

Educational Services (Schools) General Staff Award flexibility during coronavirus

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Expiry of Educational Services (Schools) General Staff Award temporary flexibility schedule

Schedule J in the Educational Services (Schools) General Staff Award stopped applying from 1 August 2020. This means that employers and employees can no longer use the flexibility provisions in Schedule J for changes to full-time and part-time employees' hours of work or employees' classifications and duties.

Employers and employees need to use the standard award provisions to make any changes to any working arrangements.

We've updated the information on this page to reflect this change.

On 24 April 2020, the Fair Work Commission (the Commission) made a [determination \(https://www.fwc.gov.au/documents/documents/awardmod/variations/2020/2020fwcfb2108.pdf\)](https://www.fwc.gov.au/documents/documents/awardmod/variations/2020/2020fwcfb2108.pdf) varying the Educational Services (Schools) General Staff Award. The determination inserted a temporary new Schedule J, which applied from an employee's first full pay period on or after 24 April 2020 until 1 August 2020.

Schedule J added award flexibility during the coronavirus outbreak for:

- [full-time and part-time employees' hours of work](#)
- [employees' classifications and duties](#)

Schedule J applied to employers and employees covered by the Educational Services (Schools) General Staff Award. Use [Find my award \(https://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award/\)](https://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award/) if you're not sure which award applies to you.

On this page:

- [Employees covered by an agreement](#)
- [More information](#)

Reducing hours of work for full-time and part-time employees

For the time Schedule J applied, employers could issue a notice in writing of their intention to direct that a full-time or part-time employee's ordinary hours be reduced by up to 25%.

Immediately after issuing the employee with a notice of intention to reduce their hours, the employer needed to:

- discuss the reason behind the direction with the employee or the employee's representative.
- notify the Independent Education Union (IEU) of its intention to implement changes to an employee's ordinary hours.

The direction came into effect 5 days after the notice of intention was issued and couldn't apply for longer than 12 weeks.

If the discussions resulted in a different reduction in hours, the employer didn't need to give another 5 day notice period to the employee.

When the direction by the employer expired, a further notice of intention to reduce hours could be issued if it was necessary because

the employer had suffered a significant reduction in income and/or operation.

Employees couldn't have their ordinary hours reduced by more than 25%, even if other provisions in the award allowed it.

A full-time employee directed to work part-time still held their full-time position.

Employees continued to accrue their annual leave, sick or carer's leave, and other award entitlements that accrued, based on their ordinary hours before the reduction. Payment for any annual leave and sick or carer's leave taken was based on the employee's ordinary hours before they were reduced.

When an employee usually received payment during periods of leave without pay during non-term time (in accordance with an arrangement under Clause 11 of the award – Leave without pay during non-term weeks), this payment would be at the reduced rate of pay. Any annual leave taken during non-term weeks was paid on the basis of the employee's ordinary hours of work before the reduction.

If an employer needed to reduce an employee's hours by more than 25% or make a role redundant, they had to comply with the consultation and redundancy obligations in the award.

[Back to top](#)

Change in classification or duties

While Schedule J applied, an employer could tell an employee to do any tasks that the employee had the skill and competency for. This applied even if those tasks weren't in the employee's usual classification or normal work.

The task had to be safe and the employee had to have all the appropriate licences and qualifications to perform the tasks. The employee's pay couldn't be reduced as a result. If the employee was told to perform tasks at a higher classification level, they had to be paid the higher rate.

[Back to top](#)

Employees covered by an agreement

These changes to the Educational Services (Schools) General Staff Award didn't apply to employees covered by an enterprise agreement.

For those covered by an agreement, the Fair Work Commission has said that some parties to enterprise agreements are considering varying their agreements because of coronavirus. This is to give extra flexibility to help address the impact of the coronavirus outbreak.

Find out if your workplace is covered by an agreement on the [Fair Work Commission website – Find an agreement](#) (<https://www.fwc.gov.au/awards-and-agreements/agreements>) [↗](#).

[Back to top](#)

More information

- For further information on these temporary changes that have now expired, read the Fair Work Commission [determination](#) (<https://www.fwc.gov.au/documents/documents/awardmod/variations/2020/2020fwcfb2108.pdf>) [↗](#).
- Want to check other entitlements and obligations under the award? Go to the [Educational Services \(Schools\) General Staff Award](#) (<http://awardviewer.fwo.gov.au/award/show/MA000076>) .
- Not sure what award you're covered by? Use [Find my award](#) (<https://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award/>) .
- Want to stay updated on other award changes? [Sign up for email updates](#) (<https://www.fairwork.gov.au/Website-information/staying-up-to-date/subscribe-to-email-updates>) .

[Back to top](#)

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