

Industrial Relations News



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Welcome from the Executive Director

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

With the final term of 2017 underway, schools are now preparing for 2018. The newsletter features a Principal Checklist, which is designed to assist principals in ensuring that they meet all of their obligations required under the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCEMEA](#)) and the Memorandum of Understanding ([MOU](#)).

Information regarding *Implementation Guide Part 3D: Salary and Allowances* is included in this edition. It has been developed to assist schools with salaries and allowances for employees in the 2018 school year. It is available on the [CECV website](http://www.cecv.catholic.edu.au/) at <http://www.cecv.catholic.edu.au/> under *Industrial Relations / Communications / Implementation Guides*.

Further details regarding additional training for the Reportable Conduct Scheme (RCS) are also provided in this edition.

Finally, information regarding Occupational Health and Safety (OHS) issues including footwear, contractor safety management and WorkSafe notifiable incidents is featured in this edition.

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

Stephen Elder
EXECUTIVE DIRECTOR

Memorandum of Understanding – Implementation Guides

The Catholic Education Commission of Victoria Ltd (CECV) released Implementation Guide [Part 1A](#) in August 2017, which detailed salary changes arising from the Memorandum of Understanding ([MOU](#)). This Guide provided information on managing salary and allowance adjustments for **2017**.

The CECV has now released [Implementation Guide 3D](#) to assist schools with salary and allowance adjustments and increases for the **2018** school year. This document is available on the [CECV website](#) under *Industrial Relations / Training, Resources and Communications / [Implementation Guides](#)*.

Principal Checklist

A checklist identifying the key requirements of the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCEMEA](#)) and the [MOU](#) is provided to assist principals in their end-of-school-year obligations.

Areas covered in the [Principal's End of Year Checklist](#) include among other things:

- variation of hours, days or times of attendance for part-time employees
- fixed-term employment
- end of tenure (fixed-term employees, positions of leadership and deputy principals)
- pro rata school holiday pay and annual leave loading
- parental leave
- recall arrangements for Category B employees.

Information on salaries and allowances for the 2018 school year can be found in [Implementation Guide 3D – Salary and Allowances](#) (2018 school year).

Further information can be found on the [CECV website](#) under *Industrial Relations / Training, Resources and Communications / [Implementation Guides](#)*.

Letters of Appointment

Upon engagement, each employee must be given a letter of appointment. In accordance with clause 12 of the [VCEMEA](#) the letter must include:

- the category and classification of employment
- the pay level and commencing rate of pay
- superannuation entitlements
- long service leave entitlements.

This letter must also specify:

- for an Educational Support Employee or School Services Officer: hours of duty
- for a Category B Educational Support Employee or School Services Officer: any recall obligations
- for a Category C Educational Support Employee or School Services Officer: the weeks of leave for the first school year.

Where employment is part-time, the letter must also specify the:

- Full-Time-Equivalent (FTE) time fraction
- days upon which work is to be performed
- hours of work, and in the case of teachers, the number of scheduled classtime hours.

Template letters are available from the [CECV website](#) under *Industrial Relations / [Template Letters](#)*. Please delete any previous versions stored on your computer and only reference and use the current template letters.

Fixed Term Employment – Review and Renewal of Appointments

At this time of the year, principals should review all fixed-term positions. If the position will continue in 2018, fixed-term employment subject to Clause 11.2 of the [VCEMEA](#) may be considered. Alternatively, the status of the position may be converted to ongoing employment.

Clause 11 of the [VCEMEA](#) provides that employment for a specified period of time (fixed-term employment) is permitted **only** if the staff member is employed under the following circumstances:

- to undertake a specific project for which funding is available only for a specific period of time
- to undertake a specific task with a limited period of operation
- to replace another staff member on approved leave for not less than 11 weeks
- to replace another staff member whose employment terminated during the school year
- to avoid a redundancy situation
- as a placed teacher, primary principal or school adviser and
- with permission to teach issued by the Victorian Institute of Teaching.

There is no reason for fixed-term employment that equates to ‘try before you buy’. If the employment does not fall within one of the above categories, it should be ongoing.

Non-renewal of Fixed-Term Appointments (clause 11.2(f))

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, not less than seven calendar weeks (including school holidays) prior to the expiry date, issue the employee with a letter advising them that their employment is terminating.

If a principal fails to issue this letter, 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.

Fixed-term employees and ongoing vacancies (clause 11.2(e))

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. Note that selection is based on merit and any subsequent appointment to the ongoing position should be based on an assessment as to who is most suitably qualified and suited to the position.

Further information can be obtained from the [Fixed Term Employment Guide](#) on the [CECV website](#).

Template letters of appointment for all types and categories of employment and non-renewal letters are available from the [CECV website](#) under Industrial Relations / [Template Letters](#).

Pro Rata School Holiday Pay and Annual Leave Loading

Pro rata school holiday pay

Entitlements to pro rata school holiday pay are detailed in clause 25.6 of the [VCEMEA](#).

Pro rata school holiday pay will apply where the employee has:

- not been employed for the whole school year
- been absent on approved unpaid leave for more than 15 days during the school year
- changed their Full-Time-Equivalent (FTE) time fraction during the school year.

Pro rata school holiday pay is calculated using the following formula:

$$P = \frac{S \times C}{B} - D$$

Where:

- P is the payment due
- S is the total salary paid in respect of term weeks, or part thereof
- B is the number of term weeks, or part thereof in the school year (2017 – 40.8 weeks)
- C is the number of non-term weeks, or part thereof, in the school year (2017 – 11.2 weeks)
- D is the salary paid in respect of non-term weeks, or part thereof, that have occurred since the commencement of the school year.

