



# SECRETARIAT REPORT

## ANNUAL GENERAL MEETING

### August 2020

## Introduction

*After a devastating virus outbreak, the world is plunged into a state of chaos. Zombies roam the streets, while survivors fight to stay alive..... Pandemic 2016 Action/Horror*

The year 2020 came crashing down on 11 March when the World Health Organisation declared a pandemic and the coronavirus spread rapidly across the world.

From that date on, weeks of the pandemic, turned into months with a relentless production of coronavirus developments; with tightening and easing of restrictions, openings and closures, successes and failures. The frustration and confusion and weariness felt by everyone has been palpable.

And yet, throughout this, IEU members have stepped up to ensure that staff and children have been protected and supported through the delivery of quality education.

The IEU fought to have vulnerable workers supported by their employers with amended working arrangements, paid leave arrangements and safety precautions.

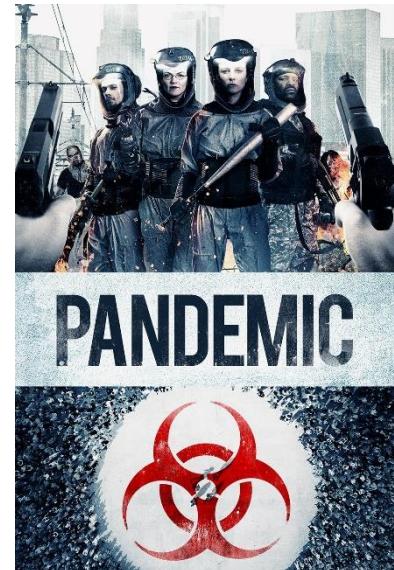
Our Union also fought to have the risks to pregnant women and carers of elderly relatives or those with family members that have pre-existing health conditions recognised by non-government school employers. We called upon employers to authorise such employees to work from home, and where this was not possible, to grant the employee ex gratia paid leave.

As March drew on, the IEU called for all schools to be closed and provisions made for essential workers and vulnerable families. Our primary concern became that schools could not meet either their legislative Work, Health and Safety obligations or their duty of care to both their employees and students.

We demanded that staff working in remote schools be provided with immediate travel arrangements to their home or home state, especially in light of emerging border arrangements.

We called for urgent discussions between government, employers and ourselves about the provision of emergency schooling arrangements for children of essential services personnel, including the terms of engagement for volunteer staff and a safe workplace environment.

By the end of April, schools around the country – aside from NT, - restricted face to face learning to children of essential workers and vulnerable families and moved to alternative modes of learning. Our members responded magnificently to the need to ensure schools cater for the children of those workers who have nowhere else to be cared for during the day and for those children at risk in our community. In extraordinary circumstances and tight timeframes, IEU members developed opportunities for continued learning through remote and online education.



This almost overnight upheaval demonstrated how our members are innovative and adaptable. It is no simple task to transform face-to-face lesson plans into structured online learning. It requires preparation time, IT support, access to resources and a sound knowledge of online platforms; all achieved by teachers and education support staff working excessive hours with their own resources. IEU members have reported substantial workload pressures due to lack of time to develop resources.



Teachers, principals and education support staff are owed a debt of gratitude by the wider community. The notion that teachers were 'childminding' in the latter stages of term 1 – as stated by the Prime Minister – is offensive.

### **Stand downs across the non-government sector**

Despite there being plenty of work to do, casual teachers and education support staff in some non-government schools were stood down at the end of term 1.

While the majority of non-government school employers sought to do the right thing, others across the country sought to balance their books at the expense of their most vulnerable employees.

It was outrageous that these schools considered passing the costs of the online learning adjustment on to the lower paid and more vulnerable employees who clearly had other legitimate work that they could perform.

These stand downs were unjustified and unlawful. Our union fought and won on many of these cases.

### **Boarding schools**

Boarding schools emerged as one of the most problematic areas in terms of threatened stand downs and cuts to hours for education support staff and services staff members.

Due to the significant drop in numbers of boarding students present in boarding houses, a number of non-government school employers threatened to stand down boarding house staff.

Our union's support of a campaign for the maintenance of all ABSTUDY and Assistance for Isolated Children (AIC) was successful and the government funding was confirmed in early May. This funding was made to support the boarding sector in maintaining the continuity of education to boarding students, including protecting students' boarding places so that they can return as soon as they are able.

This continued government funding and increase in potential roles elsewhere means staff previously stood down could be redeployed by schools.

### **ELICOS**

The ELICOS sector in Australia was another that has suffered during the pandemic. ELICOS is Australia's third largest import and export industry and has one of the highest rates of precarious employments. They are highly casualised and paid some of lowest wages in the education sector, and this was in the good times before Covid-19.

These colleges rely on a steady stream of international students to stay viable and now that the borders have been temporarily closed to non-citizens, the sector is not expecting to start a recovery until March 2021. This leaves large numbers of ELICOS employees in economic limbo.

While the Federal Government put in place Job Keeper to support employees to remain connected to their workplace, many employees were ineligible because they were casual employees in a highly transient workforce. This meant that many did not meet the 12-month eligibility criteria.

## **Early Childhood Education and Care**

While continuing to operate during the peak of the pandemic, early childhood education centres experienced at least a 75% drop in attendance of students with resulted in funding pressures.

On 2 April, the Federal Government announced an Early Childhood Education and Care Relief Package and from 6 April 2020, weekly payments were made directly to early childhood education and care services in lieu of the Child Care Subsidy and the Additional Child Care Subsidy, to help them keep their doors open and employees in their jobs.

It is important to recognise the dual provision of early childhood education and care and that this federal support package was for childcare services. State Governments responsible for preschool and kindergartens were required to also step up to provide support funding so that services were able to continue.

However, on 8 June, the Federal Education and Early Learning Minister Dan Tehan announced the government's intention to 'snap back' to the old childcare model, despite intense lobbying from employers, unions and parents. Likewise, Qld state funding for Qld preschools and kindergartens also ceased in term 2.

These funding decisions have left the sector with an old funding model unfit to work in a post pandemic economy in the throes of an economic recession.

