

Industrial Relations News



In this issue:

ISSUE NO. 5
May 2016

- Welcome from the Executive Director
- Child Safety
- Managing Staff Medical Issues
- Redundancy
- New Education Support Level 3 Appointments
- Notice Requirements for Non-Renewal and Vacancies
- A Guide to RTW and Workers' Compensation
- Asbestos Update
- Manual Handling
- Ladders
- IR and OHS Training Courses
- Staff News

ISSN: 1834-5069

Welcome from the Executive Director

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

The beginning of Term 2 has seen schools processing incremental progression and other salary adjustments effective from 1 May 2016. I would like to thank and acknowledge school staff for their efficient implementation of these payroll matters.

I am pleased to announce that the CECV, through the Industrial Relations (IR) Unit, has recently released *A Guide to Workers' Compensation and Return to Work*. This step-by-step guide should prove a useful tool for principals managing workers' compensation claims.

This edition addresses several other important IR, Occupational Health and Safety (OHS) and WorkCover issues, including the new Victorian Child Safe Standards and an asbestos update.

Training sessions for the remainder of Term 2 and Term 3 are outlined in this newsletter. Bookings can be made on My PL (IPLS) via the [CEVN website](https://cevn.cecv.catholic.edu.au) at <https://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 via email ceoir@cem.edu.au.

Stephen Elder
EXECUTIVE DIRECTOR

Child Safety

The Victorian Government recently introduced the Victorian Child Safe Standards (Standards) as part of its response to the Parliamentary Inquiry into the Handling of Child Abuse. Schools must be compliant with the Standards by 1 August 2016. The CECV is preparing various resources to assist schools in complying with the Standards.

The IR Unit has been tasked with addressing the employment-related aspects of the Standards. Specifically, Standard 4 requires that organisations have screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.

Currently guidelines for the employment of staff in Catholic schools are being prepared. These guidelines are intended to cover all aspects of the recruitment and selection process for new staff. The guidelines have a strong focus on child safety in accordance with the requirements under the Standards. It is expected that the guidelines will be distributed to schools prior to the beginning of Term 3.

A range of other resources are being updated in readiness for the new Standards. This includes updating template letters of appointment and contracts to incorporate matters relevant to child safety.

Further details will be provided as these documents are released to schools.

Managing Staff Medical Issues

Managing employees who are dealing with an illness or injury can be a complex area for employers to navigate. In particular, a significant challenge for employers can be managing employees dealing with mental health issues.

In managing these issues, there are a range of legal obligations that employers will need to be aware of and navigate. This is in addition to the pastoral care aspect of being a Catholic employer. In terms of legal obligations, these include those contained in the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCEMEA](#)), but also obligations under equal opportunity and anti-discrimination

legislation, as well as occupational health and safety legislation.

For employers and principals dealing with these issues, the IR Unit is available to provide advice and guidance to assist in managing what can be time consuming and difficult matters. The IR Unit is available to ensure what while always maintaining a pastoral focus for employees, employers can also ensure they are meeting everyone's needs (including students and other staff), while complying with their legal obligations as employers.

If you are currently managing an issue involving an employee with an illness or injury, including a mental health issue, please contact the IR Unit for any further support that may be required.

Redundancy

Appendix 2 of the [VCEMEA](#) provides that a redundancy occurs when an employer no longer requires a particular job to be done and this results in termination of employment.

A redundancy situation can arise as a result of many different circumstances including changes to educational programs or curriculum, technological change, changes to funding or enrolments, changes to work methods or changes to the structure or organisation of the functions of the school.

By the third week of Term 3, 2016, principals should have identified any potential redundancies taking effect from the start of the 2017 school year and commenced the process outlined in Appendix 2 of the [VCEMEA](#).

To assist principals, *Redundancy Guidelines* are available on the [CECV website](#) <http://www.cecv.catholic.edu.au> under *Industrial Relations / Guidelines*. The Guidelines explain the process to be followed in relation to a redundancy and include template letters for each stage of the process. Principals are encouraged to contact the IR Unit to discuss their particular redundancy situation.

