

Industrial Relations News



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ISSUE NO. 7
September 2017

ISSN: 1834-5069

Welcome from the Executive Director

Welcome to the September 2017 edition of *Industrial Relations News*.

This edition contains important industrial relations information regarding the Memorandum Of Understanding (**MOU**) between the Catholic Education Commission of Victoria Limited (**CECV**) and the Independent Education Union Victoria Tasmania (**IEU**). The MOU provides interim arrangements for 2017 and 2018 that will ensure salaries (and back pay) are consistent with the government sector salary increases.

This edition also contains information from the Victorian Institute of Teaching (VIT) concerning revisions to the Permission to Teach policy and the renewal of VIT registration for teachers.

Changes to the *Working with Children Act 2005* (Vic) and their impact on the Child Safety Standards requirements are also outlined in this edition, as are a range of resources available to schools in relation to reportable conduct.

Information is also provided on Occupational and Health and Safety (OHS) and WorkCover matters such as WorkSafe month and shade sail structures.

Details of training sessions and bookings for Industrial Relations (IR) and Occupational Health and Safety (OHS) can be made on [My PL \(IPLS\)](#) through the [CEVN website http://cevn.cecv.catholic.edu.au](http://cevn.cecv.catholic.edu.au) under *Professional Learning / My PL (IPLS)*.

For enquiries regarding any of the matters in this newsletter, please contact the Industrial Relations (IR) Unit on 03 9267 0431. Alternatively, please email ceoir@cem.edu.au or any Industrial Relations matters or ohs@cem.edu.au for any OHS or WorkCover issues.

Stephen Elder
EXECUTIVE DIRECTOR

VCEMEA Update

The Catholic Education Commission of Victoria Limited (**CECV**) and the Independent Education Union Victoria Tasmania (**IEU**) have entered into a Memorandum Of Understanding (**MOU**). The [MOU](#) was circulated to schools on 16 August 2017.

Due to the CECV's concerns about the future of funding, the CECV and IEU have agreed to make interim arrangements for 2017 and 2018, keeping the current the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCEMEA](#)) in place.

The CECV and IEU remain committed to constructive negotiations for a new enterprise agreement for Catholic school staff, but did not want to delay salary increases in 2017–2018.

The interim arrangements for 2017 and 2018, ensure salaries (and back pay) are consistent with the government sector salary increases.

Advice regarding the management of salary and allowance adjustments and backpay are found in [Implementation Guide 1A](#) on the [CECV website](#).

The IR Unit will continue to update schools on MOU implementation requirements through circulars and the *Industrial Relations News*.

Grand Final Friday Public Holiday

The Victorian Government has confirmed that Victoria will have a public holiday on the Grand Final Friday (the day before the Australian Football League Grand Final).

The confirmed date for the Grand Final Friday public holiday for this year will be **Friday 29 September 2017**. This public holiday will fall within the term 3 school holiday period.

VIT Permission to Teach Requirements

The Victorian Institute of Teaching (VIT) has revised its Permission to Teach (PTT) policy and the new [2017 PTT Policy](#) has been approved by the Minister for Education.

The new policy takes effect on **1 October 2017** and replaces the *Permission To Teach Policy 2011*. It provides greater clarity regarding when a registered teacher must be employed and when PTT may be sought by a teacher and a school.

Central to the 2017 PTT policy is the principle that whenever a person is undertaking the duties of a teacher such as curriculum delivery, assessing student outcomes in an educational program and being responsible for a class, then that individual must hold VIT teacher registration or PTT.

The Key Changes to the PTT are:

- holders of PTT are expected to be enrolled in courses to attain four years or equivalent teacher training and progress towards teacher registration unless explicitly exempt
- key terms such as; 'teaching,' 'educational program' and 'curriculum' are clearly defined.

The following categories of PTT will be discontinued via a transition process:

- PTT Casual Replacement Teacher (CRT)
- PTT Generalist Primary.

As part of the new policy implementation, VIT has developed a [PTT Guide](#) to assist employers and teachers seeking PTT registration.