### **A new normal: an opportunity to build a more equitable future**

As we move into the second half of 2020, we see that the threats of the pandemic are far from over. We are now experiencing a rise in new cases across the country and the declaration of state of emergency and with the consequential closure of schools and workplaces in Victoria. Our members must now step up for a further round of remote learning and battles for rights and entitlements.



**In these difficult times we must build stronger collectives to support each other and rebuild better working conditions.**

# 2020

The following provides an outline of the issues and challenges which the IEU has been actively addressing through 2020.

## Equity Issues

### The Impact of COVID-19 Is Not Gender Neutral

The year 2020 marked the twenty-fifth anniversary of the Beijing Platform for Action and was intended to be ground breaking for gender equality. Instead, the spread of COVID -19 pandemic has placed at risk the limited gender equity gains that had been made in the past decades.

#### Pandemics and their resulting economic shocks affect men and women differently.

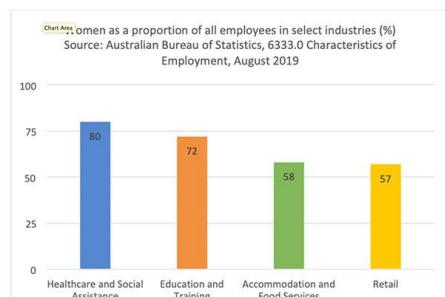
Emerging evidence on the impact of COVID 19 suggests that women's economic and productive lives are affected disproportionately and differently from men.

#### Economic insecurity disproportionately affects women.

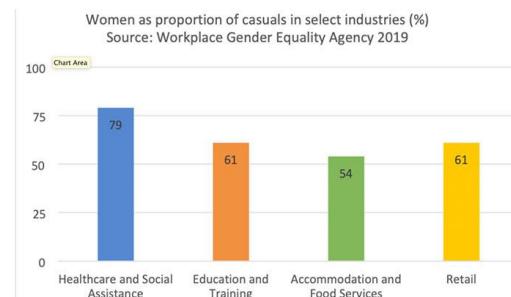
Prevailing gender inequality in the workforce means that employment insecurity disproportionately affects women. While women are 50% of all employees, they are 57% of employees without leave entitlements and 61% of award- reliant employees<sup>1</sup>, earning an average of \$242.90 per week less than men.<sup>2</sup>



In front line industries impacted by COVID 19, women comprise the larger part of the workforce, and are majority of casual employees(see graphs 1 and 2).<sup>3</sup> Critical frontline services in healthcare, and social assistance have a workforce that is 80% female, with women accounting for 79% of casuals. In childcare and schools, women are 86.7% and 72.5% of the workforce respectively.



**Graph 1**



**Graph 2**

The ABS weekly Payroll Jobs and Wages data shows that the number of staff on payroll fell by 7.5% between mid-March and mid-April 2020, with losses across all industries for both male and female. However, the number of jobs slumped by a steeper 8.1% for women, compared with a drop of 6.2% for men.<sup>4</sup> Data also is showing that accommodation and food services, an industry of 58% women majority casuals, has been the hardest hit with a third of its entire workforce being left unemployed.

#### Women are living below the poverty line

Based on the data contained with the ACOSS 2018 report, more women than men live below the poverty line in Australia. The higher poverty rates for women reflect the lower incomes of female-headed households, including sole parent families, the vast majority of which are headed by women; and older

<sup>1</sup> (ABS Aug 2019)

<sup>2</sup> <https://www.wgea.gov.au/data/fact-sheets/australias-gender-pay-gap-statistics> Feb 2020

<sup>3</sup> ABS August 2019 ; WGEA 2019.

<sup>4</sup> ABS Weekly Payroll Jobs and Wages Data April 2020

women living alone, who outlive men on average and have lower private savings, including superannuation.<sup>5</sup>

Further, ABS data from December 2019, show that women were the majority of those receiving long term Newstart or Youth Allowance and the majority of those receiving parent payments<sup>6</sup>.

### **Women undertake more unpaid domestic and care work**

Australia is one of the most unequal countries in the OECD with regards to unpaid domestic and care work. A 2017 study by Price Waterhouse Cooper found that Australian women undertake 76% of childcare, 67% of domestic work, 69% of care for adults and 57% of volunteering; a total contribution of 20% of the Australian economy.<sup>7</sup>

The increased requirements for caring responsibilities and home learning during COVID 19 pandemic is more likely to be shouldered by women thus causing a change to their work arrangements, by either a decrease in take home pay or annual leave.

The disruptive effects of these responsibilities on women's employment are well documented. Excessive amounts of unpaid care work impacts on women's ability to gain formal employment and affects women's health. It also creates what the ILO calls 'job quality penalty', an increase likelihood that women will be in low quality work.

### **Gendered Violence; The Shadowed Pandemic**

Before the COVID 19 pandemic, it was reported that 1 in 6 women had experienced sexual or physical violence at the hands of a current or previous cohabiting partner<sup>8</sup>.

The impact of COVID 19 pandemic has seen an increase in gendered violence, both at work and at home. The pandemic is placing greater financial, health and domestic pressures on households, and at the same time increasing women's isolation and reducing their financial and job security.

The social distancing and forced isolation requirements are changing home arrangements. For many, the home is now the workplace. For people experiencing domestic or family violence, attending work provides a safe-haven and a means of accessing vital support. Large numbers of workers are now being required to work from home, regardless of whether it is a safe environment to do so. Women have not been able to seek the support of friends and family due to social distancing and isolation measures.

At the workplace, front line workers in care and service industries are facing increased risks of violence and harassment from anxious and stressed customers, patients, parents and clients.

### **National Inquiry into Sexual Harassment in Australian Workplaces**

In March 2020, the Australian Human Rights Commission released the national report **Respect @ Work Sexual Harassment National Inquiry (2020)** and presented it to the Federal Government. The Federal Government is yet to respond to or implement any of the recommendations contained within the report.

#### **A New Approach Is Needed**

Overwhelmingly, the Commission heard that the current system for addressing workplace sexual harassment was complex and confusing for victims and employers to navigate. It also places heavy burden on individuals to make a complaint, thus resulting in many not making a complaint.

