

# Industrial Relations News

**CECV**  
ACN 119 459 853

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## Welcome from the Executive Director

Welcome back from what I trust was a very relaxing holiday and a happy celebration of Easter, and I hope you have returned refreshed for the opportunities and challenges of Term 2.

This edition of *Industrial Relations News* contains a range of employment matters, including incremental progression on 1 May 2018, redundancy and introduction of change, managing employees with an illness or injury, and a range of OHS topics including electrical safety, OHS noticeboards and ergonomics.

In Term 2, the Industrial Relations Unit (IR Unit) will continue to conduct training sessions, including sessions on the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCEMEA](#)) and OHS.

Details of training sessions and 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. Alternatively, please email [ceoir@cem.edu.au](mailto:ceoir@cem.edu.au) for any IR matters or [ohs@cem.edu.au](mailto:ohs@cem.edu.au) for any OHS or WorkCover issues.



Stephen Elder  
EXECUTIVE DIRECTOR

## Incremental Progression on 1 May 2018

Eligible staff will progress up the incremental scale on 1 May 2018. This means that increases in salary must take effect from 1 May 2018 even though the actual payment may not be made until after 1 May 2018.

A staff member must have at least six months of service between 1 May 2017 and 30 April 2018 to qualify for incremental progression.

If a staff member is on an Employee Improvement Plan (EIP) under [Clause 13.4](#) of the VCCEMA 2013, incremental progression may be withheld until the EIP has been concluded. Any incremental progression should occur (along with back pay of the incremental salary increase) at the conclusion of the EIP, except where the EIP results in termination of employment under [Clause 13.5\(d\)](#) of the VCCEMA 2013.

Details regarding incremental progression and classification structures are contained in [Implementation Guide Part 3D Salary and Allowances \(2018 School Year\)](#) available from the CECV website under *Industrial Relations / Training, Resources and Communications / Implementation Guides / 2017 Memorandum of Understanding Implementation Guides*. It is extremely important that the salary tables detailed in this guide are followed for all staff.

## Graduate teacher payment

Under [Clause 51](#) of the VCCEMA, graduate teachers who commenced ongoing employment at subdivision T1-1 prior to 1 May 2017 are entitled to a lump sum graduate teacher payment.

The lump sum payment is based on the date the graduate teacher commenced ongoing employment and their time fraction.

The lump sum payment to eligible ongoing graduate teachers should be made in the first full pay period on or after 1 May 2018 (at the same time the employee is provided with incremental progression).

The lump sum payment amounts can be found on the CECV website via the implementation guide [Part 3D Salary and Allowances 2018 School Year](#).

## Education Support Level 3 Progression

On 1 May 2018, eligible education support (ES) employees who are currently at ES3-5 (maximum) may progress beyond the maximum to ES3-6 subject to a satisfactory application. Salary progression is not automatic and only successful ES3-5 applicants will progress to ES3-6.

Eligible ES employees at level ES3-5 who wish to progress, must have submitted an application to the principal on the appropriate employee request form by 29 March 2018 (last day of Term 1).

Information regarding the process of applying for progression beyond the maximum, including templates and timelines is provided in Implementation Guide [Part 4D Guidelines for salary progression on 1 May 2018 \(Education Support Employees\)](#).

## New Education Support Level 3 appointments

New Education Support (ES) employees appointed at Level 3 after 1 May 2016, should commence on Level 3-6 in accordance with clause [41.2\(c\)](#) of the VCCEMA.

The salary points ES3-1 to ES3-5 are salary maintenance points for employees previously classified as a School Officer Level 5 and must not be used for new appointments.

## Additional Qualifications Recognition

Teachers who have successfully completed a master's degree (or equivalent) or higher are entitled to advance by one sub-division in the

incremental scale. This additional sub-division is in addition to any incremental advancement due to their period of service.

Importantly, the additional sub-division shall only be granted to fixed-term and ongoing teachers from 1 May 2018 following the date on which the extra qualification was attained.

The [VCEMEA](#) recognises the attainment of up to two master's degrees (or 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 2018.

## 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 (Professional Standards). The Professional Standards 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 for part-time teachers*

Principals must consult with part-time teachers regarding arrangements for attendance at parent–teacher interviews (Clause 55.2(c)). Principals should consider how they plan to accomplish this as early as possible and provide enough notice to enable general consultation, and to also allow teachers to make suitable arrangements for other responsibilities, including family responsibilities.

