



July 2022

Educational Services (Teachers) Award 2020 [MA000077]

This award covers early childhood teachers who are in a long day care children's service, early childhood education service, family day care and/or occasional care service of an employer who is not a named respondent to the *Victorian Early Childhood Teachers and Educators Agreement 2020* (VECTEA 2020), the *Early Education Employees Agreement 2020*, the *Victorian Early Childhood Agreement 2021* or the *Victorian Early Education Agreement 2021*.

This award **covers teachers** in a long day care children's service or early childhood education service whose employers are a respondent to the *Professional Childcare Standard 2018* (PCS) (if they are also not VECTEA respondents).

Wage and allowance rates are from the start of the first full pay period that starts on or after 1 July 2022.

Please note the following important updates:

- Superannuation guarantee rate changes (10.5 per cent) and removal of \$450 per month eligibility threshold
- Increase to the minimum rates of pay (clause 17) and casual rates of pay (Schedule B)
- Increase to the vehicle allowance (clause 19.5).

Full-time and part-time rates

Classification/level		Preschool/ kindergarten rates			Long day care centre rates ¹		
Current levels	Pre - 1 January 2022 levels	Minimum weekly rate ² - preschools (full-time employee)	Minimum annual salary - preschools (full-time employee)	Minimum hourly rate - preschools ³	Minimum weekly rate - long day care (full-time employee)	Minimum annual rate - long day care (full-time employee)	Minimum hourly rate long day care centres ⁴
		\$	\$	\$	\$	\$	\$
Graduate teacher (provisional VIT registration)							
Level 1 - Graduate	Levels 1-4	1223.50	63,842	32.19	1272.40	66,396	33.48
Teacher with full (proficient) VIT registration							
Level 2 Full VIT entry	Levels 5, 6 & 7	1337.30	69,781	35.19	1390.80	72,572	36.60

¹ Long day care weekly, annual and hourly rate includes 4% (for a full-time employee who works in a children's or early childhood service which usually provides services over a period of at least 8 hours each day for 48 weeks or more) (clause 17.2).

² Weekly rates are determined by dividing the annual rate by 52.18, and the fortnightly rate by dividing the annual rate by 26.09 (17.3).

³ The hourly rate is determined by dividing the weekly rate by 38.

⁴ A part-time employee who is engaged to work on a regular basis at least 90 per cent of full-time hours, must be paid the full-time weekly wage (clause 11.2).

Classification/level		Preschool/ kindergarten rates			Long day care centre rates ⁵		
Current levels	Pre - 1 January 2022 levels	Minimum weekly rate ⁶ - preschools (full-time employee)	Minimum annual salary - preschools (full-time employee)	Minimum hourly rate - preschools ⁷	Minimum weekly rate - long day care (full-time employee)	Minimum annual rate - long day care (full-time employee)	Minimum hourly rate long day care centres ⁸
		\$	\$	\$	\$	\$	\$
Teacher with full (proficient) VIT registration (continued)							
Level 3 <i>After 3 years' service at Level 2</i>	<i>Levels 8, 9 & 10</i>	1455.80	75,966	38.31	1514.10	79,005	39.84
Level 4 <i>After 3 years' service at Level 3</i>	<i>Levels 10, 11 & 12</i>	1574.40	82,152	41.43	1637.40	85,438	43.08
Teacher with Highly Accomplished/ Lead Teacher accreditation							
Level 5	N/a	1692.90	88,337	44.55	1760.60	91,870	46.33

Casual (relief) and emergency teacher rates

A casual employee in a children's service or early childhood education service will be paid for a minimum of:

- where they are required to work for up to 2 hours, 2 hours paid.
- where they are required to work for more than 2 hours and up to 4 hours, 4 hours paid; and
- where they are required to work for more than 4 hours and up to a full day, the full day rate is paid, based on the teacher's appropriate classification.