Throughout the package of 55 recommendations, the Commission recognises that workers being free from sexual harassment is a workplace and health and safety right. The recommendations include:

- Stronger work health and safety laws to make sure that employers are obliged to tackle the underlying causes of sexual harassment at work.
- A quick and simplified new complaint process within workplace laws.

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<sup>5</sup> R Cooper, M Foley and M Baird, Women at Work: Australia and the United States, The United States Studies Centre at the University of Sydney, 15.

<sup>6</sup> ABS Dec 2019

<sup>7</sup> Understanding the Unpaid Economy May 2017 Price Waterhouse Cooper

<sup>8</sup> (wgea.gov.au) June 2019 Family Domestic and Sexual Violence in Australia; Continuing the National Story 2019 Australian Government; Australia Institute of Health and Welfare

- Stronger powers for the Sex Discrimination Commission to investigate industries which are rife with sexual harassment, such as retail and hospitality and make positive duties on employers.

**IEU members have called upon the Federal Government to act upon the report and implement its recommendations.**

## **ILO Violence and Harassment Convention 190 : Still Waiting For Government Action**

21 June 2020 represented the 12-month anniversary of the ILO Convention on the Elimination of Violence and Harassment at Work. However, the Federal Government has yet to take any steps towards its ratification.

**IEU members have called for the Federal Government to ratify C190 and R206. Until they do so, this essential convention will remain purely aspirational for Australia society**

### **Background**

Last year, this ground breaking convention was successfully negotiated and adopted overwhelmingly at the International Labour Organisation in Geneva. The two-year negotiation included ACTU and other world trade unions, ILO member governments and employer organisations.



The ILO Convention 190 and Recommendation 206 established for the first time an international standard to prevent and eliminate violence and harassment at work. It places obligations on governments to develop national laws prohibiting workplace violence, and on employers to take proactive steps to prevent violence and harassment.

Violence against women has been recognised as a human right violation since the 1993 UN World Conference on Human Rights in Vienna. However, it has taken until the adoption of this Convention and Recommendation to have a dedicated instrument that specifically addresses gender-based violence in the world of work.

The official adoption of Convention 190 and Recommendation 206 was a key milestone for labour rights and women's rights.

### **The ILO Convention 190 provides wide ranging protections.**

The ILO Convention provides protection to everyone who works, irrespective of contractual status, including interns, volunteers, job applicants, and persons exercising the authority of an employer. It applies to the public and private sectors, the formal and informal economy, and urban and rural areas. Gender-based violence and harassment is specifically highlighted within the Convention. It also takes into account third parties (e.g. clients, customers, service providers and patients) because they can be victims as well as perpetrators.

Importantly, the impact of domestic violence on the world of work is also included. This is a significant step in bringing domestic violence out of the shadows and changing attitudes. Recommendation 206 also sets out practical measures, including leave for victims and flexible work arrangements.

### **Uruguay and Fiji Lead the World in Ratification of C190**

Ratification is the process where a country's government states its intention to be bound by the ILO Convention and accepts to apply the ILO Convention in law and practice without reservation.

Uruguay and Fiji have now become the first two countries to ratify the convention in their respective parliaments, thus allowing the convention to enter into force.

**While the Australian Government voted in favour of the ILO Convention 190 and the associated Recommendation 206 to eliminate gendered violence at work, it is yet to ratify the ILO Convention.**

## Closing the Gap 2020 Report

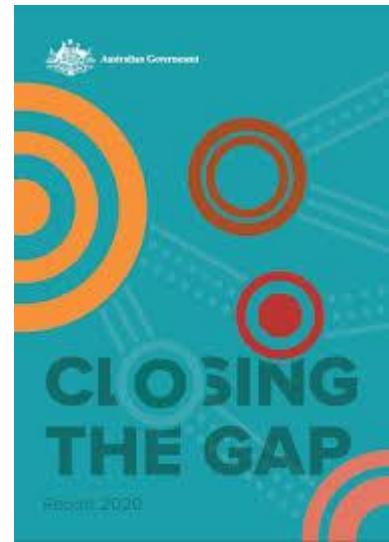
After the entering into of a new agreement on 22 March 2019 between the Commonwealth Government, all state and territory governments, the Australian Local Government Association and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations the updated Closing the Gap targets and outcomes were finally released on 30 July 2020.

There are now sixteen targets based around the following four priority reforms:

- Strengthen and establish formal partnerships and shared decision-making
- Build the Aboriginal and Torres Strait Islander community-controlled sector
- Transform government organisations so they work better for Aboriginal and Torres Strait Islander people
- Improve and share access to data and information to enable Aboriginal and Torres Strait Islander communities make informed decisions.

The new targets are:

1. Close the Gap in life expectancy within a generation, by 2031.
2. By 2031, increase the proportion of Aboriginal and Torres Strait Islander babies with a healthy birthweight to 91 per cent.
3. By 2025, increase the proportion of Aboriginal and Torres Strait Islander children enrolled in Year Before Fulltime Schooling (YBFS) early childhood education to 95 per cent.
4. By 2031, increase the proportion of Aboriginal and Torres Strait Islander children assessed a developmentally on track in all five domains of the Australian Early Developmental Census (AEDC) to 55 per cent.
5. By 2031, increase the proportion of Aboriginal and Torres Strait Islander people (age 20-24) attaining year 12 or equivalent qualification to 96 per cent.
6. By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25-34 years who have completed a tertiary qualification (Certificate III and above) to 70 per cent.
7. By 2031, increase the proportion of Aboriginal and Torres Strait Islander youth (15-24 years) who are in employment, education or training to 67 per cent.
8. By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25-64 who are employed to 62 per cent.
9. By 2031, increase the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88 per cent.
10. By 2031, reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent.
11. By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people (10-17 years) in detention by 30 per cent.



12. By 2031, reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent.
13. A significant and sustained reduction in violence and abuse against Aboriginal and Torres Strait Islander women and children towards zero.
14. Significant and sustained reduction in suicide of Aboriginal and Torres Strait Islander people towards zero.
15. A. By 2030, a 15 per cent increase in Australia's landmass subject to Aboriginal and Torres Strait Islander people's legal rights or interests.  
B. By 2030, a 15 per cent increase in areas covered by Aboriginal and Torres Strait Islander people's legal rights or interests in the sea.
16. By 2031, there is a sustained increase in number and strength of Aboriginal and Torres Strait Islander languages being spoken.

