

Industrial Relations News



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Welcome from the Executive Director

Welcome to the February edition of *Industrial Relations News*.

This edition contains important information on a range of Industrial Relations (IR) and Occupational Health and Safety (OHS) issues, including guidance on changes to the calculation of pro-rata school holiday pay and leave loading and OHS incident notification.

I am pleased to announce that the Catholic Education Commission of Victoria Ltd (CECV) has released an online training resource regarding the responsible use of social media by school staff. This latest resource, developed by the IR Unit, follows the recently released online OHS videos *Supporting Ill and Injured Employees* that provide valuable information on early intervention, the workers compensation process and return-to-work process.

The year has also commenced with significant numbers of school staff attending the IR and OHS professional learning sessions.

Vacancies exist in forthcoming training sessions and I encourage all school leaders and administration staff who may not have been able to attend so far to consider booking into the training sessions still available.

Details of training sessions and bookings can be made on [My PL \(IPLS\)](#) through the CEVN website <https://cevn.cecv.catholic.edu.au> under *Professional Learning / My PL (IPLS)*.

For enquiries on any of the topics found in this newsletter, please contact the IR Unit on 03 9267 0431 or via email ceoir@cem.edu.au.

Stephen Elder
EXECUTIVE DIRECTOR

Training Resource: Responsible Use of Social Media

The use of social media is part of the educational landscape in relation to communication in the teaching and learning environment and within school communities more generally. Schools are increasingly being asked to respond to the need to clarify their expectations about employees' use of social media both in a work and personal context.

The IR Unit has developed a resource to help schools explain the importance of responsible use of social media to their staff. The resource is a short but engaging and informative online animation, which can be downloaded and distributed individually to staff or shown to staff as a group. This will help to ensure that employee obligations relating to the use of social media in a work or personal context are clearly outlined.

The resource promotes the use of a social media policy in all schools. The IR Unit has a template policy that outlines the requirements and obligations of employees when using social media. Schools are encouraged to refer to this template when developing or reviewing their social media policies.

The online animation is available at <https://youtu.be/4qUIggJeDcU>. The training resource on social media and the template policy are available on the CECV website www.cecv.catholic.edu.au under *Industrial Relations / Guidelines / Social Media Policy*.



Victorian Institute of Teaching (VIT) Registration

The *Victorian Education and Training Reform Act 2006* requires that all teachers in Victoria are registered with, or gain permission to teach from, the Victorian Institute of Teaching (VIT) before they can be employed in any Victorian school, including Catholic schools. At the commencement of the year, principals **must** check to ensure that all teaching staff have appropriate registration with the VIT by sighting each valid registration card.

The Victorian Registration and Qualifications Authority (VRQA) requires that schools keep a register of all teachers containing each teacher's name and their VIT registration number. This must be recorded on the Online Staffing Record (OSR) and should be updated at the beginning of the school year.

Importantly, it is an offence for a person or body to employ or continue to employ a person to teach who is not registered with the VIT.

If a teacher does not have VIT registration (or a non-teacher does not have a Working with Children Check), clause 14 of the [VCEMEA](#) allows a school to provide the employee with:

- generally not less than seven days to obtain their registration (a teacher cannot be permitted to teach during these seven days, although they will be paid)
- an opportunity to explain any extenuating circumstances and to clarify the matter.

If, after this period of seven days, the school is satisfied that the lack of registration is due to the employee's actions or omissions and not due to extenuating circumstances, the school may stand the employee down without pay until the employee provides proof of registration.

Further information on the registration requirements for teachers is available on the VIT website <http://www.vit.vic.edu.au>.

Asbestos

WorkSafe Victoria has recently commenced inspections targeting the education sector, where they will be inspecting schools and addressing the identification and management of asbestos. The WorkSafe project will include assessment of:

- the asbestos register for currency and accuracy
- whether any asbestos that does not present an immediate risk is clearly indicated in the workplace.

WorkSafe has developed new guidance material to support this project. To assist schools in the management of asbestos, new WorkSafe [asbestos guidance materials](#) are available on the [CECV website](#) under *Industrial Relations / Occupational Health & Safety / Occupational Health & Safety Guidelines / Asbestos*.

Pro-Rata School Holiday Pay and Annual Leave Loading 2016

Schools are advised that the calculations for pro-rata school holiday pay have been amended from the commencement of the 2016 school year. The calculation now includes pro-rata leave loading to be considered under 'S' (the total salary paid in respect of term weeks), so must be calculated prior to pro-rata school holiday pay calculations.