New Education Support Level 3 Appointments

New education support employees appointed to a Level 3 position on or after 1 May 2016 should commence on Level 3–6 in accordance with clause 41.2(c) of the [VCEMEA](#).

Level 3 salaries (subdivisions 1 – 5) are salary maintenance points for employees previously classified as a school officer Level 5 and should not be used for new appointments.

Notice Requirements for Non-Renewal and Vacancies

As the end of semester one approaches, some school staff may be reaching the end of their fixed-term contracts.

Notice for fixed-term employees

If a fixed term employee is not going to be immediately re-employed or their contract extended upon expiry, then the principal **must** issue the employee with a notice of conclusion letter advising them that their employment is terminating, not less than seven calendar weeks (including school holidays) prior to the expiry date.

Template letters for notice of conclusion are available on the [CECV website](#) at www.cecv.catholic.edu.au under *Industrial Relations / Template Letters*.

If a notice of conclusion letter is not issued, then the employee is entitled to be paid an amount equal to their ordinary wages for any part of the seven weeks' notice not given in accordance with clause 11.2(f) of the [VCEMEA](#).

Fixed-term employees and ongoing vacancies

Where an ongoing position is advertised at a school, the principal must provide each suitably qualified fixed-term employee at the school with notice of the ongoing vacancy in writing. Written notice can be provided by attaching a copy of the advertisement to a letter to the employee or by sending an email to the employee attaching the advertisement.

If a suitably qualified fixed-term employee at the school applies for the ongoing vacancy, the employee **must** be interviewed for the position. Any subsequent appointment to the ongoing position should be based on merit and an assessment as to who is most suitably qualified and suited to the position in accordance with clause 11.2(e) of the [VCEMEA](#).

A Guide to RTW and Workers' Compensation

A step-by-step guide has been prepared to assist school leaders in managing the workers' compensation and return to work process for ill and injured employees.

The guide includes:

- obligations of a school and an injured employee
- step-by-step process on lodging a workers' compensation claim
- return to work tips and hints
- a user friendly checklist.

The guide will be distributed to school leaders at Return To Work Coordinator training and OHS for School Leader training. See the Training section at the end of this newsletter.

The guide will also be available on the [CECV website](#), alternatively a hard copy of the guide can be requested by contacting the IR Unit.

For further information on the Workers' Compensation process please see the suite of [YouTube](#) clips prepared by the IR Unit, that are available to view on under the heading [Supporting Ill and Injured Workers](#) and titled:

- Early Intervention
- Workers Compensation
- Return To Work.

Asbestos Update

WorkSafe Victoria is conducting 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 identified in the workplace.

What does the school need to do?

- Ensure all asbestos has been clearly identified by a competent asbestos consultant and the consultant's report is easily accessible.
- The details of any asbestos products identified during an asbestos audit need to be recorded in an asbestos register (reviewed every five years).
- Provide ready access to the asbestos register for staff and contractors (e.g. electricians, plumbers, maintenance staff, builders, painters, carpenters, etc.).
- Where asbestos has been located, clearly indicate its presence and location. If reasonably practicable, this should be done by labelling.

WorkSafe Victoria has developed new guidance material to support this project. To assist schools in the management of asbestos, and for further information, new WorkSafe Victoria asbestos guidance materials are available on the WorkSafe Victoria website:

www.worksafe.vic.gov.au: [Managing Asbestos in the Workplace](#) (WorkSafe Compliance)

[Asbestos Guide WorkSafe Handbook](#)

Manual Handling

Manual handling injuries are one of the most common injuries in schools. Manual handling is not simply the act of lifting items – it is any activity or

sequence of activities that requires a person to use their musculoskeletal system to perform work. For example, typing, using a mouse, sitting for long periods, lifting, pushing, pulling, holding, lowering, throwing, carrying, packing, cleaning and using tools can cause manual handling injuries.

