

From: Michael Wright [<mailto:michael@ieu.asn.au>]
Sent: Monday, 23 July 2018 2:25 PM
To: Chambers - Hatcher VP
Cc: Sophie Margaret Whish; Jessica McDonald
Subject: FW: C2013/6333 - Application by Independent Education Union of Australia for an Equal Remuneration Order - evidence in reply

Dear Associate,

Re. C2013/6333 - Application by Independent Education Union of Australia for an Equal Remuneration Order - evidence in reply

As foreshadowed in my email of Thursday, please find attached the short Statement in reply from Sri Hilaire for filing. Apologies to the Commission and parties for the slight delay. A hard copy will also be included in the hard copies being sent to the Commission this afternoon. ABL, AFEI and the Commonwealth are copied into this email by way of service.

Regards,

Michael Wright

Dr Michael Wright | Senior Industrial Officer



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IN THE FAIR WORK COMMISSION

Matter no: C2013/6333

Applicant: Independent Education Union of Australia

Fair Work Act 2009 s.302(3)(b) – Application for Equal Remuneration Order

STATEMENT IN REPLY OF AMANDA SRI HILAIRE

I, Amanda Sri Hilaire of [REDACTED] in the State of New South Wales, say:

Introduction

1. I am making this statement in reply to the statement of Anne-Maree Wulff’s statement made on 22 May 2018. I no longer work in Ms Wulff’s childcare center, having resigned my employment since Ms Wulff’s statement was filed.
2. Where I do not address a matter in that statement, it should not be taken as an indication that I agree with it. In particular, Ms Wulff has made many assertions that I have said things that are “misleading” and “not the truth”. I have made my statement based on my best recollection and on the basis of all information available to me at the time.
3. Several of the matters that Ms Wulff raises reflect, but do not acknowledge, changes in the center’s operation that occurred after I made my statement. For example:
 - a. at paragraph 15(b), Ms Wulff takes issue with my statement that there were 18 children in my room. At the time my statement was made, this was correct. At the time Ms Wulff made her statement, this number had reduced to 16;

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- b. at paragraph 31, Ms Wulff refers to a “very strict ‘no work is to be taken home’” policy. This policy was only introduced on 26 February 2018, well after my statement was made.

Room leader role

4. I refer to paragraph 15 (c) of Wulff’s statement, where she denies I acted as the Room Leader. Over the course of my employment, I was told on at least three occasions by the Nominated Supervisor that I was to act as Room Leader on Thursdays and Fridays. As such a role is well within an ECTs scope of practice, and as I was instructed by the Nominated Supervisor, I did indeed believe that I was appointed to the role of Room Leader, two days a week, and upheld that role to the best of my ability.

5. I maintain that I did supervise, direct and provide a level of mentorship to trainee staff when I work on the floor alongside them. I provided regular verbal feedback via respectful dialogue with the aim of encouraging the professional development of trainee’s performance in terms of their practice, interactions and relationships (see Revised NQS Elements 4.2, 4.2.1 and 4.2.2 at IEU Bundle J (pp.1-636) at pages 215-223). I also supported trainees when they requested my assistance to understand how or what examples of practice to use when completing components of their Performance Evidence Logs for their studies.

Responsibility for compliance

6. I refer to paragraph 16 (a) of Wulff’s statement, in which she denies I have a role for ensuring compliance with the national law. My contractual obligation (Section C) is to “work according the Education and Care Services National Regulations under the Education and Care Services National Law Act as determined by the NSW Department of Education and Communities.” I consider that this delegates responsibility to me as an ECT to uphold the National Law and Regulations. This in turn, is a responsibility to ensure compliance.

7. I also worked in the Responsible Person role for approximately 3.5hrs on a Friday afternoon when the Nominated Supervisor and/or Director were off the premises. A Responsible Person is put “in day-to-day charge of the service” and although they do not have any statutory responsibilities under the National Law and Regulations, they have a delegated responsibility, as they must ensure the service continues to follow the law and regulations as well as the service’s own policy and procedures (see *Responsible Person Requirements for Approved Providers* at Bundle J (pp.1268-1270)).
8. I refer to paragraph 21 (a), where Ms Wulff asserts that I did not complete a WHS checklist on the 1/12/18. I can confirm that I completed the assigned fortnightly checks for 2018: on the 25/1/18, 20/4/18 and 21/6/18.

