

Industrial Relations News



In this issue:

- Welcome from the Executive Director
- Start of year principal checklists
- Personal leave deduction (Teachers)
- Letters of appointment
- Salary assessments
- End of fixed-term contracts – change to process
- Appointment and reclassification of Level 3 ES staff
- Review of existing Education Support staff (ES 3–1 to ES 3–5)
- Professional registration checks
- Stipend payment 2018
- Hot weather
- Tree and vegetation management
- Incidents and injuries
- IR and OHS training sessions Term 1, 2018

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Welcome from the Executive Director

Welcome to the February edition of *Industrial Relations News* and to the 2018 school year.

The start of the school year is always a busy time that brings new challenges. To assist with the beginning of the 2018 school year, schools should refer to the [Industrial Relations](#) (IR) and [Occupational Health and Safety](#) (OHS) checklists.

This edition includes important information regarding new appointments or reclassification to Education Support – Level 3 roles. It also refers to the new guidelines on the deduction of personal leave for teachers

The checking of teacher registration is vital before the beginning of the school year. This edition contains useful information on Victorian Institute of Teaching (VIT) and Victorian Registration and Qualifications Authority (VRQA) requirements for teachers and schools.

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

I wish all staff in our schools a safe, fulfilling and learning-filled 2018.

Stephen Elder
EXECUTIVE DIRECTOR

Start of year principal checklists

To assist schools in preparing for 2018, the Industrial Relations (IR) Unit has developed checklists for IR and OHS issues. The checklists will assist principals in their start of the school year preparations and identify the key requirements of the [Victorian Catholic Education Multi Enterprise Agreement](#) (VCEMEA).

The IR and OHS checklists can be found on the CECV website under *Industrial Relations / Training, Communications and Resources / [Industrial Relations News](#)*.

Personal leave deduction (Teachers)

From the start of the 2018 school year, there is a new guidance note for [Personal Leave Deductions](#) for teachers that explains how to calculate personal leave when a teacher is absent for part of a day. The new guidance note was agreed as part of clause 3.22 of the [Memorandum of Understanding](#) (MOU) between the Catholic Education Commission of Victoria Ltd (CECV) and the Independent Education Union (IEU). It replaces the previous guidance note with a 'gross up' model of personal leave deductions.

Schools should familiarise themselves with the new guidance note and method for calculating personal leave. Personal leave deductions for teachers are now based on the proportion of the instructional day for which the teacher is absent using the formula below:

$$\text{Personal leave deduction} = \frac{\text{Hours absent during instruction time}}{\text{Hours of Instructional Time in a day}} \times 7.6$$

The guidance note includes definitions and examples for both full-time and part-time teachers.

The guidance note is available on the CECV website under *Training, Resources and Communications / [Implementation Guides](#) / [Guidance Notes](#)*. Any queries should be directed to the IR Unit on 03 9267 0431 or ceoir@cem.edu.au.

Letters of Appointment

A letter of appointment is necessary and required at the start of every contract.

Ongoing

Ongoing staff members should be given a letter of appointment at the start of their appointment. There is no need to give ongoing staff members a new letter of appointment every year. However, if there is a significant change to a staff member's role, they should be given a letter regarding the variation to their contract.

Emergency/Casual

For emergency teachers or casual employees, the best practice is to give each employee on your casual or emergency list a letter of appointment that outlines the terms and conditions of employment that apply to them when they are employed at your school. For practical reasons, it is not expected that a new letter of appointment is to be signed by the casual employee for each casual engagement they have at your school.

Fixed-term

Fixed-term and casual relieving employees should be given a letter of appointment at the start of every contract. Where the appointment is on a fixed-term basis, the letter of appointment must state the reason for the employment being fixed-term as outlined in Clause 11.2 of the VCEMEA. The letter of appointment:

- establishes the contract of employment between the parties
- binds the parties to the terms of the contract
- specifies the commencement date
- sets out the legal rights of both parties for the period of employment
- cannot be varied by either party without mutual agreement.

Process

A copy of the letter of appointment and signed acceptance by the employee must be kept on file by the school. The employee should also keep a copy of the letter and acceptance.

[Template Letters](#) of appointment can be found on the CECV website under *Industrial Relations / Template Letters*.

Salary assessments

Teachers appointed to a fixed-term or casual relieving contract should be salary assessed at the commencement of each new contract.

Teachers may be required to provide evidence of previous teaching experience (outside Victorian Catholic Education) or additional qualifications gained at Masters level (or its equivalent) or higher.

Schools are reminded that the Salary Assessment Calculator (SAC) is available on the [CEVN website](#) under *Staffing & IR / About Staffing and IR / Salary Assessment* to assist schools with the commencement salary for teachers. The SAC cannot be used for any school staff other than teachers. School principals are responsible for performing salary assessments in the SAC, although they may delegate access to other specific staff.