Key to the success of the new framework are the following elements:

- **Working in partnership** at all levels to draw on the wisdom and local knowledge of Aboriginal and Torres Strait Islander people.
- **A strengths-based, community-led approach** where initiatives identified and led by local Aboriginal and Torres Strait Islander communities are supported.
- **Working with state and territory governments** to ensure a cohesive approach to providing services for First Australians.
- **A robust evidence base**, using research and evaluation from the newly established Evaluation Framework and the Indigenous Research Exchange, informs the most effective policies and programs.
- **Accountability** through the creation of a whole of government evaluation strategy in the Productivity Commission for policies and programs impacting Aboriginal and Torres Strait Islander people.

Further information on Closing the Gap Report 2020 and the strategy can be found at  
<https://closingthegap.niaa.gov.au/>

## 2020 Review of the Disability Standards for Education 2005

### Introduction

The Disability Standards for Education came into effect on 18 August 2005. They seek to ensure that students with disability can access and participate in education on the same basis as students without disabilities.

The Federal Minister for Education is required to review the Standards every five years, thus this will be the third review (2010, 2015 online). The Review seeks to examine whether the Standards are doing their job and if not, how they can be improved. Public consultations will take place in a range of ways:

- Online consultation through an online questionnaire can be located at  
[https://disabilitystandardsreview.education.gov.au/get\\_involved/questionnaire.html](https://disabilitystandardsreview.education.gov.au/get_involved/questionnaire.html)
- Written submissions



**The IEUA Education and IEUA Women and Equity committees will coordinate the development of a short written submission as it relates to the current standards for schools (excluding childcare). This submission is due before 25 September 2020.**

## Gendered Violence Training

In February 2020, the IEUA Women and Equity committee attended Victoria Trade Hall's train the trainer course on Stopping Gendered Violence at Work.

As a result, **IEU officers in Branches** are now qualified to deliver training in preventing gendered violence and maintaining safe and respectful workplaces.

This means we can share ways of creating change in workplace through the application of Occupational Health and Safety and industrial frameworks.

The training is an interactive and engaging mechanism that assists participants in building a workplace in which everyone feels safe and respected and can be conducted online or at a chapter/ sub-branch gatherings.

The training addresses what gendered violence is and how it might impact in the workplace. It also examines how to develop a workplace culture that eliminates sexual harassment and gendered violence.



## BOLD – Building Our Leadership Development

**BOLD Professional Development Sessions** are continuing via tLn. These BOLD tLn sessions provide an opportunity not only to speak with some amazing feminists and gain professional development on issues affecting women, but they also provide an opportunity to network with other IEU BOLD women from across the country. Each session is co-ordinated and managed by a member of the **IEUA Women and Equity Committee**

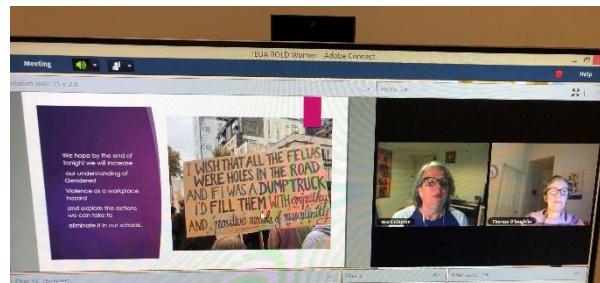
Date	Topic	Overview
Monday 16 March 7-8pm	BOLD women Speaking up	How do we have our voices not just heard, but acted upon
Monday 11 May 7-8pm	Engaging Younger Women to be Activists	How do we inspire and ensure that the next generation of activists are BOLD?
Monday 15 June 7-8pm	Gendered Violence	Stepping out against Gender Violence
Monday 6 July 4- 5pm	Promoting BOLD women	Building Networks: Supporting leadership skills
28 September 7-8pm	Site Based Activism	Leading Women in Single Sex Schools
16 November 7-8pm	Review of 2020	What next for 2021

On 16 March, **Louise Firrell from IEU SA** held a wonderful conversation with Sandra Dann, previous Director of Working Women's Centre SA, who was responsible for establishing the Working Women Centre in Timor Leste and has been awarded for her contributions in supporting vulnerable women and setting up workplace access supports.

On 11 May, almost 40 members of the IEUA's BOLD network met online to talk about how they came to be activists and unionists. The conversation was hosted by **IEU VicTas staff members Nicky Minus and Jacqui Scott**, who narrated their personal activist journeys. The sharing of our stories and experiences was empowering and we found ourselves reflected in each other's stories, identifying how the personal became political.

Then on 15 June, **Marit Clayton and Therese O'Loughlin IEUA VicTas** led a practical session on preventing Gendered Violence in Schools.

On 6 July, **Pam Smith, IEUA NSW/ACT** provided a lively interview with Kate Minter (previously from Unions NSW) regarding career advancement



## Education Issues

### NCCD Reporting Adjustments Required

2020 has not seen 'business-as-usual' in schools as teachers and school officers worked to make a new model of remote-learning available and accessible for all students.

Therefore, requirement for teachers and school officers to collect, moderate and submit quality, detailed NCCD data on top of this was improbable and in many instances unachievable.



IEU members had reported that the lack of clarity and consistency in reporting NCCD had impacted on workload resulting in additional stress and confusion.

At the beginning of the COVID-19 crisis, the IEU wrote to Federal Education Minister Dan Tehan and the Department of Education Skills and Employment (DESE) seeking clarity on the collection process for 2020, given the impacts of the pandemic.

Correspondence from the Department of Education, Skills and Employment (DESE) was received in June and indicated that:

- The 2020 NCCD would be run in the same timeframe as the August census;
- There would be adjustments to the requirements of evidence;
- For existing funded students, the evidence required would be reduced from 10 weeks to 6 weeks;
- For some specific students, including prep, newly diagnosed and special assistance, there would be a further reduction in evidence requirements

New guidelines were published in July 2020.

However, with the emergence of a second lockdown in Victoria, questions are now arising as to how schools will be able to collect data and consult with stakeholders.

