General Agreement 2019 updates

The following is a summary of a report, presented at June State Council Conference, updating the implementation of the General Agreement 2019 for schools.

Curriculum resources

This is progressing well with all documentation relating to Years 3-10 being on track to be available to schools in an online format by the commencement of Semester 2 2021. Documents pertaining to the K year are anticipated to be ready by August, while the P, 1 and 2 years are due in early Semester 2.

The professional learning (PL) component of this commitment is underway with 70 teachers having been selected and trained to deliver the agreed half-day professional learning to all teaching staff. The logistics of this task will mean that this PL is unlikely to be completed prior to the end of 2022.

Collegiate principals (CP)

Sixteen positions have been established and became fully operational from the commencement of Term 2. Principals have been invited to express interest in working with CPs and the response has been strong.

There will be an evaluation of the project prior to the end of 2021. It is the SSTUWA position that the number of positions be increased in the forthcoming EBA negotiations.

Performance management

The parties have agreed to a standardised performance management template. A final draft of this was made available at June State Council.

The other component of this commitment is a review of the Employee Performance Policy itself. This is currently underway.

Staff placement

This commitment is contained in the Exchange of Letters and requires the department to actively work with the SSTUWA and the Principals' Federation of WA to devise strategies aimed at increasing the movement of staff, including principals, across all regions.

While the Department of Education (DoE) has been slow to commence these discussions, its response to the SSTUWA proposal (of reserving 25 per cent of positions for transfer) has been quite positive.

Currently it is collecting data, sought by the union, in relation to the numbers of positions being filled through the existing transfer pool (RTS, ERPs). In addition there are a number of current staffing practices which can be improved/ abolished/streamlined to improve the process as it is experienced by both teachers and school leaders, as well as to ensure greater movement of staff across regions.

Compassionate transfers

The SSTUWA has tabled a draft set of principles for determining how compassionate transfers should be decided. These are currently being considered by the DoE.

Behaviour management

The re-alignment of Statewide Services (SWS), which is currently underway, has meant a delay in discussions around the behaviour management strategy.
The department has proposed that these discussions be integrated into the broader review around the proposed SWS restructure; this also includes the issue of suspension and exclusion of students with disability (SWD). While expressing a level of frustration about the delay, SSTUWA Executive recognises the logic of such an approach and has agreed in principle to this proposal though with specific, agreed milestones needing to be met.

In the meantime, we have sought a specific central message from the DoE about suspension and exclusion of SWDs – namely, that where an assault is NOT a manifestation of the student's disability then the same rules apply as to any other student. This understanding is not widely shared among principals, resulting in a lack of consistency between schools. It needs to be much more clearly and firmly expressed from the centre.

Work on this is currently underway.

Discussions between the parties have also occurred in relation to the student exclusion process. In response to issues raised, the department is proposing changes to the current process which will ensure greater consistency of decision-making, better feedback to schools, and a stronger say for schools.

Long service leave (LSL) for casual employees

This issue has arisen due to a legal re-interpretation of the LSL Act which finds that casual employees are in fact entitled to accrue LSL. As a result, the General Agreements for both schools and TAFE were amended in the last round of negotiations, to reflect the entitlement for casual teachers and lecturers. This issue applies across the public sector, with the public sector unions in discussions with Government Sector Labour Relations (GSLR) and Treasury to implement what is a very complex situation across the board, but particularly so for the education and health agencies who, between them, will account for almost 90 per cent of affected employees.

The parties are currently discussing a number of issues around retrospectivity, definitions of continuous service, the nature of the casual employment roles engaged in (as teacher, EA or combination), etc.

In addition, payroll systems need to re- set to record leave accumulation for the future.

Any agreed position will need to be endorsed by Treasury and then Cabinet, given the significant costs this will impose across government.

Classification model for principals and deputy principals This project has been outsourced to Price Consulting and has seen widespread consultation among principals and deputies across the state. The proposed model will draw on a combination of the stipulations of the Education Act and
an agreed set of principal standards, derived from the Australian Council for Educational Research and the Australian Institute for Teaching and School Leadership.

Discussions are currently focused on the role of deputies and how, given the multiplicity of ways in which deputies are deployed in an Independent Public Schools (IPS) environment, a proper work value for these positions can be established. This is made more difficult by the range of position titles being used in schools and the reprofiling which occurred when IPS was introduced and is still happening in new Independent Public Schools.

The SSTUWA position is that any attempt to create a valid work value exercise across deputy positions necessitates an element of centralisation as to the role in a particular school environment.

While all parties are in agreement with this concept, its practical implementation is complicated and is the main reason for the project having gone beyond its original timeline.

TAFE GA 2019 implementation

The union has been working on implementing the key changes in the General Agreement TAFE 2019 via the work of TAFE Committee and branch union representatives, Know Your Rights training sessions, updating information sheets and directly with the employer through the five union-employer Joint Consultative Committees and SSTUWA-TAFE Employee Relations Committee (STERC).

Key areas of focus have been:

1. Union representative time – a new policy to allocate time off teaching for representatives to undertake their roles.

2. STERC working groups – examining issues such as class sizes, cuts to student curriculum hours (SCH) and workload.

3. Job security – there have been numerous examples of colleges requiring lecturers to reapply for their positions despite having been through several merit selection processes previously and despite changes to the Agreement making it clear that this is no longer allowed. The union has been able to stop these selection processes and has then focused on supporting members to achieve permanency.

4. Policy development – A number of key policies have been renegotiated or updated to reflect changes to the Agreement, in particular, Above Base Grade Policy to allow for prior hours of casual service to be taken into account when determining commencement salary and the Casual to Fixed Term Contract Policy which requires colleges to offer casual lecturers a contract when work is expected to exceed six weeks.

5. Progression – Ensuring members are aware of the removal of the bar to grade progression after completion of Certificate IV in Training and Assessment and that they receive their increment at their next anniversary date.

6. Activities Related to Delivery (ARD) for part-time lecturers – Ensuring members are aware that the 7.5 hours off-site ARD is not applied pro-rata to part-time lecturers.

7. Recognition of prior learning (RPL) – as this is now listed under teaching duties the union has been working with members and colleges to ensure that lecturers receive a fair and equitable number of teaching hours to perform RPL work. There have been attempts to restrict access to this entitlement.

Work has started on developing the 2021 Log of Claims in time for bargaining in Semester 2 2021.

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