

# Know Your Agreement

## Fixed term & casual employment improvements

### Clauses 11.2 – 11.6

#### The CEMEA makes a commitment at the outset to minimise the use of fixed-term employment.

Too many workers understand the pernicious effects of precarious employment – whether it's the growing anxiety towards the end of a contract, the distraction from their core work as they hunt around for other jobs as a backup plan, or the reaction they get when applying for a bank loan. In our sector, Education Support Staff and teachers at the start of their career are particularly likely to find themselves in fixed-term employment, often on very flimsy pretexts and sometimes for many years.

The CEMEA builds on the work of previous Agreements to further tighten the rules around fixed-term employment.

Key changes include:

- When a staff member is employed to undertake a specific task for a limited period, they must be employed *only to undertake that specific task*.
- The Employer must now keep and make available records of the identity of the employee that each replacement employee is replacing. Rules now govern the content of the letter of appointment provided to 'replacement employees' and how this information is provided to the employee.
- If a fixed-term appointment is made to replace an employee who has left employment, no further fixed-term appointments may be made to replace the same employee.
- After a replacement employee has worked for 30 consecutive days in one school, and the employer wishes to continue the appointment, the teacher must be appointed as ongoing or, if permissible under the relevant clause, for a specified period. (Under the previous Agreement, the employee was required to be employed as a Casual Relieving Teacher at the end of this period.)

- The casual loading rate for Casual Relief Teachers has been increased from 20% to 25%.

The upshot of all this is that fixed-term employment should only be used where there is a legitimate need for it – and where there is not, ongoing and secure employment must be offered.

#### Other changes

This Agreement better clarifies employment categories through the following changes:

- The previous categories of Emergency Teachers and Casual Relieving Teachers are combined into a new category, called 'Casual Relief Teachers'
- Casual Relief Teacher pay has been significantly improved, with a daily rate of \$448.58 (as of July 2023)
- 'Replacement employee' is introduced as an umbrella category of fixed-term employment, covering staff employed to replace a colleague for 30 days or more.

There are also several new, better clarified categories of fixed-term employment for when:

- an employee is back-filling a position for one or more colleagues who've returned to work part-time following a period of parental leave
- an employee replaces someone temporarily seconded to another position who has a right to return to their original position
- an employee holds a visa to work in Australia for a limited period, provided that the duration of the term of appointment doesn't exceed the period for which the visa has been granted.