

# EARLY CHILDHOOD EDUCATORS' RIGHTS AND ROSTERS



## ANNUAL LEAVE, ROSTERING, AND PAID HOURS

This information below is for workers in early childhood education and care who are covered by the modern awards – the Children’s Services Award and the Early Education (Teachers) Award. Employees on Enterprise Agreements may have different conditions.

### BEING FORCED TO TAKE ANNUAL LEAVE

An employer can direct an employee to take annual leave in some specific circumstances. The full detail can be found in clause 24 of the Children’s Services Award and clause A.6.4 of the Educational Services (Teachers) Award.

Once a year an employee can be directed to take annual leave during the Christmas vacation. However, throughout the year an employee can be directed to take annual leave if they have more than eight weeks of leave accrued. Before this direction is given both the employee and employer must have tried to reach genuine agreement.

There are limits on what the employer can direct:

- An employee has a right to retain six weeks annual leave.
- An employee cannot be instructed to take annual leave in blocks of less than one week.
- The employee must get eight weeks’ notice
- The instruction cannot be inconsistent with a previously agreed leave arrangement.
- All directions must be given in writing.

### CHANGES TO ROSTERS

Rosters can be changed in some circumstances. The full details are under clause 21.7 of the Children’s Services Award.

Here are the general rules:

- A roster cannot be changed without a full seven days’ notice.
- This period may be waived or shortened and rosters can be changed by mutual agreement
- If seven days’ notice is not given then overtime will be paid until the seven days have elapsed.
- The employer is not required to give seven days’ notice in the case of emergency outside the employer’s control. An emergency is a situation that poses an imminent or severe risk to the centre – eg. fire, flooding etc. If a centre is required to close, for example because of exposure to an infectious disease (eg COVID-19). that is an emergency.
- Significant changes to rostering require formal consultation.
- An employee cannot be directed to go home midway through a shift due to low attendance. They may ask you if you want to go home early and take annual leave, but it has to be by mutual agreement. You can choose to stay and work out the rest of your shift if you prefer.

### CHANGES TO HOURS

- Employees have a right to be paid their minimum contracted hours.
- An employee may change hours by mutual agreement.

For more information, contact the United Workers Union Delegate at your centre or contact your Union office on:

ACT: 1800 805 027

NT: (08) 8924 4700

SA: 1800 622 900

VIC: (03) 9235 7777

NSW: 1800 805 027

QLD: 1800 065 885

TAS: 1800 625 119

WA: 1800 199 890