

PSA Facebook live event

Notes (David Chin)

Introduction

1. My name is David Chin. Together with junior counsel, Lucy Saunders, and Nathan Keats and the team at McNally Jones Staff Lawyers, I represent the PSA in a major Equal Pay Case for SAS Staff in NSW.
2. This is an historic day for School Administrative and Support Staff in NSW.
3. The PSA has obtained the Department of Education's agreement to resolve and settle the PSA's Equal Pay Case for SAS Staff on the basis of substantial pay increases for all SAS Staff.
4. This case was brought under the leadership of the PSA's General Secretary, Stewart Little, the PSA School's Team led by Kris Cruden, and the current and former chairs of the Schools Departmental Committee, Sue Walsh and Wendy Hurry.
5. As far back as 2012, the leadership of the Schools Departmental Committee was determined to run a major industrial case to address the fact that the work of SAS Staff was undervalued because of their gender. I know that one of the first decisions taken by Stewart Little when he became General Secretary of the PSA in 2016 was to launch this Equal Pay Case for SAS Staff.
6. Since 2017, the PSA has put together extensive evidence from SAS Staff, and from experts on gender based undervaluation, in preparation for the case which is listed for hearing in the Industrial Relations Commission of NSW for 4 weeks in October this year.
7. After numerous conciliation conferences conducted by Commissioner Murphy of the Industrial Relations Commission, the Department has now agreed to settle the PSA's claim on terms which I will outline for you.

Recommendation

8. The PSA's legal team recommends acceptance of this settlement package.
9. In my view, the pay increases that are a central part of this package are an outstanding result for SAS Staff. The package must be seen in the context of the current environment where wage increases for public servants in NSW is limited to 2.5% per annum.
10. The increases are also broadly uniform across all SAS Staff classifications. This is a particularly valuable feature of this package. There is of course no guarantee that any outcome imposed by the Commission would include uniform increases across all SAS Staff

classifications, or that it would match the amount of the increases that are a part of this package.

11. There are 6 main features of the settlement package.

(1) Pay increases

12. When the new award is made, all SAS Staff will receive at least an immediate and overall **13.8%** increase in their hourly rates of pay effective from 1 July 2019. With two more automatic increases in 2020 and 2021, this means that all SAS Staff will receive at least a **19%** increase in their hourly rates over the next 3 years. This applies to all adult School Administrative Managers, Aboriginal Education Officers, School Administrative Officers, and general School Learning Support Officers.

13. In addition, SLSO (Pre-school) pay rates will be aligned with the general SLSO rates. Accordingly, all School Learning Support Officers working in pre-schools will receive up to a **29.9%** increase in pay effective from 1 July 2019, and an increase of up to **35.8%** over the next 3 years.

14. For completeness, I note that 'junior' rates will be abolished so that any existing junior SLSOs will receive an immediate **63.8%** increase in their hourly rates of pay effective from 1 July 2019, and an increase of **71.3%** over 3 years.

15. This represents an historic break from the past undervaluation of SAS Staff, where under the current Award and its predecessors, the rates of pay of SAS Staff were tied to lower clerical grade rates. For example, Level 4 SAMs will jump from rates equivalent to Clerk Grade 3 to Clerk Grade 5.

16. Based on minimum hours of work per week for permanent or long term temporary full-time employees (excluding any additional hours and overtime), the immediate increases effective from 1 July 2019 in dollar terms are, for example:

- SAM Level 4: \$5.19 x 33 hour 20 minutes = **\$172.98** per week (**\$9,025.85** per year).
- SAM Level 3: \$5.03 x 33 hours 20 minutes = **\$167.65** per week (**\$8,747.73** per year).
- AEO Year 4: \$4.90 x 31 hours 15 minutes = **\$153.13** per week (**\$7,990.10** per year).
- SAO: \$4.12 x 31 hours 15 minutes = **\$128.75** per week (**\$6,717.99** per year).
- SLSO Year 4: \$4.38 x 31 hours 15 minutes = **\$136.88** per week (**\$7,142.20** per year).
- SLSO (Pre School) Year 4: \$8.32 x 31 hours 15 minutes = **\$260** per week (**\$13,566.43** per year).