### *Payment for part-time teachers*

If the parent–teacher interviews are conducted during Scheduled Class Time (SCT) for which the part-time teacher is not normally required to attend, then the part-time teacher is entitled to payment for additional hours (Clauses 55.2(d) and (e)). For example, a part-time teacher who usually has 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 in the school). However, if parent–teacher interviews occur or continue after SCT (e.g. 3.45 pm – 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 for either part-time or full-time teachers

### *Education support employees*

An ES employee may be directed to attend parent–teacher interviews in accordance with Clause 65.1(b) of the VCEMEA. If the ES 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 per cent of their normal hourly rate for the excess hours in [\(Clause 65.5](#) of the VCEMEA).

## Managing employees with an illness or injury

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

In managing these issues, there are a range of legal obligations that employers will need to be aware of and to navigate through. This is in addition to the pastoral care aspect of being a Catholic employer. In terms of legal requirements, the [VCEMEA](#) contains obligations, however, there are 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 specific advice and guidance to assist in managing what can be difficult and often time-consuming matters.

## Managing performance concerns – Clause 13

From time-to-time, employers must deal with employment concerns relating to employees under performance, misconduct or the capacity to undertake the inherent requirements of the role. [Clause 13](#) of the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCEMEA) provides a framework for employers to manage such concerns.

The underlying reasons for employee underperformance can be varied and complex. It is important that employers try and understand the underlying reason/s for underperformance before deciding on the most effective way to manage such concerns. The underlying reasons could include the lack of a proper induction to the school, a poor fit between the role and the employee's capabilities, or illness.

Effective employer responses may include coaching, counselling, professional development, or monitoring and feedback. When other pastoral responses have proved ineffective, termination of employment may be appropriate, as a last resort.

In managing these issues, there are a range of legal requirements that employers will need to be aware of and navigate through. This is in addition to the pastoral care aspect of being a Catholic employer.

The legal obligations include those contained in the [VCEMEA 2013](#), along with obligations under the Fair Work Act, Equal Opportunity and Anti-Discrimination legislation, as well as Occupational Health and Safety legislation.

Please contact the IR Unit for advice and support when managing employment concerns.

## Redundancy and introduction of change

A redundancy situation can arise in a school 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.

Appendix 2 of the [VCEMEA](#) contains the redundancy provisions that apply to all staff employed in Catholic schools. To assist principals in working through potential redundancy situations, *Redundancy Procedures* are available on the [CECV website](#).

The *Redundancy Procedures* detail the process to be followed in relation to a potential redundancy situation and provide a step-by-step guide for principals to work through the redundancy process including template letters for each stage of the process.

Redundancy situations can be difficult to manage and can have a significant impact upon a school. Principals are encouraged to contact the IR Unit to discuss their particular redundancy situation.

### *Timeline for redundancy*

The VCEMEA includes a timeline for the redundancy process. The timeline is a guide only; however, schools should attempt to meet the timeline guide. A potential redundancy situation may be identified at any time of the year.

By **Friday 3 August 2018**, being the end of the third week of Term 3, principals should have identified any potential redundancies taking effect from the start of the 2019 school year. Principals will need to notify staff, including staff on leave, that a potential redundancy situation has been identified.

### *Introduction of Change*

Under Clause 17 of the [VCEMEA](#), where a school has made a definite decision to introduce major changes in program, organisation, curriculum, structure or technology that are likely to have significant effects on employees, principals must notify and discuss the proposed changes with the employees affected and the Independent Education Union.

'Significant effects' include:

- termination of employment

- major changes in composition, operation or size of the employer's workforce or in the skills required
- the elimination or diminution of job opportunities, promotion opportunities or job tenure
- the alteration of hours of work
- the need for retraining or transfer of employees to other work or locations and the restructuring of jobs.

These discussions should commence as early as practicable after a definite decision has been made to introduce change. The school shall provide in writing to the employees concerned at the Union, all relevant information about the changes including:

- the nature of the proposed changes
- the expected effects of the changes on employees
- any other matters likely to affect employees.

In some situations, the introduction of change process may then lead into a redundancy situation. For further information in managing the introduction of change process please contact the IR Unit.

## Reportable conduct scheme

### Labour hire

Under the reportable conduct scheme (RCS), a reportable allegation can be made against certain staff who are employees of the organisation. People who are not employed or engaged by the organisations that fall within the RCS may not be within the scope of the scheme. For example, staff engaged under a labour hire arrangement as an Emergency Teacher or Casual Relieving Teacher, an agency worker or someone engaged as a subcontractor may not be within the scope of the scheme because they are employed or directly engaged by a third party rather than your school. If a school becomes aware of a reportable allegation concerning staff engaged through an agency or as a subcontractor, the school should contact the IR Unit for advice and support.

