

# Industrial Relations News



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## Welcome from the Executive Director

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

Thank you for completing the salary adjustments, which became effective from the first full pay period of August for all employees covered by the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCEMEA).

Schools should be mindful of the need to prepare for the 2015 school year. This preparation includes budget planning for the 2015 school year. [Implementation Guide Part 3A: Salary and Allowances](#) (2015 school year) has been completed and is available for the CECV website [www.cecv.catholic.edu.au](http://www.cecv.catholic.edu.au).

This edition of *Industrial Relations News* contains guidance on notice requirements for fixed-term positions, and on the variation of hours of part-time employees.

Information is also provided on other important industrial relations issues such as parental leave for fixed-term employees and Occupational and Health and Safety (OHS) issues, including asbestos compliance.

The details of Industrial Relations and OHS training sessions for the remainder of the 2014 school year are outlined in this newsletter, and bookings can be made on [My PL](#) (IPLS) through the CECV website <http://cevn.cecv.catholic.edu.au> under *Professional Learning / My PL (IPLS)*.

If you have any questions about any of the articles in this newsletter, please contact the Industrial Relations Unit on 03 9267 0431 or via email [ceoir@ceomelb.catholic.edu.au](mailto:ceoir@ceomelb.catholic.edu.au).

Stephen Elder  
EXECUTIVE DIRECTOR



## David Parkin Presentation

The CECV and our WorkCover insurer Gallagher Bassett are pleased to present a morning with football sporting icon David Parkin who will provide an engaging presentation entitled [What Can Schools Learn From Sport?](#)

Mr Parkin will draw thought-provoking analogies and provide insightful anecdotes between the relative treatment of injuries on the sporting field and in a school setting.

School leaders, OHS, WorkCover and RTW Coordinators are urged to attend this entertaining event with a sporting focus being held during the AFL Finals series.

Mr Parkin played 220 senior games for Hawthorn Football Club including six years as captain, in which capacity he enjoyed premiership success. As coach he guided both Hawthorn (once) and Carlton (three times) to premierships.

The presentation will be held on **Wednesday 17 September 2014** at 10.00 am (registration commences at 9.30 am) at the Catholic Leadership Centre, 576 Victoria Parade, East Melbourne, and will conclude at approximately 12.00 pm.

Morning tea will be provided.

Spaces are filling fast, so please RSVP by **Monday 8 September 2014** to Shard Goodwin on or 03 9267 0228 or via email [sgoodwin@ceomelb.catholic.edu.au](mailto:sgoodwin@ceomelb.catholic.edu.au).

## Salary Increases – August 2014

[August 2014 salary advice](#) and tables are available on the CECV website under *Industrial Relations / 2013 Agreement Implementation*.

Salary increases from the first full pay period from **1 August 2014** have been uploaded and are listed as salaries with the suffix AUG14 on the [Online Staffing Records](#) (OSR) on the [CEVN website](#) under *Staffing & IR / OSR*.

POL1, POL2, POL3 and POL4 allowances and other allowances as required have also been updated. These allowances are listed in the drop down list in OSR in Allowances with the suffix AUG14.

Please note that all POL5 and POL6 must be maintained at their current allowance levels. Once the appointment period for POL5 or POL6 expires, one of the other POL levels must be used.

### Salary Increases Not Uploaded

For those employed under the classifications 'UC' or 'NA', no bulk salary changes were made in OSR. Salary levels for Category D School Services Officer employees have not been uploaded.

School employees responsible for OSR need to make the necessary changes to:

- UC (unclassified)
- NA (not applicable)
- School Services Officer Category D

by ending the current record prior to the first full pay period start date and commencing a new service record from the first full pay period start date in August 2014.

For those employed with Allowances where a dollar amount needs to be specified, no bulk changes have been made.

School employees responsible for OSR need to send an Error Correction from OSR stating the change to the dollar amount of an employee's allowance amount as the service record Salary Level has already been changed with the salary increase.

## Salary and Allowances – 2015

[Salary and Allowance](#) information for the 2015 School Year is now available on the CECV website under *Industrial Relations / 2013 Agreement Implementation*.

Part 3A of the Implementation Guide for Schools provides an overview of the changes for the 2015 school year, salary and allowance advice, salary assessment information and a [spreadsheet of tables](#) that will be invaluable for schools.



## Notice Requirements for Conclusion of Fixed-Term Employment and Positions of Leadership (POL)

Schools are required to give fixed-term employees written notice of termination of their employment.