The **IEUA Federal Executive** have committed resources to undertaking a research project to identify the impact of data collection process on our members. The **IEUA NSW/ACT Branch** has begun the process of coordinating the research project by an external academic. The project will unpack the lack of a research basis to the current data collection process, the inconsistent and overwhelming workload issues experienced by many teachers and school staff arising from employer demands, the general efficacy of the government's requirements and the continuing technology issues including capacity and duplication.

Because of the many parameters involved, the research maybe a multi-stage project and will seek to utilise members' growing engagement with and confidence in online meeting technologies. The IEUA NSW/ACT Branch will liaise with other IEUA Branches through the **IEUA Federal Office** to provide as wide a national picture as is possible.

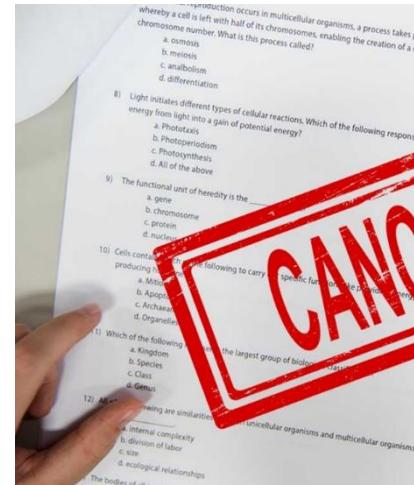
## NAPLAN

In March, the Education Ministers met and decided that NAPLAN would not proceed in 2020.

The NAPLAN test window was to be held from 12 to 22 May. However, the decision to not proceed was taken to assist school leaders, teachers and support staff to focus on the wellbeing of students and continuity of education, including potential online and remote learning.

Further, the impact of responses to the COVID-19 virus may affect the delivery of NAPLAN testing, including the operation of centralised marking centres and the implications for nationally comparable data if an insufficient number of students are available to do the test.

The decision to not proceed with NAPLAN in 2020 also means that the scheduled testing of the NAPLAN Online platform, known as the Coordinated Practice Test (CPT), did not proceed.



## Reports from the National School Resourcing Board

The Australian Government has recently published three final reports from the National School Resourcing Board. A brief summary of the recommendations and the government's response to each is below.

### Review of Needs-Based Funding Requirements

#### Background

The Australian Education Act 2013 (the Act) includes a set of requirements for Approved System Authorities (Systems)—school systems that distribute Federal Government recurrent funding for schools according to their own needs-based funding arrangement.

To support the development of a shared understanding between federal and school system requirements, the Federal Minister for Education asked the National School Resourcing Board (the Board) to identify and make recommendations on additional guidance required from the Australian Government to support compliance by School Systems.

On 12 December 2019, the National Schools Resourcing Board (the Board) presented the Australian Government with its final report: *Review of needs-based funding requirements: Final Report / 2019*. The Board reviewed the needs-based funding requirements for approved system authorities as defined in the *Australian Education Act 2013* (the Act).

On 2 July 2020, the Federal Government announced its response to the Board's review. In its response, the Government agreed with all 10 recommendations of the Board and will implement these over three phases.

Phase One will focus on providing guidance to Approved Authorities/Systems on the minimum level of information required to provide transparency of each Approved Authority/System's methodology and rationale of needs-based funding.

Phase Two will concentrate on how the needs-based funding is made publicly available and Phase Three will follow if it is determined that further transparency and breakdown of needs-based funding is necessary.



## Review of the Loading for Students with Disability

### Background

The Federal Government recurrent funding for schooling is needs-based and operates within the framework of the Schooling Resource Standard (SRS), which is made up of a base amount and six loadings, including a loading for students with disability. This loading provides a contribution to schools and Systems delivering additional assistance to enable students with disability to access and participate in education on the same basis as other students.

Since 2018, the Nationally Consistent Collection of Data on School Students with Disability (NCCD) has been used to calculate a school's Federal Government funding allocation. This represents a change in the way funding for students with disability is allocated by the Federal Government. Previously, funding was based on whether students met state-specific definitions of disability (linked mainly to medical diagnoses). Federal Government funding is now based on the estimated cost for reasonable adjustments that schools make to meet students' needs.

The broader definition of disability under the NCCD has significantly increased the number of students with disability attracting Federal Government funding. The growth in student numbers, along with the three funded loading amounts differentiated by level of adjustment (supplementary, substantial and extensive), means funding for students with disability will continue to increase. On average, growth in the loading over the period 2018-2029 is predicted to be 5.1 per cent per year.

Recognising the significance of this change, the Federal Minister for Education commissioned the National School Resourcing Board (the Board) to make findings and recommendations relating to the:

- Current SRS settings for the loading for students with disability.
- Australian Government assurance processes to support the accuracy of information provided to calculate funding entitlements for students with disability.

### Outcome of Review

Of the eight recommendations of the Board, the Government agreed with six and agreed in principle with the other two.

After commissioning three independent studies into the cost of reasonable adjustments for students with disability, the Board concluded that there was insufficient evidence to make changes to the current settings.

Instead the Board recommended that the current settings be retained until a new model is implemented in 2023. Prior to this further research, to be made an Education Council priority, should be conducted to build the evidence for the new model. Further recommendations were made regarding the refining of post enumeration processes and the use of data analytics to identify variations in the Nationally Consistent Collection of Data on School Students with Disability data between jurisdictions, sectors and schools.

**One recommendation of concern to the IEUA, agreed in principle by the Government, is the publication, having due regard for privacy concerns, of school-level NCCD data by adjustment level on the My School website.**

## **Annual Review of State and Territory Compliance with Section 22A of the Australian Education Act 2013 – 2018 Funding Year –**

### **Background**

On 2 June 2020, the National School Resourcing Board (the Board) delivered its final report: *Annual Review of state and territory compliance with section 22A of the Australian Education Act 2013 for the 2018 funding year*.

The Board is required to conduct an annual review of state and territory compliance with section 22A of the Act. Section 22A of the Act states that as a condition of Commonwealth financial assistance, states and territories are required to meet minimum school funding contributions. These are set out in their Bilateral Agreements with the Commonwealth under the National School Reform Agreement.