Sessional kindergarten/preschool - Levels 1-3 Minimum rates of pay for casual teachers employed in early childhood services NOT operating for at least 48 weeks per year.			
	2-hour rate	4-hour rate	Daily rate ⁹
	\$	\$	\$
Level 1	80.50	161.00	305.88
Level 2	87.98	175.96	334.33
Level 3 <i>Where a casual employee is engaged for less than 5 consecutive days; the minimum rate payable will be no higher than the wage at Level 3.</i>	95.78	191.56	363.95

⁶ Weekly rates are determined by dividing the annual rate by 52.18, and the fortnightly rate by dividing the annual rate by 26.09 (17.3).

⁷ The hourly rate is determined by dividing the weekly rate by 38.

⁸ A part-time employee who is engaged to work on a regular basis at least 90 per cent of full-time hours, must be paid the full-time weekly wage (clause 11.2).

⁹ Daily rates are taken from schedule B.1.1 of the Award (casual employees - full day rates).

Sessional kindergarten/preschool - Levels 4-5			
Minimum rates of pay for casual teachers employed in early childhood services NOT operating for at least 48 weeks per year.			
	2-hour rate	4-hour rate	Daily rate ¹⁰
	\$	\$	\$
Level 4	103.58	207.16	393.60
Level 5	111.38	222.76	423.23

Long day care rates ¹¹ - Levels 1-5						
Minimum rates of pay for casual teachers employed in early childhood services operating for at least 48 weeks per year						
	2-hour rate	4-hour rate	Full day rate	Overtime (hourly rate)- first 3 hours (150%)	Overtime (hourly rate) - after 3 hours (200%)	Saturday - 125%
	\$	\$	\$	\$	\$	\$
Level 1	83.72	167.44	318.10	62.79	83.72	397.63
Level 2	91.50	183.00	347.70	68.63	91.50	434.63
Level 3 <i>Where an employee is engaged for less than 5 consecutive days, the minimum rate payable to a casual employee will be no higher than the wage at Level 3.</i>	99.62	199.24	378.53	74.72	99.62	473.16
Level 4	107.72	215.44	409.35	80.79	107.72	511.69
Level 5	115.82	231.64	440.15	86.87	115.82	550.19

Definitions

Full-time employees (clause 10)

A full-time employee is an employee engaged to work an average of 38 hours per week.

A full-time employee who works in a children's service or early childhood service which usually provides services over a period of at least eight hours each day for 48 weeks or more (such as a long day care centre) will be paid an additional 4% on the rates above provided that they are required to work during term breaks (clause 17.2).

Part-time employees (clause 11)

Part-time employees are employed on a regular basis, with an expectation of continuing employment, for less than 34.2 hours per week, (90% of full time). If the hours of a part-time employee rise above 90% then the employee is considered full-time.

Casual employees (clause 12)

Casual employment has the meaning given by section 15A of the Fair Work Act 2009. Casual employees **do not** have a firm advance commitment to continuing and indefinite work according to an agreed pattern of work.

¹⁰ Daily rates are taken from schedule B.1.1 of the Award (casual employees - full day rates).

¹¹ Long day care casual rates include an additional 4% (for a full-time employee who works in a children's or early childhood service which usually provides services over a period of at least 8 hours each day for 48 weeks or more) (clause 17.2). Daily rates are taken from schedule B.1.1 of the Award (casual employees - full day rates).

Casual employees are employed on a day-to-day basis for a period of not more than four consecutive weeks. However, the period of engagement may be extended by agreement between the employer and the employee provided that the total period of the engagement **does not exceed one school term** in the case of teachers in a preschool or a total of 10 weeks in any other case.

Emergency casual teacher is engaged for a period up to and including four consecutive days. Payment is according to their level of classification based on their qualifications and experience (**but no higher than Level 3**) plus 25% loading for either a full day, 4 hours or 2 hours depending on hours worked (clause 17.5).

Relief casual teacher is one appointed to work in place of an employee who is absent for a period of five or more days. Payment is according to their level of classification based on qualifications and experience with a 25% loading in lieu of holiday pay, annual leave loading and sick leave for either a full day, 4 hours or 2 hours depending on hours worked (clause 17.5).