Clause 11.2(a) of the VCMEA 2013 states:

*An employee engaged for a specified period of time who will not be immediately re-employed or whose employment will not be extended shall, not less than seven weeks prior to the conclusion of the specified period, be issued with a letter advising them that their employment is terminating. In the event that the Employer fails to issue the letter, the Employee will be paid an amount equal to their ordinary wages for any part of the seven weeks notice not provided.*

Accordingly, where a fixed-term employee's engagement will not be extended and the employee will not be offered further employment at the school after the end date of their current fixed-term engagement, the employer must issue the employee with a letter providing at least seven weeks notice of this occurring.

If the school fails to issue the letter with at least seven weeks notice of the end date of the employee's engagement, then the employee must be paid an amount equivalent to the period of the notice not provided.

For example, if the letter was not issued until four weeks prior to the end date of employment, then an amount equal to an additional three weeks ordinary wages must be paid to the employee at the conclusion of the employment period.

A [template notice letter](#) is now available on the CECV website under *Industrial Relations / [Template Letters](#)* for each classification of employee.

Employers must also provide the same amount of notice to employees who will not have their POL renewed at the conclusion of the current tenure.

## Variation of Part-Time Hours

With Term 4 approaching, planning for the 2015 school year will soon commence. With this in mind, it is timely to outline the requirements in the VCMEA when proposing changes to part time employees' attendance including:

- hours (FTE)
- days worked
- times of attendance.

Clause 15 of the VCMEA states that such changes can only be made if they are required as a result of a change in any of the following:

- enrolment
- curriculum
- program
- organisation
- structure
- technology
- funding.

### Consultation

If schools wish to implement the above changes, clause 15 requires that the school consult with the affected employees by:

- advising the employees of the reason for the proposed change (e.g. enrolment changes)
- advising the employees of the change to days, hours and times as a result of the proposed change
- giving due consideration to the impact of the change on the employees' family and personal responsibilities as well as other relevant circumstances.



### Required Notice

After complying with the consultation requirements and if the school wishes to proceed with the change, then it must provide at least eight weeks written notice of the variation (i.e. before implementing the change). If that notice is not provided, then the employee's salary must be maintained for the period of that notice not given. (However, if the employee agrees in writing to implement the change – for example, because it suits the employee's personal needs – then the notice requirements do not apply.)

### Significant Reduction in Hours

It is important to note that if the change results in a 'significant reduction of hours' (whether that be as a result of the proposed change or cumulative within the preceding two years), then the employee can elect to either:

- accept the change
- receive a severance payment.

It is to be noted that a 'significant reduction' is not defined in the VCCEMA. Accordingly, IR advice should be sought when contemplating a reduction in part-time hours to take into account all the relevant circumstances.

The table below outlines the severance payment that is payable when an employee elects not to take a 'significant reduction' in hours.

Period of continuous service	Under 45 years of age	45 years of age or over
Less than 1 year	Nil	Nil
1 year but less than 2 years	4 weeks pay	5 weeks pay
2 years but less than 3 years	7 weeks pay	8.75 weeks pay
3 years but less than 4 years	10 weeks pay	12 weeks pay
4 years but less than 5 years	12 weeks pay	15 weeks pay
5 years but less than 6 years	14 weeks pay	17.5 weeks pay
6 years and over	16 weeks pay	20 weeks pay
15 years and over	21 weeks pay	25 weeks pay

## Parental Leave for Fixed-Term Employees – Additional Information

Clause 4(11) of Appendix 1 of the VCCEMA currently provides that where an employee on a fixed-term contract meets the eligibility criteria for paid parental leave, they will be entitled to the leave. It also provides that if a fixed term employee is unable to access the maximum 14 weeks entitlement due to the ending of their fixed-term contract, the employer must pay the employee a lump sum amount equivalent to the balance of paid parental leave not taken.

In addition, if a fixed-term employee's due date is within six weeks of the end of their contract, the full 14 weeks payment (as a lump sum payment) should be made to the employee.

For example, if a fixed term contract ends at the end of the school year e.g. 27 January 2015, the employee will still be entitled to a 14 weeks lump sum payment, if the date of birth of the child is within six weeks of 27 January 2015.

## Consultation Regarding Fixed-Term Employment

Clause 11.2(g) of the VCCEMA requires schools to implement pro-active processes in consultation with the Independent Education Union Victoria Tasmania (IEU) to ensure that employees are only appointed on a fixed-term basis for one of the reasons specified by Clause 11.2(a) of the VCCEMA.

The CECV is committed to ensuring that Victorian Catholic schools are identifying the correct employment status for all employees. To this end, the IR Unit has been meeting with the IEU to discuss the requirements of clause 11.2(g) and providing the IEU with relevant data on behalf of schools.