### Types of reportable conduct – emotional and psychological harm

One of the types of reportable conduct is 'behaviour that is likely to cause significant psychological or emotional harm'. For behaviour to be reportable

under this category, the allegation must concern the worker or volunteer's behaviour, there must be a clear *link* between the worker or volunteer's alleged behaviour and the harm suffered by the child, and the harm must be significant. To be considered significant under the RCS, the alleged harm must be 'more than trivial or temporary'.

### Updated guidance on investigation findings

The Commission for Children and Young People (CCYP) has recently published updated guidance on investigation findings. The CCYP investigation sheet covers:

- what a decision maker might consider in assessing the strength of different pieces of evidence
- the standard of proof that must be applied when making a finding
- the types of findings available
- what information should be included when giving reasons for these findings
- what actions might be required as a result of the findings that were made
- the reporting obligations to the CCYP.

The CCYP [information sheet](http://www.ccyp.vic.gov.au) is available from the CCYP website at [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au).

The IR Unit is available to provide support and advice on how to manage reportable conduct matters.

## Electrical safety

### Testing and tagging of electrical equipment

In order to ensure the safety of staff, students, contractors, volunteers and visitors, all electrical equipment needs to be tested and tagged as per the requirements of *AS/NZS 3760:2010– In-service safety inspection and testing of electrical equipment*.

This document outlines the following requirements for frequency of testing:

- 5 years – environment where the equipment or supply cord is NOT subject to flexing in normal use and is NOT open to abuse and is NOT in a hostile environment.

- 12 months – environment where the equipment or supply flexible cord is subject to flexing in normal use OR is open to abuse OR is in a hostile environment.
- 6 months – environment such as a workshop, maintenance, assembly or manufacturing area, and equipment used for commercial cleaning.

Residual Current Devices (RCD), more commonly known as safety switches, are to be tested and tagged on a case-by-case basis as per AS/NZS 3760. The timeframes for RCDs usually vary between 3, 6 and 12 months and 2 years.

Any personal electrical equipment brought into a school must be tested and tagged prior to use, unless the item is less than 12 months old in which case it should have a [New to Service tag](#) affixed.

Testing and tagging needs to be carried out by a competent person, who is either a licensed electrician or an individual who has completed *UEENEEP026A – Conduct in-service safety testing of electrical cord connected equipment and cord assemblies*. All schools have a responsibility to ensure that records of testing and tagging are kept in a register.

For more information please contact the OHS team of the IR Unit.

## OHS noticeboards

### *OHS information you need to have on display*

OHS noticeboards are a good way to communicate safety information to staff, as well as to display documentation that schools are legally obligated to have available to staff. As a minimum, it is recommended that your OHS noticeboard contains the following information:

- [OHS policy](#)
- [OHS consultation process](#)
- 'If you are injured' poster
- [Return to Work process information](#)
- emergency contact details (e.g. First Aid Officers, Wardens, etc.)
- evacuation procedures/plan (map)
- location of first aid kits, if not on evacuation plan (map)

- Employee Assistance Program (EAP) information (if EAP in place)
- OHS Committee/Staff meeting minutes
- OHS updates such as safety bulletins and safety alerts.

For more information please contact the OHS team of the IR Unit.

## Work experience placement

Students are placed with employers primarily to observe and learn, not to undertake activities which require extensive training or expertise.

Standard 6 of the [Child Safe Standards](#) requires the school governing authority to develop, implement, monitor and evaluate risk management strategies to ensure child safety in school environments.

The definition of 'school environment' under the Child Safe Standards extends to any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours. This includes workplace learning environments where students undertake work experience, structured workplace learning, school community work (volunteering) and School Based Apprenticeships and Traineeships (SBATs).

Schools should develop and implement risk management strategies prior to students undertaking workplace learning to ensure their safety will not be compromised and ensure that the school complies with the requirements of the Child Safe Standards.

### *Child safety risk management approach*

A child safety risk management approach is a formal and structured method to managing risks associated with child safety. The approach should outline how risk is managed, including the individual responsible for the process and a description of the process itself.

The process includes risk identification and assessment, evaluation of current controls, implementation of treatments (as required) and a monitoring and review process to ensure the currency of the risk management approach.

In developing a child safety risk management approach, schools should take the following steps in relation to students undertaking workplace learning:

- identify child safety risks in workplace learning environments
- identify any existing risk mitigation measures or controls
- assess and rate the child safety risks given the existing controls in place, taking into account the likelihood of the risk, and the likely consequence of the risk
- if the risk rating is more than the 'acceptable level' of risk, identify further risk management strategies through treatments or other preventions, detection or mitigation strategies and then re-assess the risk.