As PTT is granted by VIT to the individual for a specific period of time, their employment should be in accordance with Clause 11.2(vii) of the ([VCEMEA](#)).

Further information can be found on the [VIT website](#) at <http://www.vit.vic.edu.au/> or by contacting the IR Unit on (03) 9267 0431 or email ceoir@cem.edu.au.

Notification of Teacher Renewal of Registration for 2017

Teachers should have received their Victorian Institute of Teaching (VIT) Invoice during August 2017. All VIT registration tasks must be completed online in a teacher's [MyVIT account](#), accessible via the VIT website www.vit.vic.edu.au, by **Saturday 30 September 2017**.

Please note that Friday 29 September is the Grand Final Eve Public Holiday and 30 September is a Saturday and the VIT office will be closed. The online registration process will be accessible as normal on those days.

In order to renew VIT registration, teachers will be required to:

- make their renewal declarations
- consent to a National Police History Check (NPHC) (if required)
- pay their annual registration fee.

All teachers must pay the fee stipulated on the invoice. Payment made after 30 September 2017 will include a \$30 late payment processing fee.

Teachers do not have to wait until they receive their invoice to start the registration process. They can simply log into their MyVIT account and start the process.

It's registration time

for all Victorian teachers and early-childhood teachers



30 SEPTEMBER
REGISTRATION TASKS DUE



Have you completed your registration tasks?

Don't leave it to the last minute.

You will receive your invoice in August 2017. If you have changed your contact details, please let us know.

Check out our website for more info vit.vic.edu.au

National Police History Check (NPHC)

A small number of teachers will be due to update their NPHC, which can now be done online. This [video](#) explains the NPHC process.

Special Needs Professional Development

Please note that registered teachers are now required to undertake professional development (PD) activities to develop their capability to teach students with a disability (special needs). Teachers are required to have undertaken Special Needs PD as part of their 20 hours of PD to meet annual review requirements. (Updated Tuesday 19 Sept. 2017)



Teachers who have not completed all their registration tasks before 31 December 2017 will:

- not be registered
- removed from the public register
- not be able to teach.

[VCMEA Clause 14 Professional Registration and Working with Children](#) details the provisions for teachers and other staff who do not hold the appropriate registration required to perform their role. This clause provides employers with the ability to direct staff not to attend work without pay.

VRQA and CCYP – Reportable Conduct Scheme Update

The Victorian Government has legislated for the introduction of a Reportable Conduct Scheme (RCS) to improve oversight of how organisations respond to allegations of child abuse and child-related misconduct by employees.

Reportable conduct and investigation

From **1 July 2017**, the 'Head of Entity' in all Victorian schools has a reporting obligation under the RCS. The new obligation is to report 'reportable conduct' alleged against employees (which includes contractors, volunteers, allied health staff and school board members in schools, etc.) to the Commission for Children and Young People (CCYP) within specific legislated timeframes. The 'Head of Entity' also has an obligation to investigate the alleged reportable conduct.

Resources

Following the recent regional briefing sessions on the new RCS, the IR Unit has prepared a presentation that has been specifically designed for presentation to staff. Please contact the IR Unit on 03 9267 0431 or alternatively, please email ceoir@cem.edu.au for a copy of the presentation.

Information sheets and resources including frequently asked questions regarding the Reportable Conduct Scheme is available on the Commission for Children and Young People [CCYP website or https://ccyp.vic.gov.au/reportable-conduct-scheme/](https://ccyp.vic.gov.au/reportable-conduct-scheme/).

A [joint VRQA and CCYP video](#) outlines the requirements of the Reportable Conduct Scheme.

For further information in relation to reporting allegations to the CCYP, see the information sheet [Reporting to the Commission](#).

The IR Unit is available to provide support and advice on how to manage reportable conduct matters. Please contact the IR Unit on (03) 9267 0431 or via email ceoir@cem.edu.au.

Working With Children Act 2005 (Vic) - Changes

Changes to the *Working With Children Act 2005* (Vic) commenced on 1 August 2017.