End of fixed-term contracts – change to process

If a principal is not going to immediately re-employ or extend the contract of a fixed-term employee whose contract period will expire, then the principal **must** issue the employee with a letter advising them that their employment is terminating. In practice, this applies to employees with a fixed-term contract for one or more terms.

Previously, the principal was required to give seven calendar weeks' notice (i.e. including school holidays) of the end of the contract. From the start of the 2018 school year, principals are now required to give notice of seven weeks **in term time** of the end of the contract. This applies only to those employees whose fixed-term contract is 12 months (one gazetted school year) or more. For contracts from one term up to 12 months, seven calendar weeks' notice continues to apply.

This means principals must ensure that non-renewal letters are sent out early. For example, if an employee is on a 12-month fixed-term contract due to end on 28 January 2019, the school must provide the

employee with a notice of non-renewal of their contract by no later than 5 November 2018 (i.e. seven weeks before the end of Term 4, 2018).

Appointment and reclassification of Level 3 ES staff

Schools are reminded that any new appointments or reclassifications to Education Support (ES) Level 3 must commence at or above ES Level 3–6.

From the commencement of the 2018 school year, the ES classification structure retains five levels however, subdivision 1 and 2 in ES Level 3 have been removed. From 29 January 2018, ES Level 3–1 and ES Level 3–2 will be reclassified to ES Level 3–3.

This is explained further in [Part 4D](#). This document is available on the CECV website under *Industrial Relations / Training, Resources and Communications / Implementation Guides*.

Review of existing Education Support staff (ES 3–1 to ES 3–5)

Consistent with the MOU between the CECV and the IEU (Clause 3.10.2), the CECV will review the salary level of each employee who is classified at ES 3–1 to ES 3–5 by 1 May 2018. The aim of this review is to identify any employees who have not been appointed to the correct ES 3 level.

If the review identifies an error in the salary level of an existing Education Support employee classified at ES 3–1 to ES 3–5, the school will need to make the necessary adjustment to the employee's salary and back pay.

Professional registration Checks

All staff must have suitable registration to undertake employment in Victorian Catholic Education. This includes VIT registration for teaching staff or a Working with Children Check (WWC) and, if applicable, a National Police Record Check (NPRC) for non-teaching staff.

[Recommended method for checking current status of VIT teacher registrations](#)

The most efficient way of checking teacher registrations is for the principal or their authorised delegate to log onto the [School Portal](#) on the VIT website www.vit.vic.edu.au.

By choosing the 'All Teachers' list the school will be able to confirm the registration status of all teachers employed at the school. The principal and their authorised delegate will also have access to edit the 'All Teachers' list to ensure that any personnel changes prior to the commencement of the 2018 school year are reflected in the list.

Other options for checking current status of VIT registrations

The school can also search the public [register of teachers](#) on an individual basis to confirm registration. Alternatively, they can ask to see the teacher's current VIT Registration Card which will be valid to the expiry date indicated on the card.

VRQA evidence requirements

The VRQA requires that schools keep a register of all teachers containing each teacher's name and their VIT registration number, the VIT category of registration (provisional registration, full registration, permission to teach) and the expiry and renewal date of the teacher's registration.

The teacher's VIT registration number must be recorded on the OSR or PRS and should be updated at the beginning of the school year. Importantly, it is an offence for a person or body to employ or continue to employ a person to teach who is not registered with the VIT.

What to do if a teacher's registration is not current

It is unlawful to teach without registration or employ a person to teach who is not registered. Penalties could apply to both the teacher and the school. If a teacher does not hold a valid VIT registration, schools should refer to Clause 14 of the VCCEMA 2013, which provides that the employer may:

- give the employee, generally not less than seven days, to obtain the necessary authority
- give the employee an opportunity to explain any extenuating circumstances and clarify the matter.

A teacher is not permitted to teach during this seven-day period but is still entitled to be paid during this time. The teacher may perform other non-teaching duties at the school during this time. Schools are encouraged to contact the IR Unit to discuss the options that are available in these circumstances.

If, after the seven-day period, the school is satisfied that the lack of registration is due to the employee's actions or omissions, the school may stand down the employee without pay until they provide proof of registration.

Working with Children Check

All non-teaching WWC registration card numbers and expiry dates should be entered in a register (PRS) after verification and sighting by the principal or their authorised delegate.

If a non-teaching staff member does not have a valid WWC registration, schools should again refer to Clause 14 of the [VCCEMA 2013](#). Schools are encouraged to contact the IR Unit to discuss the options that are available in these circumstances.