There is no requirement to recalculate pro-rata school holiday pay for the 2014 and 2015 school years. It is proposed to address this issue from the start of the 2016 school year.

The IR Unit has updated [Part 5B](#): Guidelines for calculation of pro-rata school holiday pay and annual leave loading. This Guideline is located on the [CECV website](#) under *Industrial Relations / 2013 Agreement Implementation*

Letters of Appointment and Fixed-Term Staff

Principals are reminded that any staff member who has been newly appointed to an ongoing or fixed-term position must be given a new letter of appointment. This is the case even where the staff member has previously held one or more fixed-term positions. A letter of appointment is necessary at the start of every contract.

Fixed-term staff

Be mindful that the default mode of employment is ongoing (clause 11.1 of the [VCCEMA](#)). Employment for a specified period of time (fixed-term employment) is permitted **only** if the staff member is employed under the following circumstances (see clause 11.2 of the [VCCEMA](#) for more detail):

- to undertake a specific project for which funding is available only for a specific period of time
- to undertake a specific task with a limited period of operation
- to replace another staff member on approved leave for not less than 11 weeks
- to replace another staff member whose employment terminated during the school year
- to avoid a redundancy situation
- as a placed teacher, primary principal or school adviser
- with permission to teach issued by the Victorian Institute of Teaching.

Despite popular myths, there is not a reason for fixed-term employment that equates to 'try before you buy'.

For fixed-term staff, the letter of appointment must specify the reason for the employment being fixed-term as well as outlining the relevant circumstances that give rise to that reason (clauses 12.1(d)(i) and (ii) of the [VCCEMA](#) .

Template letters of appointment for all types and categories of employment are available from the [CECV website](#) under *Industrial Relations / Template Letters*.

Fire Danger Rating

Victoria has a six-tiered Fire Danger Rating scale. The Fire Danger Rating scale starts at Low-Moderate and proceeds to High, Very High, Severe, Extreme and Code Red. The Fire Danger Rating scale will help you understand the fire risk in your school's area on any given day. You can check the fire risk level of your area on the [CFA website](#) under *Warning & Restrictions / Total fire bans and ratings*.



Bushfire-Related School Closures & Fire Danger Rating – Industrial Relations Advice

Catholic schools at high-risk of bushfire will be pre-emptively closed on days declared by fire authorities as being at Code Red Fire Danger Rating. Where possible principals will be provided with three days notice of the planned school closures although it may be at shorter notice. Once a final decision to close a school is confirmed at 12 noon the day prior, this decision will not change regardless of the weather forecast.

IR advice has been updated to reflect common questions regarding bushfire-related school closures. This advice can be found on the [CECV website](#) under *Industrial Relations / Guidelines / Bushfire Related School Closure and Fire Danger Rating / [Industrial Relations](#) advice for principals*.

OHS Online Video Update

As advised in the [January edition](#) of *Industrial Relations News*, the CECV has developed a series of OHS online videos, *Supporting Ill and Injured Employees*, which have been designed to raise general awareness on how to support ill and injured staff members in Catholic schools.

The series has been broken down into three main categories, with a fact sheet accompanying each category. The [online videos and fact sheets](#) are located on the [CECV website](#) under *Industrial Relations / Occupational Health & Safety / Worker's Compensation Training Materials*.



The three categories are:

- **Early Intervention:**
Early Intervention is about identifying and responding to warning signs and reports of accidents and incidents at the school.
- **Workers Compensation Process:**
Managing the workers compensation process can be an unfamiliar task. The training material will provide Catholic schools with tools, tips, timeframes and administrative processes to successfully manage a workers compensation claim.
- **The Return-to-Work Process (physical and psychological):**
Supporting an injured staff member's return to work is not always easy but it has benefits for the staff member and the school. The training material will provide principals with tools, tips and information to successfully manage a return-to-work case.

OHS FAQ

What is OHS consultation?

A safe workplace is more easily achieved when school leaders and staff members talk to each other about potential problems and work together to find solutions. That is why the law requires school leaders to consult staff members on health and safety matters.

OHS consultation comprises:

- the sharing of relevant information about OHS issues with staff members
- giving staff members the opportunity to express their views and to contribute to the resolution of OHS issues
- valuing the views of staff members and taking them into account.

Consultation enables staff members to contribute to the decisions that affect their health and safety. It helps school leaders and staff members to work together to seek solutions that lead to healthier and safer schools.

The online video *Creating a Safety Culture in Schools* provides guidance and training material regarding consultation in the chapter entitled: *How to Consult with Employees in Relation to OHS*.

The online video and training material are available on the [CECV website](#) under *Industrial Relations / Occupational Health and Safety / Occupational Health and Safety Training Material*.