Hazardous manual handling is used to describe those tasks that have the potential to cause injury through the development of Musculoskeletal Disorders (MSD). Managing manual handling in schools involves identifying hazardous manual handling tasks and implementing preventative strategies in place to control the risk.

Hazardous manual handling can involve:

- repetitive or sustained application of force, awkward postures or movements
- tasks that a staff member would find difficult due to the degree of force required
- handling unstable objects that are difficult to grasp or hold
- exposure to sustained vibration
- bending and twisting
- repetitive and heavy lifting
- working for long periods without adequate rest
- new or changed practices or procedures.

Strategies to Reduce the Risk of Manual Handling Injuries

Manual handling risks can be managed by:

- identifying the manual handling hazards in the school
- assessing which ones are high risk
- implementing solutions to reduce the risk of injuries
- checking to see if the solutions are working.
- providing staff with manual handling training, including the review of the CECV [Manual Handling](#) video at a staff meeting.

Ladders

Slips, trips and falls are a major safety issue in schools.

Ladders become an issue when retrieving balls from roofs, erecting signs and banners, displaying student's work, accessing high shelves, etc.

Heights OVER two metres

Specific OHS regulations apply for working at heights above two metres. Working on ladders at heights over two metres and accessing roofs to collect footballs should only be done by qualified tradespeople.

Heights LESS than two metres

School staff can still be injured from heights under two metres. For heights less than two metres, schools and principals have responsibilities to consider alternative methods of doing the work so that ladders do not need to be used. For example:

- install rope and pulley systems to raise and lower artwork and banners, working from the ground with long-handled devices to remove balls from roofs, etc.
- provide step ladders that have a minimum **120 kg load capacity** and comply with the **Australian Standard AS/NZS 1892 Portable Ladders**
- instruct staff (at staff meetings, induction handbook, etc.) not to stand on improvised devices such as chairs, window sills, milk crates, etc. Note: It is important to keep records of this such as minutes of meetings, signed induction records, etc.

Further information

A brochure on methods of reducing the likelihood of injuries from falls, both above and below two metres can be obtained at [Worksafe](http://www.worksafe.vic.gov.au) from www.worksafe.vic.gov.au: Prevention of Falls – Ladders:

IR and OHS Training Courses

The following IR and OHS Professional Learning training sessions are available for the remainder of Term 2 and Term 3, 2016.

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

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 and redundancies. The program would also benefit deputy principals, business managers and human resource managers.

Date: 10 June 2016
Activity code: 16IST106A
Registrations close: 3 June 2016

VCEMEA Leave

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

Date: 16 June 2016
Activity code: 16IST102B
Registrations close: 9 June 2016

OHS Basic 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).

Date: 22 July 2016
Activity code: 16IST206C
Registrations close: 15 July 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: 10 August 2016

Activity code: 16IST203C

Registrations close: 3 August 2016

Return To Work Coordinator Training

This two-day course (Victorian WorkCover approved) provides the underpinning knowledge required for Return To Work (RTW) coordinators. According to the current legislation, schools with \$2.169 million or more rateable remuneration (indexed annually) must appoint a suitably trained RTW coordinator.

Date: 18 & 19 August 2016

Activity code: 16IST205C

Registrations close: 11 August 2016

Know Your Agreement – Education Support

This session focuses on the sections of the [VCEMEA](#) that are most relevant to education support employees in their role at Catholic schools.

Date: 25 August 2016

Activity code: 16IST101D

Registrations close: 18 August 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)*.

Staff News

We are pleased to announce that Ms Karen Thompson has joined the IR Unit as an OHS Advisor. Karen has relocated to Melbourne from Wagga Wagga, NSW, where she was the College Manager at Kildare Catholic College for the past four years.

Previous to this position, Karen worked extensively with state and local governments where she was the Communications Manager for a state government department and previously the Events and Road Safety Coordinator with Port Macquarie-Hastings Council (PMHC) for 10 years. Karen was also an elected member of the PMHC Safety Committee during her employment.

†