Minimum daily engagement (clause 17.5)

A casual employee in a children's service or early childhood education service will be paid for a minimum of:

- where they are required to work for up to 2 hours, 2 hours.
- where they are required to work for more than 2 hours and up to 4 hours, 4 hours; and
- where they are required to work for more than 4 hours and up to a full day, the full day rate, based on their appropriate hourly rate (clause 17.5(c)).

Fixed-term employees (clause 13.1)

An employee may be employed for a fixed period of time for a period of at **least four weeks** but **no more than 12 months** on either a full-time or part-time basis to undertake a specified funded project, a specified task for a limited period of operation or to replace an employee who is on leave or who has ended employment after the commencement of the school year.

Other Definitions

Teacher means a person employed in a children's service or early childhood education service and who performs

duties that include delivering an educational program, assessing student participation in an education program, administering an education program and performing other duties incidental to the delivery of the education program.

Director means the employee appointed by the employer to be responsible for the overall management and administration of a service in which an early childhood/preschool teacher is employed.

APST means the Australian Professional Standards for Teachers established by the Australian Institute for Teaching and School Leadership.

Proficient accreditation means accreditation as a proficient teacher that meets the requirements for full registration by a body which oversees accreditation and recognition of teachers' professional capacity in any State or Territory (e.g., Victorian Institute of Teaching - VIT). **A reference to full registration is a reference to proficient accreditation.**

Classification on appointment (clause 14.1)

On engagement, the employer may require that the employee provide documentary evidence of qualifications and teaching service. If an employer considers that the employee has not provided satisfactory evidence, and advises the employee in writing to this effect, then the employer may decline to recognise the relevant qualification or experience until evidence is provided. The employer will not unreasonably refuse to recognise the qualifications or teaching experience of an employee (clause 14.4).

Award salary classifications as of 1 January 2022

Classification	Criteria
Level 1	Graduate teacher and all other teachers (as defined) including those holding provisional or conditional accreditation /registration.
Level 2	Teacher with proficient (full) accreditation/registration or equivalent.
Level 3	Teacher with proficient accreditation/registration or equivalent after 3 years' satisfactory teaching service at Level 2.

Level 4	Teacher with proficient accreditation/registration or equivalent after 3 years' satisfactory teaching service at Level 3.
Level 5	Teacher with Highly Accomplished / Lead Teacher accreditation/ registration or equivalent.

Recognition of teaching service *(clause 14.2)*

Teaching service means the total period a person has been employed as a teacher by any employer in the school education industry or the children's services and early childhood education industry.

For early childhood teachers, teaching service includes:

- teaching experience in preschools, kindergartens, multi-purpose centres, early intervention services, long day care centres and other similar services; or
- teaching experience of children from 4 to 8 years (or in the infants' department) of a school registered and/or accredited under the relevant authority in each state or territory; or
- service as a lecturer in early childhood education or child development, as a child development officer or equivalent; and
- service as a diploma qualified childcare worker, at the rate of one year for every 3 years' service up to a maximum of 4 years.

Service as a part-time teacher will normally accrue on a pro-rata basis according to the percentage of a full-time teaching load undertaken in any year. However, where the hours are more than 90% of a full-time load, service will count as a full-time year. In the case of a casual employee, the equivalent of a full-time year of teaching service is **200 full casual days** in Australian schools.

Re-classification (current teachers)

(schedule H (H.2) - transitional arrangements)

Teachers who are employed in a position covered by this award prior to 1 January 2022 and hold proficient (full) teacher registration are re-classified:

Classification prior to 1 January 2022	Classification on and from 1 January 2022
Level 5	Level 2
Level 6	Level 2
Level 7	Level 2
Level 8	Level 3
Level 9	Level 3
Level 10	Level 3
Level 11	Level 4
Level 12	Level 4

Progression within salary increment

levels *(transitional arrangements - Schedule H (H.3))*

Progression from a Level 1 to a Level 2 teacher *(clause 14.8)*

It is the responsibility of the individual Level 1 teacher to achieve accreditation or registration at the level of proficient teacher within the required timeframes.

