workforce, after the parties this morning agreed to the matter being set down for a speedy trial.

The AEU is alleging the education department breached the recently-approved [Victorian Government Schools Agreement](#) by directing principals to be more rigorous in determining which teachers and support staff were meeting the progression criteria - including setting a cap on those who moved to the next level - without consulting the union first.

The union says the department's directions amount to implementing a new performance and development process, and therefore contravened clause 13(3) of the agreement.

But the government denies it has done anything wrong, and department secretary Richard Bolt wrote to all principals on Tuesday to, in his words, "dispel some misunderstandings" from the "vigorous commentary" that had followed presentations to school leaders by regional directors in recent weeks.

Minister for the Teaching Profession, Peter Hall, signalled a tighter approach to annual progression when he announced a "rigorous new framework for teacher performance and development" on October 8.

"Last year 99.8 per cent of teachers received a salary progression, however only 70 per cent of our students are achieving good learning growth each year," Minister Hall said then.

"That means, of the 24,000 teachers that were eligible for progression last year, only 28 did not receive a promotion."

In what the union says was the unilateral imposition of a quota, Hall said that "in a typical school, the Coalition Government will expect that between 60 per cent and 80 per cent of teachers" would achieve a successful performance assessment and therefore progression.

The AEU says those figures were repeated by regional directors in their meetings with principals over the past few weeks.

Victorian branch president Meredith Peace said the union "did not accept that up to 40% of school staff are not meeting the standards", and accused the government of "undermining the teaching profession" by rushing through changes without consulting it.

Bolt told principals two days ago that the current performance and development arrangements for the 2013/14 cycle - which runs to April 30 next year - would continue to apply, but "this year we are seeking greater rigour in assessments" and that all employees are given performance feedback, not just those who are eligible for progression.

There are currently more than 16,000 teachers at the top of the scale who are unable to progress to a higher increment without being promoted.

Bolt told principals they were "not being directed to manage to a quota", but the government had "issued a guiding range to ensure greater rigour in future performance assessment".

He also said that principals' own performance ratings would not be affected by the proportion of teachers and support staff they assessed as meeting expectations.

Minister Hall released a new education [policy](#) on Tuesday that makes no bones about the government's intention to move to a new performance assessment system in the near future.

"The primary purpose of this assessment system is to drive evidence-based improvement. As a secondary purpose, performance ratings will be linked to principals' decisions on promotion, salary progression, and accelerated progression," the policy states.

Further consultations over the new policy are likely to be strained, as the union believes the government

has jumped the gun with the Minister's October 8 announcement and the subsequent regional director briefings of principals.

The union had intended to seek an interlocutory injunction from Justice Michelle Gordon this morning, but the judge said she could hear the substantive claim within the next two weeks.

The government gave an undertaking that, until at least the November 7 hearing, it would not direct principals to "apply a band-width" for determining the number of employees that were meeting the progression standards.

A discussion paper by remuneration consultant Egan Associates released this week urged governments to move away from automatic annual increases in salary for public servants (see [Related Article](#))



All articles in Workplace Express are protected by © Specialist News 2013

© Specialist News 2013