The Board was asked to consider and assess state and territory compliance with section 22A of the Act for the 2018 funding year, while taking into account:

- The terms of Bilateral Agreements with individual jurisdictions under the National School Reform Agreement
- Mitigating and contributing factors that have contributed to any non-compliance, and
- Timing of state budget processes and impact on compliance and reporting arrangements.

### **Outcome**

On 23 July 2020, the Federal Government announced its response to the Board's recommendations. The Board listed four findings which were all agreed to by the Government.

It found all jurisdictions were compliant with their minimum funding contribution requirements and that the current reporting requirements are reasonable.

The Board also found that the flexibility allowed for individual jurisdictions regarding assurance requirements did not provide consistency and therefore asked that assurance engagements be brought in line with the Australian Auditing and Assurance Standards.

Further, the Board found that there was duplication of reporting with states and territories required to provide assurance to both ACARA (for My School) and the Department of Education, Skills and Employment (Section 22A) and that these two processes should be aligned.

## **Early Childhood Education**

In April 2020, after ongoing advocacy of IEUA branches to State and Federal Governments, the Federal Minister of Education confirmed the extension of Universal Access Funding to preschools and kindergartens. This funding will continue via the National Partnership on Universal Access to Early Childhood Education (NPUA) for another year to 2021 as part of its ECEC sector COVID-19 response package. While Universal Access funding should be an ongoing, guaranteed commitment every year, this decision has provided a small relief to those working in early childhood education and rely on the funding to provide their service.

## Industrial

*The mind's only poison is memory.*

When the ALP secured the passage of the Fair Work Act not all unions accepted that the revised award system it contained would operate as a complete panacea for the reduction in real wages and abolition of conditions resulting from WorkChoices. A provision in the new legislation therefore provided for a review every 4 years of the new 'Modern' Awards it created.

The first review began on time in 2014. The Commission called for proposals to vary the awards from interested parties. Sadly, Modern Awards are common rule and there are no parties.

The Commission was still receiving creative proposals from new and unexplored sections of the Australian community in late 2018 when, in a singular act of mercy, the Australian parliament repealed s156 of the Act , ensuring that the first 4 yearly review, now more than 6 years in duration, would be the last.

As it appears likely the 4 yearly review of modern awards will conclude this year and much of the work of the Federal Office, both since the last meeting of Federal Council and in previous years, has involved coordinating our approach to the review, this report to Council provides a further update.

Below is a revised summary of the more recent changes to awards introduced by the review. Note that the Post-Secondary Award was finalized last year and the subject of a previous report to Council.

### 4 Yearly Review of Awards: Summary of Variations

#### General Staff Award

Award completely overhauled – more than 200 variations- more than 70 variations agreed with AIS in 2015-16, subsequently implemented and subject of a previous report to council – the majority of subsequent variations the direct result of Full Bench model terms – this report deals with the period 2018-20

- Public Holidays can no longer be substituted by a majority vote of employees, individual agreement is required.
- Extensive new part-day public holiday provisions (Schedule I) related to Christmas/New Year and likely to be of little relevance in schools.
- Unpaid Family and Domestic Violence - model term inserted.
- Casual Conversion – model term inserted.
- Payment of wages on termination common term inserted requiring full payment within 7 days.
- Family Flexible work arrangements – request for flexible working arrangements model term.
- Extensive new and better TOIL provisions:
  - All TOIL is subject to written agreement and record keeping
  - Employee can have TOIL converted to paid overtime on request at any time
  - Untaken TOIL is converted to paid overtime after six months.
- Agreement to take annual leave in advance and Agreement to cash-out annual leave schedules added.
- Plain language redrafting standard clauses inserted:
  - Short notice maximum withholding of 1 week.
  - Increase in the number of conditions potentially subject to individual flexibility arrangements – a negative but note AIS opposed .
  - Over-award absorption clause.

**Still to be determined:**

- Overtime for casuals – unlikely we will be successful
- Parents and Citizens matter – relates to extension of scope to cover contractors – part heard.

**Teachers' Award**

Subject to less revision than the General Staff Award – similar timeframe – minor variations agreed in 2016 with the AIS implemented and also subject of a previous report to council – many of the same major variations described above and summarized below as applying to all awards made – 30 or so minor and technical changes agreed in the last two years not reported individually here

- Increase in the conditions potentially subject to individual flexibility arrangements but will apply only to teachers not in receipt of school holidays ie ECE.
- Model terms for: unpaid family and domestic violence leave; substitution of public holidays; major change, roster and hours of work consultation; dispute resolution; redundancy; termination of employment; TOIL and cashing out of annual leave and annual leave in advance (restricted to 48 week p.a. employees in ECE) and family friendly working hours
- Short notice penalty reduced from 7 weeks to 2.
- Payment of wages in schools varied to ensure fortnightly payees are paid within the fortnight worked.
- Insertion of rates tables.

**Outstanding:**

- 4% loading for casuals in ECE, referred to a separate Full Bench
- Minimum engagement and payment of casual teachers
- Scope re Schedule B teachers
- Note overtime for casuals as previously reported will not apply to teachers irrespective of the scope of the entitlement yet to be determined by the Full Bench

**Federal Government Industrial Relations Working Groups**

Having suspended its post-election IR review in March because of the COVID-19 crisis, the Federal Government established a process for discussions with employers and unions on a limited number of industrial issues. The issues are:

- a) Casuals and fixed term contracts,
- b) Awards in hospitality, retail and restaurants,
- c) Enterprise Bargaining,
- d) Compliance and enforcement, and
- e) Greenfields Agreements

Each group will comprise five representatives from unions and five from employers

The IEUA is represented on the Compliance and Enforcement group. In addition, reference groups have been established to support the working groups. The IEUA is represented on the Enterprise Bargaining and Compliance and Enforcement groups. The joint discussions are ongoing and are expected to over the months leading up to September 2020.