The employer will support the Level 1 teacher to obtain accreditation or registration at the proficient teacher standard, which will include reasonable release from ordinary duties for the Level 1 teacher where operationally practicable.

A Level 1 teacher will be eligible to progress to a Level 2 once completing their full (proficient) VIT registration or equivalent.

Progression from a Level 2 to a Level 3 teacher *(clause H.3)*

An employee classified at Level 2 shall be deemed to have reached 3 years' teaching service at Level 2 when the employee has:

- 5 years of teaching service in total; **OR**
- 3 years' teaching service at a proficient level; whichever comes earlier.

Progression from a Level 3 to a Level 4 teacher (clause H.3)

An employee classified at Level 3 shall be deemed to have reached 3 years' teaching service at Level 3 if the employee has:

- 8 years of teaching service in total; **OR**
- 6 years' teaching service at a proficient level; whichever comes earlier.

'Satisfactory' teaching service for the purpose of progression to Levels 3 and 4 means:

- maintenance of proficient accreditation/registration as a teacher, where applicable; and
- compliance with the requirements of the APST.

Progression to a Level 5 - Highly Accomplished/Lead Teacher (clause 14.6)

For the purpose of Level 5 of the classification structure in clause 14.1, an employee will have the equivalent to Highly Accomplished/Lead Teacher accreditation if:

- the employee works in a State or Territory where there is no capacity for the employee to obtain such accreditation; and
- the employee meets the APST applicable to a Highly Accomplished/Lead Teacher as assessed by the employer (see below).

Teacher accreditation (Level 5) (clause 14.6(c)).

An assessment must be conducted by the employer if the employee requests such an assessment at any time after the completion of the first year of teaching service at Level 4, provided that no more than one such request may be made in any calendar year.

An assessment must be conducted by the employer with consultation with the employee when the employee has completed 3 years' satisfactory teaching service at Level 4, even if the employee has not requested such an assessment. The employer and employee may agree to an identified expert assessor to conduct the assessment.

Request for re-classification (clause 14.4(c))

Where an employee has completed further teaching service with another employer (for example during unpaid leave) or additional qualifications after commencement of employment, they will be entitled to be classified accordingly and back paid from the date of completion of the experience or qualifications, provided the employee provided satisfactory evidence to the employer within 3 months of completion. In all other cases the employee will be classified and paid from the date satisfactory evidence is provided.

Returning to teaching after an absence (clause 14.7)

A teacher with at least 2 years' teaching service who was previously registered/accredited as proficient or who was not required to be registered/accredited as proficient who:

- is returning to teaching following a break of teaching service, where they have not obtained or maintained proficient status (clause 14.7(a)(i)) **OR**
- otherwise, does not hold proficient accreditation/registration status; shall be classified on Level 2 for one-year full-time equivalent teaching service, during which period the teacher may apply for proficient teacher accreditation (clause 14.7(a)(ii)).

Arrangement of hours

Kindergarten/preschool teachers

The ordinary hours of work for an employee working in a preschool/kindergarten during term weeks are variable. In return, an employee is not generally required to attend for periods of time when the students are not present, subject to the needs of the employer with regard to professional development, student free days and other activities requiring the employee's attendance.

Teachers employed in long day care

Teachers employed in long day care (early childhood services operating for at least 48 weeks per year) have hours of work and related matters set out in Schedule A of the Award.

For a teacher employed in long day care (an early childhood service operating for at least 48 weeks per year) the ordinary hours of work (span of hours) are between 6.00 am and 6.30 pm, on any 5 days between Monday and Friday, and will not exceed 8 hours on any day. Overtime provisions under schedule A.4.1. apply for all hours worked outside of this ordinary span of hours.

In addition, overtime applies when hours are worked above an employee's ordinary hours:

- **full time employee:** ordinary hours are 38 hours per week averaged over a period of four weeks (A.1.1)
- **casual employees:** maximum ordinary hours of work will be 38 hours per week (A.1.2)

Where the service is open for at least 48 weeks of the year an employee who is responsible for programming and planning for a group of children is entitled to a minimum of two hours each week in which they are not required to teach or supervise children or perform other duties directed by the employer for the purpose of planning, preparing, researching and programming activities (clause A.3.2).

