

ANNUAL REPORT – 2006

1. INDUSTRIAL SERVICE

The provision of information to Schools about a broad range of industrial and legal matters has been the major activity of AISWA's industrial service during 2005.

The predominant issues brought to AISWA by Schools have been leave and holiday entitlements and the payment of these entitlements.

Most requests are made by telephone but there is a growing tendency to use e-mail as the e-mail response provides a more permanent record.

2. WORKCHOICES

The most significant development in the area of industrial law in 2005 has been the Australian Government's Workplace Relations (WorkChoices) Bill.

The Bill passed through the Parliament on 7 December and was given Royal Assent by the Governor General on 14 December. Legal challenges to the Act from the States are expected in 2006.

There has been considerable speculation as to the effect the Act is likely to have on employers and employees.

In 2006, AISWA will inform Member Schools of the actual changes to employment conditions as they occur.

3. CONTRACTS

In 2005, AISWA assisted a number of Schools with the writing of contracts for new employees.

Model contracts for a number of positions are available which Schools can adapt to suit their particular needs.

AISWA suggests that Schools consider these models before finalising the contracts they offer to new staff.

4. ARBITRATED SAFETY NET ADJUSTMENTS 2005

In July, 2005, the Western Australian Industrial Relations Commission issued a General Order which contained the statement:

"THAT weekly rates of pay in each award of the Commission...be increased by the arbitrated safety net adjustment of \$17.00 per week with effect on and from 7 July 2005 and that this increase shall be subject to absorption in the same terms as previous State Wage Case decisions."

AISWA provided Member Schools with School Award File replacement pages which contained the new wage and salary rates.

5. TEACHERS' SALARIES

After the Western Australian Industrial Relations Commission had made an arbitrated safety net adjustment to Award salaries and wages in July, the salary at the top of the salary scale of the Independent Schools Teachers Award was \$47,035 per annum. A teacher in a Catholic School or a Government School at the top of the salary scale received \$58,755 per annum.

The difference in salaries will increase in early 2006 when teachers' salaries in Catholic and Government Schools increase by three per cent.

For many years, AISWA has been stressing the importance of Independent Schools at least matching the salaries paid to teachers in Catholic and Government Schools.

6. RETURNING TO DUTY AFTER PARENTING LEAVE

AISWA believes that there is an increasing tendency for former, full-time employees returning to duty after parenting leave to request to return as part-time employees.

The suggestion has been made to Schools which have raised this matter with AISWA that while they are not legally obliged to comply with such requests they should give every consideration to each request and meet the request when the children's education program is not disrupted, where suitable alternative arrangements can be made and where there is no inconvenience to other staff.

7. REDUNDANCY

A small number of Schools have discussed with AISWA issues relating to making staff members redundant.

AISWA has strongly recommended that Schools follow the procedure outlined in the "Redundancy Provisions" clause in the Award under which the employee is employed.

If there is no "Redundancy Provisions" clause in the relevant Award, AISWA has suggested that a procedure similar to that given in Clause 28 of the Independent Schools Administrative and Technical Officers Award be followed.

A General Order from the Western Australian Industrial Relations Commission which took effect from 1 August, 2005, increased the severance pay provision to a maximum of 16 weeks' pay for a period of continuous service of 9 years and less than 10 years. For service of 10 years and over the severance pay reduces to 12 weeks.

A proviso with the increase is that "the entitlement of any employee whose employment terminates on or before 1 February 2006 shall not exceed 8 weeks' pay."