

NSW/ACT Independent Education Union
JOB SHARE / PART-TIME WORK
10 Frequently Asked Questions and Answers

1. What is the difference between part time work and job share?

A part-time employee is engaged to work regular hours each week which are less than normal hours for a full-time employee. Job share is a workplace administrative arrangement that allows two employees to share one permanent position, which is usually full-time; in some cases the right to one of the positions is dependent on the continuance of the shared arrangement.

2. Do I have an absolute right to work part-time or job share?

No. Legislation and agreements provide certain entitlements in relation to part-time work if you wish to work part-time because of parental or carer's responsibilities or some other situations as defined under the Fair Work Act, including expanded "right to request" provisions introduced in July 2013 to cover a greater range of family and personal circumstances. Otherwise there is generally not an enforceable right to work part-time.

3. Is part-time/job share employment secure?

In theory permanent part-time teachers and support staff have similar legal and industrial protections as full-time employees. In practice however, in some positions part-time employees may experience changes in their hours from year to year. This is less likely to occur in a job share position and in particular in a primary job share where two teachers are sharing the one class. Even in a job share situation, however, it is often the case that one employee "owns the job" and retains a right to return to full-time work – in this case the security of the second employee, the job share partner, will depend on the continuance of the job-share. Job share is usually also subject to review from time to time.

4. How does a job share operate? How long can a job share last?

Job share assumes that each member of the partnership is responsible for all duties required of the position on the days on which she or he works and in addition liaises with the other member of the partnership concerning overall responsibilities. Job share may be achieved by the employment of a temporary employee for the second part of the job share (usually when the first employee retains the right to return to a full-time position) or it may be achieved through the sharing of one position by two permanent employees.

The IEU has been successful in negotiating part-time/job share policies and procedures (sometimes now called flexible work arrangements) with most diocesan employers and with some independent schools. There are also facilitative clauses in most agreements covering early childhood teachers

Job share may be accessed as a short-term arrangement (e.g. one or two years) while the first employee who "owns the job" maintains the right to return to a full-time position at the conclusion of the arrangement. Job share may continue for longer but may necessitate the first employee relinquishing their full-time employment status and accepting a permanent part-time position. Many successful job shares have continued for periods of 10 years or more but are usually renewed annually.

5. How do I apply to work part-time or in a job share?

If you are specifically interested in a job share arrangement you should check whether your employer has a job share policy (most Catholic dioceses do and they can usually be found on the employer or the Union website) and follow the procedure set out in the policy. It is important that you apply as early as possible if you wish to work part-time. Please contact the Union at any stage

for advice and particularly if you do not get a positive response within three weeks of lodging your written request for part-time work.

6. What is the impact on my entitlements of working part-time / job share?

In general entitlements will accrue on a pro rata basis, but there are some differences in the method of calculation of long service leave between agreements. If your employment is terminated while you are part-time, severance entitlements such as redundancy pay will be calculated on your part-time rate. If you take a further period of parental leave and you have not returned to full-time work, then normally the paid leave will be calculated on the part-time rate. Members should contact the Union to clarify the effect of part-time employment on their long service leave or on any other entitlements.

7. What is the impact of part-time work on progression up the salary scale for teachers?

Under agreements and the federal Modern Award, incremental progression is based on completion of years of full-time service and part-time service is counted pro rata.

8. What is the impact of maternity leave during the period of a job share arrangement?

Most job share agreements state that a job share arrangement will terminate if one of the partners takes an extended period of leave. The remaining partner may be offered the full-time position or another job share arrangement negotiated for the duration of the maternity leave. The partner who has taken maternity leave may be able to re-negotiate a return to the original job share or another suitable arrangement. It is always wise to identify who "owns the job" at the outset of the job share arrangement and to clarify the underpinning employment status of each of the job share partners.

9. Is there a limit to the number of job shares that can exist in a school/centre?

An arbitrary limit would be contrary to the carer's responsibilities provisions of NSW and ACT anti-discrimination legislation and the provisions of the Fair Work Act and agreements referred to above, as each application to work part-time because of carer's responsibilities must be considered on its merits. However, in some circumstances an employer may be able to argue that the existing number of part-time work arrangements are a relevant factor in considering whether the latest request can be accommodated.

10. Can I be forced to attend meetings or professional development on days on which I don't normally work?

Agreements applying to teachers in Catholic schools state a part-time teacher cannot be required to attend on a day on which they are not teaching except to attend occasional school activities as may be reasonably required. In addition, agreements specify that face to face teaching should be scheduled on a number of days generally consistent with the teaching load of the part-time teacher provided that the principal has sufficient flexibility to ensure that the needs of pupils are met.

Some Catholic dioceses advise principals that part-time and job share teachers should be paid for their attendance at significant professional development on days that they are not normally at school.

This issue can be more contentious in independent schools, particularly in relation to attendance at professional development days scheduled on a day the part-time teacher is not required to attend. In some cases schools will request part-time teachers to attend a particular professional development day and whether or not this is reasonable will depend both on the teacher's availability (for example the teacher may have another part-time job if the day is during term time or unavoidable caring commitments) and the other non teaching duties (such as co-curricular or other PD days already attended) performed by the teacher in the course of the year, compared to full-time teachers. If the attendance means that the part-time teacher is doing more than her fair share of the non - teaching duties required of full-time teachers, based on her teaching load, then agreements applying in independent schools state that the teacher is entitled to payment at casual rates for the day. Please contact the Union for further advice on this issue, preferably as early as possible before the scheduled activity.

For further information or advice on work and family/carer issues, phone (02) 8202 8900 or 1800 467943 or access the IEU website at www.ieu.asn.au