Stipend payment 2018

The recommended full stipend payment effective from 1 January 2018 is \$55,618.

The 10 per cent allowance paid to religious primary school principals will remain unchanged.

Pro-rata payments will be based on the full recommended stipend. Parties are free to reduce negotiated rates when financial circumstances do not allow the payment of a full stipend, however, the minimum starting point for negotiations shall be two thirds of the full stipend.

Hot weather

Two out of three Australians will develop some form of skin cancer before the age of 70. As alarming as this statistic is, most skin cancer is also preventable. The Cancer Council Victoria recommends a healthy UV exposure balance that ensures some sun for vitamin D, while minimising the risk of skin cancer.

Sun protection is required whenever the UV level reaches three or above – the level that can damage skin and eyes. This is typically from the start of

September to the end of April in Victoria (not just in Terms 1 and 4). Remember, even on overcast and cooler days, the UV index can still reach very high or extreme levels.

And it is not just the sun that can be an issue. In hot weather, it is vital to remain hydrated – even when staying out of the sun – and in extremely hot weather, vigorous physical activity that carries a risk of dehydration or heat stroke should be avoided. The provision and use of shade is also important and, where facilities allow, consideration should be given to implementing indoor play or activities.

School staff have an important role to play when it comes to being Sun Smart – as role models for our students, and in looking after themselves by ensuring they follow school policy in relation to wearing hats, sunscreen and protective clothing. Further information on skin cancer and outdoor work can be found in this guide, [Skin cancer and outdoor work: A guide for employers](#), produced by WorkSafe, the Victorian Cancer Council and Vic Health.

Further information is available from the Cancer Council website [here](#), and a brochure on sun exposure can be found [here](#).

Tree and vegetation management

Ensuring your trees are safe following the holidays

With Victoria's recent warm and inclement weather, it is absolutely crucial to ensure that trees on school properties are inspected and properly maintained following the summer holidays.

As trees are living and dynamic structures they can present risks to persons and property during various stages of their lifecycle. Therefore, schools must take all reasonable steps to ensure risks to health and safety are adequately controlled.

Removing and maintaining trees can be dangerous work so it is important that you engage the services of a qualified arborist with the following qualifications:

- current workers compensation insurance, with WIC code 95250
- current public liability insurance
- minimum qualification of Certificate II in Horticulture (Arboriculture) for ground and climbing work
- minimum qualification of Certificate III in Horticulture (Arboriculture) for supervisors of climbing work.

While every tree or tree part has the potential to fall, only a very small number actually fall or strike something or someone. There is no such thing as a completely 'safe' tree and no assurances that an apparently sound tree in a high-use area of a school will not fall a day or a week after an arborist inspection. However, with frequent surveillance of your treescape's health, particularly following the school holidays, you can ensure that any defects or fall risks are quickly identified and controlled while maintaining the amenity, heritage and environmental value trees add to your school.

Incidents and injuries

Preventing future injuries

In 2017, injuries resulting in a WorkCover claim were mainly due to incidents involving:

- a slip, trip and fall
- being struck by or against an object
- performing a manual handling task.

The risk of future similar incidents can be minimised, or even eliminated, through hazard identification and by implementing risk controls. School leaders have a legal obligation to provide a work environment that is safe and without risks to health. To support schools, over a number of years, the OHS Team has been developing a range of resources and tools that can be found on the [CECV](#) website under *Industrial Relations / A–Z Index*. These have recently undergone a significant revision, with the addition of a large number of topics. It is recommended that school leaders take the opportunity to look through the new material.

For further information or assistance, a member of the OHS team can be contacted on 9267 0431 or by email at ohs@cem.edu.au.

IR and OHS training sessions Term 1, 2018

IR Unit Professional Learning training sessions are now available for Term 1, 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 1, 2018:

Reportable Conduct School Leaders

This session focuses on the obligations of school leaders under the Reportable Conduct Scheme (RCS), and provides preliminary advice on the management of reportable allegations.

Date: 28 Feb 2018
Activity code: 18IST107A

Salary Assessments

This session will introduce principals, deputy principals, business managers and education support staff to salary assessment procedures under the [VCEMEA](#).

Date: 6 March 2018
Activity code: 18IST105A

OHS for School leaders

This session focuses on the key and fundamental OHS issues and obligations for school leaders. The 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: 8 March 2018
Activity code: 18IST 201A

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. The session will include information on letters of appointment, MOU implementation issues and key conditions of employment.

Date: 15 March 2018
Activity code: 18IST101A

Know Your Agreement – School Leaders

This session focuses on the sections of the [VCEMEA](#) 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: 22 March 2018
Activity code: 18IST103A