Policy and project work

9. Contrary to Ms Wulff’s statement at 18 (a) I was in fact directed by the Nominated Supervisor to work collaboratively with her on QA6 of the QIP. With her approval, I put together an online form, having worded the questions and content of the survey together. Ms Wulff’s statement in 18 (b) is factually incorrect, she was not involved at all in this specific stage of the Quality Improvement initiative. The Nominated Supervisor and I did not end up putting together the list mentioned in 18 (c) as we had initially intended, due to time constraints.
10. I refer to paragraph 19 (a), where Ms Wulff objects to my statement that it is my “responsibility to read and review up to 4 policies every month.” By the term “review” I meant it as a verb, as in to study and/or view again. By “my responsibility” I mean that it is up to me to organise my time and complete this task appropriately without neglecting my supervisory duties on the floor with the children. I have contributed to policy improvement by making a recommendation to the Nominated Supervisor to include a flow chart to support staff in following clear steps in the instance risk of significant of harm to a child needs to be reported.

Safety supervision

11. At 21(c) Ms Wulff claims that I was not required to check first aid kits. The “checking of First Aid Kits” is still listed on our WHS checklist, and as so, I do check to see they are where they are supposed to be and complete a quick visual inspection to see that they are well stocked with the items we use frequently. I learned earlier in this year (that is, after my initial statement), that the task is comprehensively completed by a contracted company, and as such I have adjusted my checks in response to this new information.

12. I refer to paragraph 21 (d). I maintain that I alerted Ms Wulff to a broken fence paling, because I verbally passed this message on in the course of my employment. I have notified Ms Wulff of other problems on the Maintenance Log six times. The most recent being 15/02/18, where our “green and black climbing frame (was) missing a bolt.” Due to the likelihood of it collapsing under the weight of children it was “removed from (the) area.”

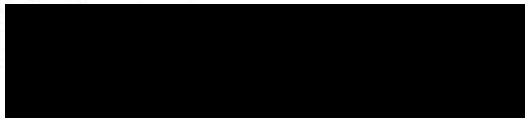
13. I refer to paragraph 25 (a), where Ms Wulff claims that my statement that I liaised with occupational therapists was not factually accurate. I disagree. In my professional capacity in this situation, to liaise meant to personally communicate, exchange information and collaborate with the visiting OTs. I maintain that this is the action that I took, with supporting the best interest of the child as the focus.

Monitoring and close supervision

14. Contrary to paragraph 27, I do not agree that I was closely monitored and supervised in my role. In my experience as an ECT in Primary Schools, my program (which covered the six Key Learning Areas) would be collected by the Head of Junior School in week 4 of every school Term. I needed to submit an annotated evaluation of the entire program by week 8 to the same Supervisor, and include extended evaluative reflections on all subjects taught. He would provide specific written feedback on my educational program, my evaluations and my teaching practice – which he observed informally at least once each term.

15. When I began teaching in Primary School, I was allocated a Supervising Teacher, who met with me each afternoon to support my professional development. This regular debriefing, combined with the time spent programming side by side built my capacity quickly as a teacher. We spent the first-year team-teaching many of our subjects. All these things provided me with an accessible mentor, and daily modeling from an expert teacher, which I did not have in my role in Early Childhood services.

16. By contrast, I had only one formal meeting with Ms Wulff, which was in the first three months of my employment, to evaluate my performance of the role. I am struggling to recollect other specific occasions or methods that were clearly communicated to me by Ms Wulff in regard to how she is evaluating my teaching practice and observations in an ongoing capacity, to strategically support my development as an effective teacher. There have been the occasional review of the program, my observations and my two yearly professional goals by the Nominated Supervisor.



AMANDA SRI HILARE

19 JULY 2018