

Industrial Relations News



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Welcome from the Executive Director

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

This edition of *Industrial Relations News* contains guidance on salary changes and a number of industrial relations and occupational health and safety issues.

These issues include the implications for Catholic schools of the recent Federal Court decision regarding salary packaging of laptop computers in Department of Education & Early Childhood Development (DEECD) schools and guidance regarding minimising the risk of staff contracting influenza during the winter months.

In Term 2, the Industrial Relations Unit will continue to conduct training sessions, including sessions on Redundancy and Introduction of Change and Return to Work Coordinator Training.

Vacancies exist in these and future training sessions and I urge all school leaders and administration staff to consider attending. Bookings can be made, on My PL (IPLS) through the CEVN website <http://cevn.cecv.catholic.edu.au> under *Professional Learning / My PL (IPLS)*.

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

Stephen Elder

EXECUTIVE DIRECTOR

Staff Laptop Programs and Salary Deductions

Catholic schools have been asked to review their staff laptop programs in light of a decision handed down late last year by Justice Bromberg of the Federal Court, *Australian Education Union v State of Victoria (Department of Education and Early Childhood Development)* [2015] FCA 1996.

A summary of the decision can be found on the [Federal Court website](#).

The Federal Court decision found that the program operating across Victorian government schools was in breach of the *Fair Work Act 2009* (Cth). The Federal Court determined that the salary deductions were:

- not principally for the employee's benefit
- unreasonable in the circumstances
- in contravention of the employer's responsibility to pay an employee the full amount for work performed.

The Catholic Education Commission of Victoria Ltd (CECV) is in discussions with the Independent Education Union Victoria Tasmania (IEU) in relation to the impact of this decision for laptop programs operating in Catholic schools.

Schools with staff laptop programs that involve salary deductions in exchange for a laptop were advised in the CECV circular of 11 March 2016, [Federal Court Decision Staff Laptop Programs and Salary Deductions](#) to immediately discontinue salary deductions, unless the laptop program is:

- provided wholly for the benefit of the employee
- of no benefit to the school and the school has no interest in whether employees take up the laptop program or not.

Laptop program checklist

To inform the CECV of the range and components of staff laptop programs, a [Laptop Program Checklist for Schools](#) has been distributed to principals.

The information provided by schools will enable the CECV to provide advice to schools in relation to what action, if any, will be required in future.

All principals are required to complete the checklist, whether or not staff laptop programs have been conducted in the school at any time since 2009.

The completed checklist should be returned to the Industrial Relations Unit via email ceoir@cem.edu.au by **Friday 29 April 2016**.

The circular and checklist is available on the [CECV website](#) under *Industrial Relations / Communications / Laptop Program Checklist for Schools*.



Salary Changes on 1 May 2016

Incremental progression

Incremental progression for ongoing staff and other eligible staff occurs on **1 May 2016**. This means that increases in salary must take effect from 1 May 2016 even though the actual payment may not be made until after 1 May 2016.

An ongoing employee must have **6 months of service** between 1 May 2015 and 30 April 2016 to qualify for incremental progression.

Where employees are subject to an Employee Improvement Plan (EIP) under Clause 13.4 of the [Victorian Catholic Education Multi Enterprise Agreement 2013](#) (VCEMEA), incremental progression may be withheld until the EIP has been concluded. Any incremental progression should occur (along with backpay of the incremental salary increase) at the conclusion of the EIP, other than where the EIP results in termination of employment under Clause 13.5(d) of the VCEMEA.

Details regarding incremental progression and classification structures are contained in [Part 3B](#) Salaries and Allowances (2016 School Year) of the 2013 Agreement Implementation Guide which can be accessed from the [CECV website](#) under *Industrial Relations / 2013 Agreement Implementation*.

Other changes on 1 May 2016

On **1 May 2016** there are a number of structural changes occurring to the salary scales for some principals, education support employees and school services officers. These changes include:

- the renumbering of incremental salary points
- adjustments to the maximum and minimum salary points of some classifications
- the reduction or increase in the number of salary points within a classification.

An employee may receive a salary increase effective from 1 May 2016 as a result of one or more of these changes even though the employee is not eligible for incremental progression.

It is extremely important that the salary tables detailed in [Part 3B](#): Salaries and Allowances (2016 School Year) of the Guide are followed for all staff.

Graduate Teacher Payment

The Graduate Teacher Payment applies to ongoing teachers who commenced **ongoing** employment at subdivision T1–1 prior to 1 May 2015.

Payment to eligible graduate teachers, should be made at the same time as their incremental progression to T1–2.

The eligibility criteria and payment amounts are provided in Implementation Guide [Part 3B](#) Salary and Allowances (2016 school year) on the [CECV website](#) under *Industrial Relations / 2013 Agreement Implementation*.

Additional Qualification Recognition

Teachers who successfully complete a Master's Degree (or its equivalent) or higher are entitled to advance by one sub-division in the incremental scale. Importantly, the additional subdivision shall only be granted from **1 May 2016** following the date on which the extra qualification was attained.