The two key changes for schools include:

1. the definition of 'direct contact' has been expanded to include oral, written or electronic communication in addition to face to face and physical contact
2. a Working With Children check is now required for anyone engaged in 'child related work' regardless of whether contact with a child is supervised by another person.

'Child related work' is defined as any work that involves direct contact with a child that is part of the person's work.

Further information was provided to principals in a [circular](#) dated 18 August 2017.

Redundancy Reminder

At this stage in Term 3, principals should have identified any potential redundancies taking effect from the start of the 2018 school year and any staff, including staff on leave, should have been notified that a potential redundancy situation has been identified.

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

The [June 2017 newsletter](#) provides further information to assist principals with the redundancy process and related information concerning introduction of change and variation of part-time hours.

Contact the IR Unit on (03) 9267 0431 or via email ceoir@cem.edu.au if you have any queries or require support managing the redundancy process.

Variation of Part–Time Hours

Clause 15 of the [VCEMEA](#) provides that a variation in hours for a part-time employee can be made if at least one of the seven following criteria is satisfied:

- Enrolment
- Curriculum
- Program
- Organisation
- Structure
- Technology
- Funding.

Therefore it is timely to identify any proposed school changes that may create a variation for part-time employees such as:

- hours of attendance
- days of attendance
- times of attendance.

Consultation

If changes as outlined above are contemplated, then the school is required to consult with the affected staff (including employees on leave) in accordance with Clause 15 by:

- advising the employee(s) of the reason for the proposed change (i.e. enrolment changes)
- advising the employee(s) of the change to days, hours and times of attendance as a result of the proposed change
- giving due consideration to the impact of the change on the employee(s) 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, before implementing the change. If that notice is not provided, then the employee's salary must be maintained for the period of notice not given, where there is a reduction in hours. 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

A variation in part-time hours can often be an alternative to redundancy. However, please note that if the change results in a 'significant reduction of hours' then the employee can elect to either:

- accept the change; or
- receive a severance payment.

A 'significant reduction of hours' is assessed over the preceding two years with consideration of the proposed change and any cumulative changes that may have occurred during that period.

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

The table in Clause 15.2 of the VCEMEA provides an outline of the severance payment that is payable when an employee elects not to accept a 'significant reduction' in hours.

Additional information and template letters can be found under Implementation Guide [Part 6](#) – Variation of Hours of Part-Time Employees.

WorkSafe Month – October

October is Health and Safety Month, and WorkSafe will be hosting various events across the state, in addition to its regular one day conference in Melbourne on 1 November. Industry experts who are leaders in mental and physical wellbeing will highlight industry best practice to help ensure the safety of your school.

To find out where WorkSafe will be running events near you or to register visit the [WorkSafe website](#).

Slips, Trips and Falls

One of the most common causes of injuries in schools resulting in a variety of injuries including fractures, dislocations, cuts and bruises, and musculoskeletal injuries are slips, trips and falls.

The most common injury associated with a slip, trip or fall is a sprain or strain. Recovery from these injuries can be slow and have long-term effects on work, home and leisure activities.

There are usually a variety of reasons why people slip or trip within the school environment. This can include slippery floors and paths, low visibility due to inadequate lighting, ill-fitting or unstable footwear, rushing to classes or meetings, uneven paths, carrying bulky items that block view of the path or stairs, and clutter or trailing cords in walkways.

Prevention

Many slips, trips and falls can be easily prevented and many solutions can be implemented at minimal cost. Slip and trip incidents can be controlled, provided it is given sufficient attention. The control measures needed are often simple and low-cost, but can bring about significant reduction in injuries.

It is important to identify slips, trips and fall hazards in the school environment by assessing tasks and/or work areas which place people at risk and implementing controls which minimise or eliminate those risks.

Ensuring any work areas such as classrooms, offices and storage areas such as cleaner's closets and maintenance rooms/sheds are free from clutter, have sufficient power sockets to reduce/remove electrical cords from the floor, and changes in surface levels are clearly highlighted.