## Campaigning

### For The Workers: ACTU Campaign For Post Pandemic Rebuild

It is important to recognise that the conditions of the pre-pandemic virus world are strongly responsible for the disastrous fallout of the pandemic. Race, gender, age have always been the fault lines along which inequality splits. The crisis of the pandemic has made these fault lines more obvious and union members across Australia will not allow politicians to continue to pretend that they do not exist. **The goal must be about actively restructuring society so that we are more resilient to the next time a disaster strikes. Governments cannot be allowed to ‘snap back’ to the status quo – to do so would fail society.**

The ACTU recently announced a national campaign to rebuild the economy for everyone and protect workers from the Federal Government’s cut back. **Between October and December 2020, IEU members will actively joining with other union members in this campaign and further information is found at [www.fortheworkers.org.au](http://www.fortheworkers.org.au)**

The ACTU campaign is focussed on an eight point plan for the post pandemic rebuild which includes:

1. Improving the quality and security of jobs by creating 2 million new permanent jobs and halving the number of insecure jobs
2. Lifting wages and living standards
3. Strengthening and investing in the public and community services that are our first line of defence against ‘shocks’ like COVID19, bushfires and drought
4. Supporting nation building projects that create decent jobs and set Australia up for a brighter future
5. Rebuilding the domestic skills and training systems with public investment in schools and early childhood education, TAFE and higher education.
6. Dealing with the crisis of climate change by reducing emission, improving energy efficiencies and creating new jobs in industries that embrace new technologies
7. Improving social, health and economic outcomes for people and communities that experience disadvantage
8. Embracing industry policy and ‘Australia made’.

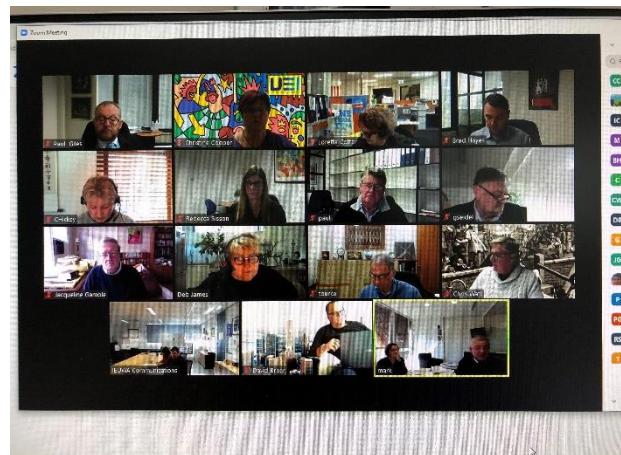
## Supporting Good Governance

The **IEUA Federal Executive** has continued to meet during the year using the zoom platform. A considerable amount of the deliberations and work of the Federal Executive continues to revolve around good governance issues.

Federal policies such as the IEUA Whistle Blower Policy and a Conflict of Interest Policy have been developed and endorsed.

Discussion and amendment to IEUA rules to ensure efficient operation have taken place

In addition, several extra ordinary meetings have been conducted to develop a national response to the COVID 19 crisis



## International Education International Support Staff Day 16 May 2020

The work of education support staff greatly enhances and supports quality education and has proven to be particularly important during the demanding times caused by the COVID 19 pandemic. However, the widespread closure of schools has unjustifiably threatened the ongoing employment of education support staff.

In recognition of the critical importance of their role, Education International declared 16 May to be the worldwide Education Support Personnel Day; a day to highlight their experience, professionalism and the importance of their role.

This year, Educational International hosted an online meeting to share union experiences of defending education support staff rights as well as share successful strategies and lessons learned.

The online meeting celebrated the important work support staff do and aimed to become a show of unity as support staff fights to ensure terms and conditions are upheld and improved in line with the important work they do.

Data gathered through an Education International survey of member organisations reveals many support staff have experienced loss of pay, loss of jobs and loss of hours and highlighted that education support staff were becoming one of the most vulnerable groups of workers within education around the world. As a result of the pandemic, support staff has experienced disproportionate and adverse impact. Across the world, they have been subjected to stand downs, terminations, loss of hours and have even been expected to keep working in risky situations, often without access to personal protective equipment or recourse to work, health and safety provisions. They have been required to work in new ways and adapt with little training, support or recognition.

2020 has been a difficult time and the importance of support staff all around the world is undeniable.

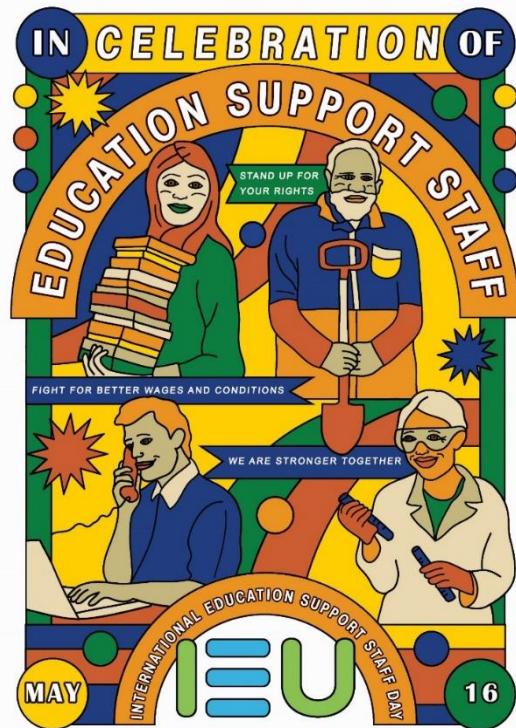
## Council of Pacific Education

Battling the challenges of COVID 19, climate change, natural disasters and economic recession is the sad reality of our education union colleagues in the Pacific

In March, the borders were closed to international travel in all islands and remained so for around four months. As tourism is the main form of employment the closures, coupled with lockdowns and travel restrictions led to high unemployment and devastation for local economies. Many families were forced to relocate to the rural villages after losing their jobs in the city.

In March, cyclone Harold cut across Vanuatu, Fiji and Solomon Islands. This added to the challenges with schools, homes and shelters being damaged. Access to food and water from local agricultural sources is now limited due to crop and infrastructure damage.

The disruption to education and the displacement of many students meant that some students are missing out on schooling altogether.



As schools across the Pacific closed, remote learning was initiated. However, reliable IT does not exist and online learning was not feasible. Teachers attempted to continue to work from home during lockdowns by producing hard copy materials and worksheets for their students, while juggling their own family responsibilities.



