



**COUNTRY CHILDREN'S
SERVICES ASSOCIATION
OF NSW INC**

Submission to NES Exposure Draft

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Introduction

Country Children's Services Association of NSW Inc (CCSA) is a membership-based, not-for-profit, non-government organisation that supports the management of children's services in NSW. We are the largest peak organisation for children's services in NSW and have been providing support to children's services for more than 35 years.

CCSA's 600-strong membership comprises all service types including preschool, long day care, occasional care, family day care, out of school hours care, early intervention and mobiles. Members are from the community-based and private sectors and are located in metropolitan, regional, rural and remote parts of NSW.

As management specialists in the children's services sector CCSA provides information on employment and industrial relations to member services who comprise non-constitutional and constitutional corporations. Non-constitutional corporations work under the following NSW Awards:

- Teachers (Non Government Pre-Schools) (State) Award;
- Teachers (Non Government Early Childhood Service Centres other than Preschools) (State) Award;
- Miscellaneous Workers Kindergarten & Child Care Centres NSW (State) Award;
- Clerical and Administrative Employees (State) Award;
- Nurses etc other than in Hospitals (State) Award;
- Charitable Institutions (Professional Paramedical Staff) Award;
- Social and Community Services Employees (State) Award.

Employees in member services who are constitutional corporations work under Notional Agreements Preserving State Awards (NAPSAs) or, in the case of family day care services, the Family Day Care Services 1999 Award / Transitional Award.

CCSA's response

CCSA notes that the preamble to the Exposure Draft of the NES states that 'the Government is particularly interested in hearing about the interaction of the NES with diverse or atypical working arrangements as well as award-free employees' (p. 2).

We would like to point out that the children's services sector has an extremely feminised workforce, with a very high proportion of part-time employees.

A large number of our services are very small organisations with fewer than five employees.

We wish to emphasise that the vast majority of our member services are not-for-profit services, who charge minimal fees, and are run by voluntary community management committees or boards.

The issues causing most concern to CCSA are listed in the following pages.

Parental Leave

The changes outlined in the Exposure Draft of the NES are generally acceptable, with the exception of the provisions for transfer to a safe job and especially paid 'no safe job leave' (Paragraph 109, page 19). We believe these requirements would have an extremely adverse impact on the majority of CCSA's member services because;

- Child care is, as has been stated, a heavily feminised workforce with a significant proportion of women of child-bearing age, meaning pregnancy is a common event in the workplace;
- Child care is physically demanding work, which involves a lot of standing, movement and regular lifting of children. Heavy lifting is frequently contraindicated in pregnancy, yet is unavoidable in child care settings. The likelihood of pregnant child care workers and teachers being declared medically unfit to work is therefore high;
- All roles in children's services involve close contact with children, who are vectors for communicable diseases, a number of which present serious hazards to pregnant mothers and unborn children (slapped cheek syndrome, chicken pox, hand foot and mouth disease, measles, mumps and rubella). Pregnant women are, therefore, likely to be excluded from child care settings in the event of outbreaks of communicable diseases, particularly in services with low vaccination rates;
- 'Safe jobs' are, consequently, rare or non-existent in children's services;
- Most of CCSA's member services are not-for-profit, low fee organisations. They cannot absorb the costs involved in paying 'no safe job leave'. Neither is it a straightforward matter for them to raise fees, because parents are likely to withdraw children from early childhood services if fees become unaffordable (only some of our services can access Child Care Benefit and related rebates). We wish to point out that any fee rises which resulted in parents withdrawing children from services would conflict with the Federal Government's objective of expanding access to early childhood education.

Sick Leave

CCSA does not support the re-crediting of sick or personal/carer's leave during periods of annual leave (Paragraph 151, p. 27). We consider that this would be an unnecessary financial burden on not-for-profit and low fee services, especially preschools where it is compulsory to take annual leave during the Christmas closure period. As already stated, CCSA's member services cannot easily absorb costs and nor can they readily raise fees to cover funding shortfalls.

Public Holidays

The NSW state award system provides a sound framework for clarifying the question of local public holidays. Non-constitutional corporations who work under applicable state awards are not obliged to provide staff with a day off or pay penalty rates on local holidays, because the awards relevant to children's services do not provide for the observance of those holidays.

However, CCSA has found that the treatment of gazetted local holidays under the *Workplace Relations Act 1996* causes widespread confusion amongst services who work within the Federal system. As we understand it, employees of constitutional corporations are entitled to the day off, although they can be asked to work. If they do work they do not receive penalty rates, which makes it very difficult for services to demand workers attend on local holidays.

CCSA recommends that the NES clarify this anomaly, and provide for a common standard between state and federal systems so services can plan properly for gazetted local holidays.

Redundancies

Child care is an industry with a high proportion of part-time workers. As such, it is quite common for services to employ upwards of 15 employees, although none work full-time.

CCSA's member services are generally not-for-profit, low fee organisations, and redundancy presents particular challenges. Services who employ upwards of 15 employees and are obliged to budget for extensive redundancy payments are much more likely to close their doors early, rather than try to keep the service alive, and this will have a negative impact on the availability of early childhood services.

CCSA recommends the exemption to unfair dismissal should be considered to apply to organisations with 15 equivalent full time employees.

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