Footwear

Footwear plays an important role in preventing slip incidents. Establishing a 'sensible shoe' policy (for example, flat shoes that enclose the whole foot, not sandals or sling-back shoes) has been shown to make a significant impact on reducing slip and trip injuries. Ideally, such a policy should cover all staff, including cleaning and maintenance staff, and students.

CECV have developed a [checklist](#) to assist in the identification of slips, trips and fall hazards in the school environment.

Notifiable Incidents

All Schools are required under the OHS Act to report serious incidents to Worksafe Victoria. This includes all school related incidents involving staff, students, volunteers, family members, casuals, contractors and visitors.

Serious incidents and near misses that need to be reported to Worksafe Victoria include:

- medical treatment for lacerations requiring stitches, serious head or eye injuries, amputations, scalping, electric shock and loss of bodily functions such as loss of consciousness, fractures, broken bones
- immediate treatment as an inpatient in a hospital, fatalities and medical treatment within 48 hours of a person being exposed to a chemical
- serious incidents or near misses where a person in the immediate vicinity is exposed to an immediate risk from the collapse of a building or an excavation, explosion, fire, the spillage of dangerous goods or the fall from a height of any plant or equipment.

Minor incidents do NOT need to be reported to WorkSafe Victoria. If in doubt whether an incident should be reported or you require further information, call Worksafe Victoria immediately on 132 360 or check the [Worksafe Website](#).

Schools should also provide notification of incidents, accidents and near misses using the button on the top right of the [CEVN website](#) homepage. This will automatically send an alert to the IR Unit's, OHS team to provide follow up advice and assistance.



For further enquiries regarding notifiable incidents please contact the Industrial Relations (IR) Unit on 03 9267 0431 or please email ohs@cem.edu.au.

Shade Sail Structures

Shade sails are a popular and cost effective way to provide shelter from heat and UV rays. Lack of awareness and limited resources often means maintenance of shade sail systems can be overlooked, with potentially serious consequences.

Approximately 90% of schools and colleges insured with CCI have shade sails erected on their grounds. The sails are typically made of cloth and are attached to steel posts or surrounding structures. While some can be removed, most are permanent fixtures.

Shade sails systems are engineered to withstand the same wind and storms as surrounding buildings provided that they meet the applicable Australian standards and building codes, are installed correctly and are appropriately maintained.

However, as with all infrastructure, gradual deterioration can weaken shade sail systems making them unsafe. General wear and tear can also make them more susceptible to damage during a severe storm or natural disaster.

Owners and occupiers of schools, colleges or other Church properties should have a maintenance and inspection program in place to meet their duty of care obligations and comply with the conditions of their insurance policy. Programs should incorporate regular monitoring and inspections of shade sail systems to ensure they are maintained in a safe condition throughout their life.

Failing to implement a program puts the health and safety of everyone who uses the property at risk. It may also expose an organisation to legal liability if a person is injured as a direct result of poor maintenance.

Regular inspection and maintenance procedures should comprise:

- shade sails should be adequately tensioned. Check fixings to ensure tension is adequate and if sails appear loose or are flapping, they need to be fixed immediately
- check base and support structures for signs of fatigue as a result of wind, impact, quality or age

- check anchor points, welds and bolted connections for signs of damage or corrosion
- check fabric for fraying, holes or other signs of wear and tear
- clean sails regularly to prevent the build-up of debris, mould or moss
- keep nearby trees and shrubs pruned to prevent them rubbing on sails
- consider removing shade sails over the winter months
- consider the lifespan of the sails and replace them accordingly
- check sails, points and posts immediately after any major storms or high winds, if safe to do so.

Ways to further reduce risk

Before installation consider whether a shade sail is the best solution for the location. Is there a stronger, more durable shade option?

Ensure systems have been designed by a suitably competent professional such as an architect or engineer, and that the design complies with applicable Australian Standards and codes.

Confirm that construction and installation is carried out by a suitably competent professional such as a qualified builder and approved by a building inspector.

