The Australian Industrial Relations Commission (AIRC) consolidated most of the awards that existed prior to 2010 (including the Miscellaneous Workers Kindergartens and Child Care Services State Award) in order to reduce the confusion surrounding proper minimum employment entitlements.

The modern award for the majority of OOSH Educators is the Children's Services Award 2010. However, if you are employed by local government, you may be paid under the Local Government (State) Award 2010 – check with your employer.

Although the Children's Services Award commenced on January 1, 2010, the AIRC allowed for transitional arrangements over a five-year period to assist employers and employees in the move to the modern award system, with rates of pay and certain other conditions being phased in over a period of time. This phase in period ends in 2014.

The National Employment Standards (NES) set out minimum conditions of employment that applies to all employees. The NES should be read in conjunction with the award. Modern awards set the minimum pay rates and conditions; however employers can choose to pay their employees more, or to set above award conditions.

HOW DO I KNOW WHICH RATE TO PAY?

Check each classification level description in the award, as well as the employee's Job Description to help determine their classification. This will depend on a number of factors.

‘Finding the right pay’ section on the Fair Work website has a number of tools and resources to help you work out minimum pay rates. Go to: www.fairwork.gov.au/pay/finding-the-right-pay/pages/default.aspx

Outside School Hours Care staff are paid at the Long Day Care rate NOT the Preschool rate.

FULL-TIME

Full-time employees work an average of 38 hours per week and usually have ongoing employment.

PART-TIME

Part-time employees work an average of less than 38 hours per week. They’re usually hired on an ongoing basis and work the same set of hours.

CASUAL

Casual employees are paid based on the number of hours they work. They are usually employed by the hour or the day. They usually don’t get paid sick leave or annual leave – to make up for this they get extra pay called a casual loading. A casual employee is one engaged for temporary and relief purposes.

JUNIOR EMPLOYEES

Junior employees classified as Level 1 or Level 2 must be supervised by other appropriate staff and cannot be left alone with children.

The Education and Care Services National Regulations require educators who are under 18 to be supervised at all times by an educator who has attained the age of 18 years and they cannot work alone at the service (Regulation 120).

ACCESS TO THE AWARD IN THE WORKPLACE

The employer must ensure that copies of the award and the National Employment Standards are available to all employees.

WHERE CAN I FIND A COPY OF THE AWARD, NATIONAL EMPLOYMENT STANDARDS?

A copy of the Children’s Services Award 2010 can be downloaded from the Fair Work website at: www.fairwork.gov.au/awards

CHANGES TO MINIMUM WAGES & STAYING UP TO DATE

Every year, the Fair Work Commission conducts a wage review. They look at the minimum wage and decide whether it should change. Any changes to the minimum wages start to apply on 1 July every year.

You can stay up-to-date with changes that affect you by signing up for email updates at: www.fairwork.gov.au/resources/email-updates/pages/default.aspx

WHERE CAN I GET FURTHER INFORMATION?

For further information on your rights and obligations under Commonwealth workplace laws, please contact the Fair Work Infoline on 13 13 94, or go to: www.fairwork.gov.au/contact-us/pages/default.aspx