If you are unsure about whether to make an appointment fixed term or ongoing, or whether a current employee has the correct employment status, please contact the IR Unit on 03 9267 0431.



## Redundancy Reminder

A reminder that principals should have identified any potential redundancies taking effect from the start of the 2015 school year.

Appendix 2 of the [VCCEMA 2013](#) contains the redundancy provisions that apply to all staff employed in Catholic schools.

To assist principals, [Redundancy Guidelines](#) are available on the CECV website under *Industrial Relations / Guidelines*.

The Guidelines detail the procedures to be followed in relation to a redundancy and include pro forma documentation that should be used for notifying staff.

Please contact the IR Unit immediately if you have any potential redundancy concerns.

## Asbestos Compliance in Schools

Due to its strength, durability and resistance to fire and water, asbestos was used in a wide range of building products and material up until 1986.

The use of all forms of asbestos in new installations and applications has been banned in Australia since the end of 2003. The ban does not apply to asbestos in place prior to this date.

Products that may contain asbestos include vinyl floor tiles, cement roof sheeting and wall lining, gas heater flues, lagging and joining materials, electrical switchboard backings, and fire blankets and doors.

### Legal Obligations

Workplaces, including schools, have a legal obligation to identify any asbestos in buildings, structures and plant (mechanical equipment) as far as reasonably practicable.

Every school (unless built after 31 December 2003) must have undertaken an asbestos audit conducted by a hazardous materials subject matter expert (SME) to identify if asbestos is present. Any asbestos presence should be documented within an asbestos register and associated management plan (AMP).

These documents must be reviewed every five years and, as necessary, revised:

- before asbestos is removed, disturbed or otherwise worked on
- if the AMP is no longer adequate
- if an elected employee health and safety representative (HSR) requests a review.

The location of any asbestos within a school needs to be clearly indicated, and an asbestos register must be maintained that outlines:

- the location of the asbestos and the type of asbestos containing material (ACM)
- the nature of the ACM (friable or non-friable)
- the likelihood of the material posing a health risk
- any work activities that may affect or cause deterioration to the material.

Depending upon the condition of the asbestos it must be removed or monitored (visually inspected on an annual basis) to ensure that it is in a safe condition.

Asbestos removal must be undertaken by a licensed asbestos removalist (Class A – Friable and Non-Friable, Class B – Non-Friable) who must issue an 'Asbestos Clearance Certificate' on completion of their work. The Victorian WorkCover Authority (formerly WorkSafe Victoria) must be notified of any asbestos removal work taking place.

Additional information on this topic and other OHS issues are available from the IR Unit OHS Officers, Keith Wilks-Gordon and Danielle Victor, who are based within the Industrial Relations Unit. They can be reached on 03 9267 0228 or via email [OHS@ceomelb.catholic.edu.au](mailto:OHS@ceomelb.catholic.edu.au).



## IR Unit Staffing

The IR Unit has appointed Ms Danielle Victor as an OHS Officer. Danielle commenced employment on Monday 28 July 2014 after working as a Senior Project Officer – Auditing and Training with WorkSafe Victoria for two years.

Ms Victor was previously employed by the IR Unit as an OHS Officer in 2008/09. We welcome Danielle back to the Office and look forward to her contribution.

## 2014 Industrial Relations and OHS Training

The Industrial Relations and Occupational Health and Safety professional learning training sessions at the Catholic Leadership Centre for Terms 3 & 4, 2014 are listed below:

### Term 3 2014

Training Session:	Date:
Managing Employment Concerns	4 September 2014
Return to Work Coordinator Training	9 & 10 September 2014

### Term 4 2014

Training Session:	Date:
OHS for School Leaders – Day 1	7 October 2014
OHS for School Leaders – Day 2	8 October 2014
Salary Assessment Training	23 October 2014
Return to Work Coordinator Training	28 & 29 October 2014
Know Your Agreement – Education Support	6 November 2014
Know Your Agreement – Principals	6 November 2014
OHS Hazard & Incident Management	13 November 2014

Registration is now open on [My PL](#) (IPLS) through the [CEVN website](#).

## Summary of Communications July & August 2014

### July 2014

- CECV: Increase to [salaries and allowances](#) – August 2014.
- Invitation: [CECV presents David Parkin](#) 'What schools can learn from sport?'

### August 2014

- CECV: Salaries and Allowances 2015 School Year [Implementation Update](#).
- VCEMEA 2013 Implementation Guide Part 3A – [Salary and Allowances](#) (2015 school year) and [spreadsheet of tables](#). †