Many students missed out on receiving the learning materials as their families had left the areas. Many parents struggled to assist their children with school work and families are now anxious about their child's future.

Schools have now opened. However, many families have not returned and as such many children are lost to the education system.

And while schools are endeavouring to implement the new safety arrangements for COVID 19 preventions, it has proven to be very difficult where running water is limited, and class sizes are around 45- 50 children in one room

Like the rest of the world, women in the Pacific are also carrying the greatest burden due to COVID 19. An alarming spike in the instances of domestic violence is being experienced. Job losses, financial stress and overcrowding in family homes during lockdown have been prime triggers for the increase in domestic violence.

The Fiji Crisis Centre reported an increase in the number of calls for assistance received with 500 calls being received in April. This is compared to 75 calls received in February.

The COPE women's network has been finding ways to support its members, either through utilising zoom where possible or meeting in small groups. The WRAW chat, which had been demonstrated by the IEU at the 2019 Women's conference, has now proven to be a very useful tool in identifying the specific issues experience by women.

COPE and International Education have been very active in providing support to the Pacific Island affiliates. The provision of country assistance funding has helped union members battle the economic challenges from the pandemic.

As well, Education International funds helped education unions respond to the immediate and long-term challenges brought about by the pandemic and supported union activities to ensure the rights of education staff are respected and upheld during the crisis.



It is only through such global solidarity that our Pacific colleagues will be able to weather the pandemic storm.

## World Refugee Day 20 June 2020

On World Refugee Day, IEU members called upon the **Federal Government** to ensure that all people seeking asylum in Australia are protected from the health and economic impacts of COVID 19 by:

1. Providing safe accommodation via residence determination using many of the vacant accommodation facilities within the community.
2. Ensuring access to medical treatment supported by Medicare and PBS.
3. Extending *Job Seeker* support to those on bridging visas currently ineligible for a financial safety net.
4. Applying flexibility to visa conditions and deadlines and simplifying bridging visa grants and renewals in order to prevent people from losing legal status and access to support, including access to education for school aged children.



### United Nations Refugee Convention: Australia has an obligation.

The United Nations Declaration of Human Rights states, “*Everyone has the right to seek and to enjoy in other countries asylum from persecution*”. As signatory to the United Nations Refugee Convention, Australia has a responsibility to protect all those seeking asylum.

The *Convention Relating to the Status of Refugees*, also known as the *1951 Refugee Convention* or the *Geneva Convention of 28 July 1951*, is a United Nations multilateral treaty that defines a refugee, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum. The *Refugee Convention* builds on *Article 14 of the 1948 Universal Declaration of Human Rights*, which recognizes the right of persons to seek asylum from persecution in other countries. As signatory to the United Nations Refugee Convention, Australia has a responsibility to protect asylum seekers.

### Impact of COVID 19

The COVID-19 pandemic has made refugees and people seeking asylum particularly vulnerable due to inability to maintain safety measures in overcrowded camps and detention centres; the lack of access to countries of asylum or resettlement due to border closures; and the lack of income support for those who have lost their jobs.

There are several significant issues directly affecting refugees and asylum seekers in Australia.

#### 1      Crowded immigration detention facilities

There are grave concerns for people in immigration detention facilities, particularly those who have been transferred from offshore facilities to Australia for medical treatment and those detained long term.

The majority of closed immigration facilities, including hotels that are being used as alternative places of detention to accommodate people transferred from PNG

and Nauru, are currently overcrowded. People in these facilities are not able to maintain social distancing.



A number of people in immigration detention have compromised immune systems and chronic medical conditions.

## 2 Lack of a financial safety net and Medicare access

For the past two years, an increasing number of people seeking asylum have lost access to financial and casework support under *Status Resolution Support Services (SRSS)* because of deliberate program redesign. Many do not have access to Medicare, either because of a delay or refusal to renew Bridging Visas or through Federal Government policy.

This situation is growing worse by the day as people seeking asylum and other temporary visa holders lose their only form of income. Charities, which could not cope with the demand for emergency assistance before the pandemic, are now overwhelmed because of the spread of COVID-19.

Unstable housing as a result of destitution impedes people's ability to adequately self-isolate. Lack of access to the Pharmaceutical Benefits Scheme means many cannot afford to purchase vital medications.

This can further compromise people's general health and increase their need for hospital admission, which is challenging when the health system is experiencing increased demand due to COVID-19.



The Government's COVID 19 response package has provided *JobSeeker* payments to help support people who have lost their jobs or face reduced hours because of the pandemic. While Australian citizens and permanent visa holders can access *JobSeeker* payments, people seeking asylum on Bridging Visas cannot. Refugees on temporary visas (TPVs and SHEVs) can access the equivalent of *JobSeeker* via *Special Benefit*, but they face limitations.

The Government's wage subsidy program *JobKeeper* is not available to temporary visa holders, including refugees on TPVs and SHEVs and people seeking asylum on Bridging Visas, all of whom cannot return home.

## 3. The threat of losing legal status and access to support

The current visa system, which sees people apply for a Bridging Visa renewal face either months-long delays or refusals without clear reasons, means that people who have made every effort to engage in the process face being forced into an irregular status, with no rights or entitlements.

While community legal centres continue to operate remotely, many charities and volunteer organisations which assist people in filling forms related to visa applications and renewals have had to suspend these services. This creates a significant barrier for people to remain lawful and maintain their access to rights that are linked to visas, such as Medicare and work rights.

## 4 The threat of uncertainty of visa status

People found to be refugees but granted only a *Temporary Protection Visa* (TPV) or a *Safe Haven Enterprise Visa* (SHEV) continue to have no certainty about their visa status, and their job security during the economic downturn. Despite working very hard to try to keep their jobs, some have already lost their employment due to the COVID-19 pandemic. It is clear many more will lose their employment in the near future.

The pandemic has also made it even harder for SHEV holders to try to find appropriate work in a designated regional area. And without ongoing employment, they are much less likely to meet the work experience requirements of the few permanent visas that may be available to them even if they do meet the SHEV pathway.

**IEU members have called upon the Federal Government to provide the basic safety net for refugees, people seeking asylum and other migrants.**