17. In addition to increases in base rates of pay, the allowances for first aid, administration of medication and health support will be increased, effective from 1 July 2019, by **14.3%**, **13.5%** and **15%** respectively (**18.4%**, **18.9%** and **20%** over 3 years).

(2) Classification structure

18. There are 2 significant changes to the classification structure.

SLSO (SHS)

19. *Firstly*, a new SLSO (Student Health Support) classification will be introduced. SLSOs who are currently performing health care procedures (to be known as 'health support') will continue to perform these duties. They will continue to receive the allowance for these duties until they have transitioned into the new classification. Once they transition into the new classification, the allowance will be incorporated into their higher base hourly rate of pay.
20. All other SLSOs will be required only to perform first aid and the administration of medication. This will be subject to appropriate training and the receipt of allowances.
21. All other SLSOs will not be required to perform invasive health care procedures such as catheterisation. They may be required to administer medications by injection; but only in cases of emergency or in accordance with a student's health care plan. The PSA opposed making the administration of injections part of the routine tasks to be performed by SLSOs generally.

BM's - conditions

22. Two new Business Manager classifications will be introduced into the award: BM1 and BM2.
23. The inclusion of the BM classifications is intended to provide SAMs with greater scope for career progression.
24. This will bring Business Managers within the SAS Staff Award conditions.
25. The rates for these classifications will be based on the rates for Clerk Grade 5/6 and Clerk Grade 7/8. The BM rates of pay from 1 July 2019 are up to **29.9%** (\$55.66 per hour) above the SAM Level 4 rate.
26. BMs will have the benefit of SAS Staff holidays – up to an extra 4 to 6 weeks per year. The effect of this change in conditions is that the annual salary of BMs will be reduced by the equivalent of less than 3 weeks pay (2.85 weeks) to accommodate the additional 6 weeks holidays.

BM's - transition

27. The new BM classifications will come into effect from 1 July 2021.
28. Permanent SAMs who are currently employed on temporary assignments as a Business Manager can continue in their temporary assignments for up to 2 years subject to school operational requirements. They will then have the OPTION of moving to the equivalent BM role under the SAS Staff Award at the conclusion of their temporary assignment subject to the continuing need for the BM role at the school.
29. The PSA has secured a commitment from the Department that every school will be required to employ either a SAM or a BM, or both.

BM's - supervision

30. As part of the overall package which includes the substantial pay increases, the Department has insisted on the potential for BMs to be required to supervise administrative and non-teaching staff. This condition was non-negotiable.
31. However, the supervision of SAOs will remain one of the primary purposes of the SAM role. This is recognised in the new statements of duties.

(3) New Statements of Duty

32. The award will contain brief descriptions of each classification.
33. There will also be new statements of duties which have been modernised to reflect the duties that SAS Staff currently undertake. The existing statements of duties for SAS Staff are now over 20 years old.
34. The PSA will make these new statements available.
35. They incorporate the changes to duties that I have earlier outlined concerning the administration of medications by SLSOs and supervision of staff by BMs.

(4) New Appointment and recruitment procedures

36. New recruitment and appointment procedures will be developed in consultation with the PSA over the next 12 months. In the meantime, the existing procedures will remain in place.
37. It is envisaged that the new procedures will retain nominated transfers, resumption of duty transfers and compassionate transfers; but principals may appoint staff to vacant permanent SAS Staff positions using either external or internal selection processes.

(5) Ordinary and additional hours

38. The bandwidth of ordinary hours for all classifications will be extended to 7.30am to 6.00pm.
39. There is otherwise no change to the normal hours of work per week within that bandwidth:
ie. 31 hours and 15 minutes per week for all classifications except SAMs (33 hours 20 minutes) and BMs (35 hours).
40. The new award will also reflect the existing practice of payment of a 15% loading on all additional hours worked up to 7 per day and 35 hours per week, with the overtime rate being paid for all hours above 7 per day and 35 per week.

(6) Public sector conditions

41. The new SAS Staff award will incorporate general public sector conditions for travelling compensation, production of receipts, private motor vehicle allowance, damage to private motor vehicle used for work, living in remote area allowance, assistance to employees in remote area when travelling on recreation leave, community language allowance scheme, military leave, sick leave and study assistance.
42. There are no major changes to existing entitlements of SAS Staff arising from these conditions.