### **What can schools and work experience employers do to manage the risk?**

There are a number of steps that a school or work experience employer can take to manage child safety risks in the workplace, including:

- ensure that a supervisor has been nominated who will directly supervise the student during their placement
- ensure that the student's supervisor and other employees in the workplace understand acceptable and unacceptable behaviours in dealing with students
- schools are encouraged to make employers aware of the school's approach to child safety by providing them with a copy of the school's child safety policy and/or statement of commitment.

## **Ergonomics**

### **Sit/stand workstations**

Research undertaken over the last decade has highlighted risks associated with prolonged sitting. It is posited that the maintenance of seated postures can contribute to musculoskeletal disorders, cardio-metabolic diseases and even premature mortality. This is considered particularly problematic when considering the quantum of time spent sitting during both work and leisure time, given a society-wide propensity for sedentary leisure activities such as TV viewing and screen use.

In 2015, a group of prominent researchers in this field published a consensus statement in the British Journal of Sports Medicine, recommending:

... for those occupations which are predominantly desk-based, workers should aim to initially progress towards accumulating 2h/day of standing and light activity (light walking) during working hours, eventually progressing to a total accumulation of 4h/day (prorated to part-time hours).

We would advise against taking a uniform approach to the provision of ergonomic equipment such as sit/stand desks when managing both workplace injuries that correlate with prolonged static postures such as sitting, and employee requests for such equipment. Decisions in this area are best made upon the recommendation of, and in consultation with, the employee's relevant health professional (e.g. GP, physiotherapist or occupational therapist). When requests are received, whether as a modification following injury, or as a prevention measure, the following information from the treating health practitioner should be obtained to ensure needs are properly met, and the risk of symptom exacerbation is minimised:

- clinical rationale for prescription of equipment
- specific type of equipment being prescribed, where possible
- pattern of use (e.g. for a 30-minute cycle: 20 minutes sitting, 8 minutes standing, 2 minutes away from the desk)
- likely duration of requirement (e.g. 6 weeks, 3 months, or permanent).

Information, training and supervision are important aspects of providing and maintaining a safe workplace, and should be part of the implementation phase of such new equipment. In addition, the situation should be reviewed to ensure compliance with a risk management approach to health and safety. The importance of general movement throughout the work day should also be emphasised.

Further information on setup and use (including options that can be taken in addition to, or in the absence of, a sit/stand desk), can be found [here](#).

You can also download the WorkSafe Victoria handbook for workplaces, [Officewise – A guide to](#)

*health & safety in the office*, which covers managing occupational health and safety in the office, risk management, hazards, job and work environment design, office layout, workstations, furniture, working with computers, exercises, manual handling and advice.

## IR & OHS training sessions Term 2, 2018

IR Unit professional learning training sessions are now available for Term 2, 2018.

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)*.

The following training sessions are available in Term 2:

### **Know your Agreement – school leaders**

This session focuses on sections of the *Victorian Catholic Education Multi Enterprise Agreement 2013* 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
- consultation
- variation of hours

**Date:** 10 May 2018  
**Activity code:** 18IST103B  
**Registrations close:** 8 May 2018

### **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:** 20 June 2018  
**Activity code:** 18IST102A  
**Registrations close:** 18 June 2018

### **Managing employment concerns – school leaders**

This session provides an understanding of how and when to use the employment concerns process in the *Victorian Catholic Education Multi Enterprise Agreement 2013*. This session will cover how to apply the required process in the management of issues regarding:

- underperformance
- inappropriate conduct
- capacity

The session will also include practical activities, scenario consideration and the provision of comprehensive support material.

**Date:** 3 May 2018  
**Activity code:** 18IST104A  
**Registrations close:** 1 May 2018

### **Redundancy and introduction of change**

This session provides an understanding of how and when to apply introduction of change and redundancy processes in the *Victorian Catholic Education Multi Enterprise Agreement 2013*, including the requirements to consult with affected staff members and to provide relevant notification.

**Date:** 6 June 2018  
**Activity code:** 18IST106A  
**Registrations close:** 4 June 2018

### **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:** 7 June 2018  
**Activity code:** 18IST201B  
**Registrations close:** 4 June 2018

### **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 \$2.368 million or more rateable remuneration (indexed annually) or who have a worker's compensation claim must appoint a suitably trained RTW coordinator.

**Date:** 17 May 2018  
**Activity code:** 18IST202B  
**Registrations close:** 14 May 2018