For further information on OHS Consultation visit [WorkSafe Vic Consultation](#) at www.worksafe.vic.gov.au.

Category B Staff – Recall

Schools should be mindful that clause 25.9 (a) of the [VCEMEA](#) enables Category B staff to be recalled for a maximum of six days in the school year. If the school intends to recall Category B staff during Government-gazetted school holidays, principals should commence discussions with staff to give them as much notice as possible, and at least four working weeks notice as required by clause 25.9 (a) of the [VCEMEA](#). In recalling staff, schools should ensure their arrangements meet the requirements of the

Guidance Note on the [CECV website](#) under *Industrial Relations / 2013 Agreement Implementation / Recall and end-of-year attendance*.

Injury/Incident Notification

The [School Injury/Incident Report Form](#) is now available at the top of the [CEVN website](#) landing page:



The updated link now includes a hyperlink to WorkSafe to facilitate the reporting of notifiable incidents.

IR and OHS Training Courses

The following IR and OHS Professional Learning training sessions are now available for the remainder of Term 1, and during Term 2, 2016:

10 & 11 March and 12 & 13 May – Return-to-Work (RTW) Coordinator Training

This two-day course (Victorian WorkCover approved) provides the underpinning knowledge required for RTW Coordinators. According to the current legislation, schools with \$2.254 million or more rateable remuneration (indexed annually) must appoint a suitably trained RTW coordinator.

Activity name: Return-to-work Coordinator training (10 & 11 March)

Activity code: 16IST205A

Registrations close: 3 March 2016.

Activity name: Return-to-work Coordinator training (12 & 13 May)

Activity code: 16IST205B

Registrations close: 5 May 2016.

16 March and 29 April – Know Your Agreement – School Leaders

This session focuses on the sections of the [VCEMEA](#) that are most commonly referred to by principals in their role of managing employees. The program would also be of benefit to business managers and deputy principals.

Some of the key provisions covered are:

- managing employment concerns
- parental leave
- introduction of change/redundancy.

Activity name: Know Your Agreement – School Leaders (16 March)

Activity code: 16IST103B

Registrations close: 9 March 2016.

Activity name: Know Your Agreement – School Leaders (29 April)

Activity code: 16IST103C

Registrations close: 22 April 2016.

17 March and 20 May – Know Your Agreement – Education Support

This session focuses on the most commonly used sections of the [VCEMEA](#) by education support employees in their role at Catholic schools. Some of the key provisions covered are:

- categories and types of employment
- leave generally including parental leave
- personal leave deduction.

Activity name: Know Your Agreement – Education Support (17 March)

Activity code: 16IST101B

Registrations close: 10 March 2016.

Activity name: Know Your Agreement – Education Support (20 May)

Activity code: 16IST101C

Registrations close: 13 May 2016.

22 April – OHS Chemical Management

This workshop provides knowledge on how to systematically store and manage all chemicals kept or used on the school site, including how to develop a chemical (hazardous substance and dangerous goods) register, what types of chemicals to include and the requirements for Material Safety Data Sheets (MSDS).

Activity name: OHS Chemical Management (22 April)

Activity code: 16IST206B

Registrations close: 15 April 2016.

19 May – OHS for School Leaders

This one-day course provides an overview of the legal responsibilities for managing OHS within the school environment, including employer and employee responsibilities, strategies to address the most common OHS issues in schools and how to make safety a priority in your school.

Activity name: OHS for School Leaders (19 May)

Activity code: 16IST203B

Registrations close: 12 May 2016.

10 June – Redundancy & Introduction of Change

This workshop focuses on the sections of the [VCEMEA](#) that are most commonly referred to by principals in their role of managing change. The program would also be of benefit to business managers and deputy principals.

Activity name: Redundancy & Introduction of Change (10 June)

Activity code: 16IST106A

Registrations close: 3 June 2016.

16 June – VCEMEA Leave

This workshop focuses on the sections of the [VCEMEA](#) that are most commonly referred to by principals, deputy principals and business managers in their role of managing leave entitlements.

Activity name: VCEMEA Leave (16 June)

Activity code: 16IST102B

Registrations close: 9 June 2016.

Registration is now open and the details of training sessions and bookings are available on [My PL \(IPLS\)](#) through the [CEVN website](#) under *Professional Learning / My PL (IPLS)*.

Summary of Communications

February

- Pro-rata school holiday pay and leave loading calculations – [Implementation Update](#)
- [Part 5B](#): Guidelines for calculation of pro-rata school holiday pay and annual leave loading.

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