Breaks between periods of duty (schedule A.1.5)

An employee will be entitled to a minimum break of 10 consecutive hours between the end of one period of duty and the beginning of the next. This applies in relation to both ordinary hours and where overtime is worked. Where an employer requires an employee to continue or resume work without having a 10-hour break off duty, the employee is entitled to be absent from duty without loss of pay until a 10-hour break has been taken or be paid at 200% of the minimum hourly rate of pay until released from duty.

Rostered days off (schedule A.2)

The employer and employee may agree that the ordinary hours of work will be worked over 19 days in each 4-week period, in which case the following provisions will apply:

- The employee will work 152 hours over 19 days in each 4-week period with one rostered day off on full pay in each period, and
- An employee will accrue 24 minutes for each 8-hour day worked to give the employee an entitlement to take rostered days off.

Rostered days off will be determined by mutual agreement between the employer and the employee, having regard to the needs of the place of employment (A.2.9).

Noting:

- Each day of paid leave taken by an employee (but not including long service leave, any period of stand-down, any public holiday or any period of absence for which workers' compensation payments apply occurring during any cycle of 4 weeks) will be regarded as a day worked for the purpose of accruing an entitlement.
- Rostered days off will not be regarded as part of the employee's annual leave.
- An employee will be advised by the employer at least 4 weeks in advance of the day on which the employee is to be rostered off duty (A.2.10).
- An employee will not be entitled to personal leave in respect of illness whilst on a rostered day off. In the event of a rostered day off falling on a public holiday, the employer and the employee will agree on a substitute day
- An employee will not be entitled to more than 12 rostered days off in any 12 months of consecutive employment. (A.2.6)

Non-contact time (schedule A.3.2)

An employee responsible for the preparation, implementation and/or evaluation of a developmental program for an individual child or group of children will be entitled to a minimum of two hours of non-contact time per week. During the non-contact time, an employee will not be required to supervise children or perform other duties as directed by the employer.

An employee appointed as the Educational Leader (as Regulation 118 of the *Education and Care Services National Regulations*) will be entitled to a minimum of two hours of non-contact time per week. **Note:** An Educational Leader who also has programming responsibilities for an individual child or group of children will be entitled to a minimum of four hours of non-contact time per week.

Breaks

Meal breaks in a kindergarten/preschool (clause 16.1)

An employer is required to provide an unpaid meal break to an employee who is engaged or rostered to work for more than 5 hours on a day. The **unpaid meal break** is:

- not less than 30 consecutive minutes in duration (clause 16.1(a)) and,
- commencing no later than 5 hours after the employee commenced work on that day (clause 16.1(b))

If a teacher employed in an early childhood service is required to remain on the premises during the meal break, they will be entitled to a paid meal break of between 20 and 30 minutes no later than five hours after commencing work (clause 16.2).

Meal breaks in long day care (Schedule A.3.1)

An employer is required to provide a **paid meal break of between 20 and 30 consecutive minutes** to an employee who is engaged or rostered to work for more than 5 hours on a day. Such meal break will start no later than 5 hours after the employee commenced work on that day.

By agreement with the employer, an employee may leave the premises or elect not to be on call during the meal break. In that case, the mealtime will not count as time worked and nor will payment be made for that time.

Where an employee is called back to perform any duties within the centre or the break is interrupted for any reason the employee will be paid 150% of the minimum hourly rate for a minimum of 15 minutes and thereafter to the nearest quarter hour until an uninterrupted break, or the balance is taken.

Allowances

Educational leader allowance (clause 19.4)

An early childhood/preschool teacher (ECT) who is appointed as an Educational Leader under Regulation 118 of the Education and Care Services National Regulations is entitled to an allowance of **\$ 4022.05 per annum**. This allowance is based on the percentage of the standard rate.

The Educational Leader's allowance is payable in addition to any Director's allowance payable under Clause 19.2.

