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Schools on notice over co-curricular payments following St Peters Lutheran College backpay ruling

The Independent Education Union – Queensland and Northern Territory (IEU-QNT) Branch said a recent Fair Work Ombudsman (FWO) ruling on underpayment of ‘voluntary’ co-curricular work at St Peters Lutheran College meant all non-government schools making such payments were now on notice.

The FWO recently entered into an Enforceable Undertaking with St Peters that saw \$2.5 million back-paid to 753 current and former staff who were underpaid in voluntary roles as sports coaches and co-ordinators, dating back to 2012.

IEU-QNT Branch Secretary Terry Burke said the FWO ruling reinforced important industrial principles in regard to how co-curricular work should be treated and remunerated in schools.

“Whether staff or external providers are covered by a collective agreement or Award, this outcome from the FWO demonstrates the need to recognise that an employment relationship exists with coaches,” Mr Burke said.

“Those undertaking these roles are in employment relationships and should be paid accordingly.”

At St Peters staff had been receiving lump sum payments in recognition for their voluntary co-curricular roles.

St Peters admitted to the FWO that it had breached both collective agreement and Awards over the payments because they did not include appropriate minimum rates of pay, casual loading, weekend penalty rates, overtime and vehicle allowances.

Mr Burke said legal advice obtained by the school and the subsequent Enforceable Undertaking with the FWO highlighted the need for all non-government school employing authorities to be clear about their employment relationships with coaches.

“Many other schools will now have need to urgently examine their employment relationships with coaches and the like,” Mr Burke said.

“Recognising that a proper employment relationship exists in these circumstances is fundamental for fair remuneration as well as matters of law, accountability and child protection responsibilities.

“To its credit, St Peters voluntarily disclosed wrongdoing by self-reporting the matter to the FWO and taking steps to rectify the mistakes.

“It’s now time for all non-government school employers to own up and pay up for any underpayment of co-curricular work,” he said.

“Our union is here to support any member with underpayment claims to ensure their working rights are upheld,” Mr Burke said.

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The Independent Education Union – Queensland and Northern Territory (IEU-QNT) represents more than 17,000 teachers, school support staff, principals and early childhood education employees across Queensland and the Northern Territory.

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