The [VCEMEA](#) recognises the attainment of up to two Master's Degrees (or its equivalent) or higher for incremental progression purposes in Clause 52.

The teacher must advise the principal in writing of the acquisition of the additional qualification(s) and produce satisfactory evidence, such as an academic transcript prior to 1 May 2016.

The additional qualification(s) should be entered on the teacher's Online Staffing Record (OSR) on the [CEVN website](#).

Education Support Level 3 Progression

On **1 May 2016**, there is a change to the maximum salary for education support employees who are currently at Level 3–6 (the maximum) and who were previously classified as a School Officer Level 5 prior to the commencement of the *Victorian Catholic Education Multi Enterprise Agreement 2013* [VCEMEA](#).

Clause 41.2(b) of the VCEMEA provides for eligible education support employees at the maximum to receive a salary increment effective from 1 May 2016. Salary progression is not automatic.

An education support employee at Level 3–6 on 30 April 2016, can only progress to the next incremental level on 1 May 2016, if the employee can satisfactorily demonstrate to the Employer that they meet the qualifications and experience criteria (Appendix 6, Clause 1.3(e)) of the VCEMEA.

The principal has the responsibility for determining if the education support employee has satisfactorily met the requirements for salary progression.

Eligible education support employees at Level 3–6 who wish to progress, must submit an application to the principal on the appropriate employee request form by **15 April 2016**.

Due to the compression of the number of Level 3 subdivisions (from 12 to 11), the maximum changes from Level 3–6 to Level 3–5 on 1 May 2016.

An education support employee who progresses will continue to be classified as Level 3–6 and will receive a salary increase, whereas an education support employee who does not progress will remain at the same salary as before, but will be classified as Level 3–5 from 1 May 2016.

Eligibility for salary progression

An education support employee at Level 3–6 on 30 April 2016 can only progress beyond the maximum on 1 May 2016 where the employee:

- is an education support employee Level 3–6
- has at least six months of experience at Level 3–6 between 1 May 2015 and 30 April 2016

- is able to satisfactorily demonstrate to the principal that the employee is able to meet the qualifications and experience criteria of Level 3 of the education support employee.

Details regarding this process are outlined in the VCEMEA 2013 Implementation Update [March 2016](#) and provided in Implementation Guide [Part 4B](#) *Guidelines for salary progression on 1 May 2016 (education support Level 3–6)*. Both documents can be accessed from the [CECV website](#) under *Industrial Relations / 2013 Agreement Implementation / Part 4B – Guidelines for Salary Progression on 1 May 2016 (Education Support Level 3–6) Industrial Relations*.

Do I Need a Return to Work Coordinator?

A Return to Work (RTW) Coordinator plays a key role in assisting injured workers to remain at – or return to – work, as soon as safely possible after an injury.

A school's obligation to have a RTW Coordinator depends on their rateable remuneration which comprises wages and other benefits paid to staff.

Accordingly, a school with a rateable remuneration of:

- **\$2,254,000 or more** (rate indexed annually) must have a trained RTW Coordinator appointed at all times
- **less than \$2,254,000** (rate indexed annually) must appoint a trained RTW Coordinator for the duration of the school's return to work obligations to an injured employee.

A RTW Coordinator is required to have completed a WorkSafe Victoria approved course and possess a sufficient level of seniority to assist their employer meet their return to work obligations under the legislation. The required level of seniority will depend upon the school's particular circumstances.

The Industrial Relations Unit offers RTW Coordinator training that is approved by WorkSafe Victoria.

Bookings can be made on My PL (IPLS) through the [CEVN website](#) under *Professional Learning / My PL (IPLS)*.

Parent–Teacher Interviews

All teachers are expected to attend parent–teacher interviews for their students as set out in the *AITSL Australian Professional Standards for Teachers*. The *AITSL Australian Professional Standards for Teachers* can be found on the [AITSL website](#).

Part-time teachers

The requirements and entitlements of part-time teachers for attendance at parent–teacher interviews are provided in Clause 55.2 of the [VCEMEA](#).

Consultation requirements

Principals should specifically consult part-time teachers regarding arrangements for their attendance at parent–teacher meetings as per Clause 55.2(c) of the VCEMEA.

Education support employees

An education support employee may be directed to attend parent–teacher interviews in accordance with Clause 65.1(b) of the VCEMEA. If the education support employee works in excess of their weekly hours as a result of attending parent–teacher nights (or for any other reason), they may elect to either take time off in lieu (with the agreement of the employer) or be paid a loading of 33.3% of their normal hourly rate for the excess hours in accordance with Clause 65.5 of the VCEMEA.

Payment

If the Parent–Teacher interviews are conducted during scheduled class time for which the part-time teacher is not normally required to attend, then the part-time teacher is entitled to payment for additional hours as per clauses 55.2(d) and (e) of the VCEMEA.