Where an employee is required to act as an Educational Leader for less than 5 days per week, the annual allowance prescribed by clause 19.4(c) will be payable on a pro-rata basis calculated by reference to the number of days per week the employee is required to act in the role.

Director's allowance (clause 19.2)

An early childhood/preschool teacher (ECT) who is appointed as director is entitled to an allowance based on the size of the service:

Level	Number of places	\$ per annum
1	Up to 39 places	7341.83
2	40–59 places	9097.49
3	60 or more places	11,044.67

A part-time employee who is appointed as a Kindergarten Director will be paid the Director's Allowance on a proportionate basis to the hours they work (clause 19.2(c)). An employee required by the employer to act as a Director for at least 10 consecutive working days will be paid at the rate applicable to that position (clause 19.2(d)).

Travel (vehicle) allowance (clause 19.5)

An employee who is required by the employer to use his/her own motor vehicle in the course of his/her duties shall be paid an allowance of **92 cents per kilometre** up to a maximum of 400 km per week.

Superannuation (clause 20)

The superannuation guarantee contribution is now 10.5% as of 1 July 2022. Refer to the Australian Taxation Office (ATO) for updates on superannuation at the Australian Taxation Office (ato.gov.au). From 1 July 2022, employees can be eligible for the Superannuation Guarantee, regardless of how much they earn, as the \$450 per month eligibility threshold has been removed. All new employees must be provided with a standard superannuation choice form within 28 days. Employees who have made a superannuation choice cannot alter that choice within 12 months.

Overtime *(clause A.4.1)*

Kindergarten/preschool teachers

Teachers employed in a kindergarten/preschool (an early childhood service operating for less than 48 weeks per year) are not entitled to overtime (**schedule A does not apply**).

Teachers employed in long day care

A teacher employed in long day care (an early childhood service operating for at least 48 weeks per year) will be paid overtime for all authorised work performed outside of or in excess of the ordinary hours as follows:

Overtime (long day care only)	Rate of pay
First 3 hours	150% of the employee's minimum hourly rate
3 hours and thereafter	200% of the employee's minimum hourly rate

Part-time employees who agree to work in excess of their normal hours will be paid at the ordinary time for up to eight hours provided that the additional time worked is during the ordinary hours of operation of the early childhood service. No part-time employee may work in excess of eight hours on any day without the payment of overtime (A.4.1)

Time off in lieu of overtime (long day care only)

An employee and employer may agree in writing to the employee taking time off instead of being paid for a particular amount of overtime that has been worked by the employee (A.4.2).

Leave

Term break leave (school holidays)

Early childhood teachers working in a preschool/kindergarten are entitled to all term breaks (school holidays), as notified by the Department of Education, as a paid absence. The employee's paid absence from school during non-term weeks is deemed to include their annual leave entitlement (clause 15.9).

Teachers in a preschool/kindergarten who leave their employment during the kindergarten year, take more than

2 term weeks of leave without pay or commence their employment part-way during a kindergarten year are entitled to a pro-rata payment of their annual salary (Inclusive of annual leave) (clause 22).

Teachers working in long day care (early childhood services operating for at least 48 weeks per year) do not receive paid leave during term breaks as the service is in operation (clause 15.2).

Annual leave and leave loading *(clause 21)*

Employees under this award (including long day care) receive four weeks of annual leave (pro-rata for part-time) In accordance with the National Employment Standards (NES) (clause 21.1).

In addition, an employee who has served throughout the kindergarten year is entitled to a leave loading of 17.5% on 4 weeks' annual leave (clause 23.2)

Annual leave must generally be taken, in the case of an employee whose employment with the employer is continuing into the next school or preschool year, in the 4-week period immediately following the final term week of the current school or preschool year, unless otherwise agreed with the employer (clause 21.2).

Personal/carer's leave *(clause 24)*

Employees are entitled to 10 days of personal/carer's leave per year (pro-rata for part-time employees) in line with the NES. Unused personal leave is fully cumulative. All personal/carer's leave accrues progressively during the year based on hours worked.

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