Carefully plan the position of any supporting structures to minimise the chance of impact.

For advice regarding installation and maintenance, contact CEM Planning and Infrastructure on 9267 0497. An additional source of information and support is the CCI RiskSupport Helpdesk on 1300 660 827.

For further advice on safety-related issues with shade sail structures, please contact the OHS team on 03 9267 0431 or email ohs@cem.edu.au.

Industrial Relations and Occupational Health and Safety Training Sessions

Training sessions are conducted at the Catholic Leadership Centre. 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)*.

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: 26 October 2017

Time: 9.30 am – 5.00 pm

Activity code: 17IST203D

Registrations close: 18 October 2017

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 \$2.338 million or more rateable remuneration (indexed annually) or who have a workers' compensation claim must appoint a suitably trained RTW coordinator.

Date: 16 & 17 November 2017

Time: 9.30 am – 5.00 pm

Activity code: 17IST205B

Registrations close: 8 November 2017

Know Your Agreement – Education Support

This session provides a focus on the sections of the [VCMEA](#) that are most relevant to Education Support Employees in their role at Catholic schools.

Date: 27 October 2017

Time: 10.00 am – 1.00 pm

Activity code: 17IST101D

Registrations close: 19 October 2017

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 are as follows:

- Managing Employment Concerns
- Parental Leave
- Introduction of Change
- Redundancy
- Consultation
- Variation of Hours.

Date: 30 October 2017

Time: 10.00 am – 1.00 pm

Activity code: 17IST103D

Registrations close: 20 October 2017

Online Training from Gallagher Bassett

For the majority of schools, WorkCover insurance is provided by Gallagher Bassett. For its customers, Gallagher Bassett provides [myGBeducation](#) online training courses, which are available 24/7.

The courses, have been developed by accredited trainers, and include both workers' compensation courses and OHS courses. The course catalogue can be found at:

http://mygbed.gallagherbassett.com.au/theme/gallagher_bassett/pages/lms_courses.php

Summary of Communications

August

- Circular – [2017 Back Pay Calculator](#)
- Circular – [CECV and IEU Joint Statement: EBA Negotiations – Interim Arrangements 2017 and 2018](#)
- Circular – [Victorian Catholic Education Bargaining – Update August 2017](#)

Staff News

Wayne Braybrook

The IR unit welcome the appointment of Wayne Braybrook as an Industrial Relations Adviser. Wayne has over nine years of experience in the private and public sector industries. These experiences have been in local government, electrical construction and in retail and fast food. He has specialised in all IR related matters including but not limited to, mediations, negotiations in dispute resolution, enterprise agreement negotiations and conducting workplace investigations. Wayne's interest lies with conflict resolution management and providing industrial relations advice including interpretation of industrial instruments.

David Prior

The IR Unit welcomes the appointment of David Prior as Industrial Relations Adviser. David is a legal practitioner currently practising in Victoria with extensive employment law and industrial relations experience across public sector health, and in the transport and aviation sectors across Australian Capital Territory and Queensland. David has Juris Doctor and Masters Degrees in Law and Public Administration.

Rhonda Probert

The IR Unit welcomes the appointment of Rhonda Probert as Industrial Relations Adviser. Rhonda is a lawyer admitted to practice in 2014. She has experience advising employers on a broad range of employment and industrial relations issues having worked within government, private sector and a large employer association. Prior to joining the IR Unit, she worked at Industrial Relations Victoria advising on compliance with the *Long Service Leave Act 1992* (Vic). She also volunteers for the Employment Law Project at Footscray Community Legal Centre.

Sonia Hutchison

The IR Unit has recently welcomed back Sonia as an IR Advisor after a period of parental leave. Sonia has 12 years' experience working in Industrial Relations and Human Resource Management in a range of industries including social and community services and the Award Inspectorate with the Federal Government. Most relevantly, Sonia previously worked with Catholic Schools in NSW and ACT and at the Catholic Commission for Employment Relations. Sonia has qualifications in Human Resource Management and Social Policy.

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