For example, a part-time teacher who usually has scheduled class time (SCT) in the morning only, would be entitled to receive payment where they are required to attend school for Parent–Teacher interviews conducted during the afternoon (when SCT would normally take place).

However, if Parent–Teacher interviews occur or continue after SCT (e.g. 3.45 – 6.00 pm) and teachers are required to attend, then that attendance is part of the normal professional expectations for the

teacher. Consequently there is no entitlement to any additional payment.

Chemical Management

Schools have a legal responsibility to safely manage the risks associated with the storage, labelling and disposal of chemicals (also referred to as Hazardous Substances and Dangerous Goods) stored and used on the school site.

Hazardous Substances

A hazardous substance is something that can turn people's health over a short or long period of time.

Dangerous Goods

A dangerous good is something that has the potential to cause immediate physical or chemical harm to people, property and the environment.

Chemicals used or stored on the school site are best managed by:

- inspecting the school buildings and grounds (cleaner's cupboard, classrooms, maintenance and storage sheds, art room, science lab and staff room) for cleaning chemicals, paints, oils, LPG bottles, science experiment chemicals, glues, pesticides, herbicides, etc.
- making sure all containers and decanted substances are correctly labelled and not deteriorating or leaking
- obtaining [Material Safety Data Sheets](#) (MSDS) (also known as Safety Data Sheets) for each substance from the supplier or their website
- ensuring that paper-based MSDS are located in the work areas where individual substances are used or stored
- training staff in the correct use of chemicals and keeping appropriate training records.

A centrally located register of chemicals used on the school site should be created, ensuring that all substances are listed in a Hazardous Substances and Dangerous Goods Register.

An online video with material for training staff in [chemical management](#) is available on the [CECV website](#) under *Industrial Relations / Occupational Health and Safety / Occupational Health and Safety Training Material*.

Influenza

The influenza season is approaching. Influenza outbreaks are seasonal, usually occurring between late autumn and early spring.

Influenza, commonly known as the flu, is spread during coughing, sneezing and talking and is highly contagious.

Reduce cross-infection

Encourage good personal hygiene to help reduce cross infection and the spread of germs. Staff and students should be advised to:

- cover their mouth and nose when they cough or sneeze and throw used tissues into rubbish bins
- wash their hands with soap and water or use an alcohol-based hand sanitiser, especially after they cough or sneeze
- avoid touching their eyes, nose or mouth – germs spread this way
- avoid close contact with people who are sick and stay home when they are unwell – this will help to prevent others from contracting the flu.

Further information is available at:

- Department of Health and Human Services
www.health.vic.gov.au
- Better Health Channel
www.betterhealth.vic.gov.au.

IR and OHS Training Courses

IR and OHS Professional Learning training sessions are available for Term 2, 2016.

Details of training sessions and bookings can be made on [My PL \(IPLS\)](#) through the [CEVN website](#) under *Professional Learning / My PL (IPLS)*.

OHS Chemical Management

This workshop provides knowledge on the requirements for Material Safety Data Sheets (MSDS) and how to:

- systematically store and manage all chemicals kept or used on the school site
- develop a chemical (hazardous substance and dangerous goods) register and determine what types of chemicals to include.

Date: 22 April

Activity code: 16IST206B

Registrations close: 15 April 2016

Know Your Agreement – School Leaders

This session focuses on the sections of the VCMEA 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 in the training include:

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

Date: 29 April

Activity code: 16IST103C

Registrations close: 22 April 2016

Return-to-Work (RTW) Coordinator Training

This two-day course (WorkSafe Victoria 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, possessing a sufficient level of seniority to assist their employer meet their return to work obligations.

Date: 12 and 13 May

Activity code: 16IST205B

Registrations close: 5 May 2016

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.

Date: 19 May

Activity code: 16IST203B

Registrations close: 12 May 2016

Know Your Agreement – Education Support

This session focuses on the most commonly used sections of the VCMEA 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.

Date: 20 May

Activity code: 16IST101C

Registrations close: 13 May 2016

Redundancy & Introduction of Change

This workshop focuses on the sections of the VCMEA 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.

Date: 10 June

Activity code: 16IST106A

Registrations close: 3 June 2016

VCMEA Leave

This workshop focuses on the sections of the VCMEA that are most commonly referred to by principals, deputy principals and business managers in their role of managing leave entitlements.

Date: 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

March

- [VCMEA Implementation Update](#) – March 2016
- [Federal Court Decision](#) – Staff Laptop Programs and Salary Deductions
- [Health and Safety Alert](#) – Apple AC Adapter Recall

April

- [Checklist](#) following Federal Court Decision on Staff Laptop Programs and Salary Deductions †

Are the parent/teacher interviews conducted during student instruction time?
NB: pursuant to clause 55.2(c) of the VCEMEA 2013, the principal and the part time teacher will consult regarding arrangements for attendance at parent/teacher meetings