Annual leave loading

Clause 25.8(b) of the [VCEMEA](#) states that leave loading shall be paid no later than the pay cycle that falls within the last two working weeks of the school year (except where there is termination of employment, in which case payment should be made at that time).

All schools should therefore ensure that they pay leave loading during or before the pay cycle that falls within the last two working weeks of the school year.

The formulas for the calculation of leave loading are detailed in clause 25.8 of the [VCEMEA](#).

Further information

Further information on school holiday pay and annual leave loading can be found on the [CECV website](#) under *Industrial Relations/Agreement Implementation Guides* in [Part 5C: Guidelines for calculation of pro rata school holiday pay and annual leave loading](#).

A pro rata school holiday pay and leave loading calculator is provided on the [CEVN website](#) at <https://cevn.cecv.catholic.edu.au> under *Finance, Legal, Operations / Pro Rata Holiday Pay*. This calculator will assist for calculating pro rata school holiday pay and annual leave loading for primary principals, deputy principals, teachers and Category B education support staff and school services officers.

Managing Stress and Mental Health in Education

Recently, the Catholic Education Commission of Victoria Ltd (CECV) and Gallagher Bassett hosted a seminar for school principals, deputy principals, business and human resources managers and employers to network and discuss how to identify and manage stress in education.

This cross-sectoral event included guests from the Australian Catholic University, the Department of Education and Training and independent schools.

Presentations at this seminar were provided by Dr Peter Cotton, Clinical and Organisational Psychologist, and *beyondblue*, a support service providing people with the opportunity to get effective support and services.

Copies of the presentations can be downloaded from the [CECV website](#) under *Training, Resources and Communications / Managing Stress in Education*.

Hot Weather – Sun Smart

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 preventable. [Cancer Council Victoria](#) recommends a healthy UV exposure balance that ensures some sun for vitamin D production, 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.

School staff have an important role to play when it comes to being sun smart – as role models for students, and in looking after themselves by ensuring they follow school policy in relation to wearing hats, sunscreen and protective clothing.

Information on skin cancer and outdoor work can be found in the [guide for employers](#) produced by WorkSafe, Cancer Council Victoria and Vic Health.

WorkSafe Notifiable Incidents – A Scenario

On previous occasions, information has been provided on what constitutes a WorkSafe Notifiable Incident. Consequently, the level of understanding and compliance across Catholic schools is very good.

A serious incident on school premises is notifiable, as is an incident outside of the school grounds but during sanctioned school activities such as an excursion or camp. However, what happens when the incident occurs in another workplace (including camp venues), and that workplace has already notified WorkSafe of that incident, in order to meet its own obligations?

Question: *Is a notification from the school to WorkSafe still required in the above circumstances?*

Answer: YES.

This might appear as double handling. However, WorkSafe requires that all those who have an obligation to maintain a safe workplace and a safe system of work also have an obligation to notify them of serious incidents in an environment, or in a situation, where they exercise some control. Here's an example:

St George of the Dragon Primary School's Year 5 class is visiting the museum. While stepping back to take a group photo of some of the class, the teacher Mr Plum turns to keep an eye on two students who are drifting out of his line of sight. He trips, falls, and breaks both bones in his lower left leg. He is transported to hospital, where he is admitted and then undergoes surgery.

The museum is required to notify WorkSafe of the serious incident. It is responsible for providing and maintaining a safe environment, and WorkSafe would want answers to questions such as:

- What slip/trip/fall controls were in place?
- What is the cleaning schedule for the floor in that area?
- What potential obstacles were in the area that might have contributed?
- What is the system for managing the flow of people through the facility?

The school is also required to notify WorkSafe, as it is responsible for providing and maintaining a safe system of work. WorkSafe would be interested in knowing:

- Did the school complete a risk assessment of the activity prior to undertaking the excursion?
- Was the teacher–student ratio appropriate for the activity?
- Does the school have a footwear policy, and was it being followed?
- What is the school's incident reporting procedure?

And so, in this scenario, even if the museum has already made a notification, the school must proceed with a notification in order to meet its obligations.

Contact the OHS team at any time to pose questions about notifiable incidents, but when in doubt, default to notifying WorkSafe immediately on 132 360.

Incidents, Accidents and Near Misses

Schools should also provide notification of incidents, accidents and near misses using the button on the top right of the [CEVN website](#). 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.

OHS Noticeboards

While there are multiple opportunities for the provision of OHS information to staff, such as handbooks, common network drives, staff meetings and newsletters, for both legal and practical reasons the OHS notice board in a staff room is still one of the most crucial.

Noticeboards should contain relevant health and safety information, such as the following:

- WorkSafe's [If you are injured at work](#) poster with the name of the Return To Work (RTW) coordinator or contact details of the member of school leadership responsible if there is no RTW coordinator
- [Return to Work process information](#)
- Emergency contact details and other details including emergency personnel, wardens and first aid officers
- Location of first aid kits
- Evacuation procedures/plan
- [OHS Policy](#)
- [OHS Consultation Process](#)
- [OHS Issue Resolution Flowchart](#)
- Employee Assistance Program information
- OHS Committee / staff meeting minutes
- OHS Updates such as Safety Bulletins and Safety Alerts.

Take the opportunity to review the materials currently on your OHS notice board, and use the hyperlinked documents above to add information as required. Generic templates can be adapted for school use, and the OHS team is always available to answer any queries on 03 9267 0431 or email ohs@cem.edu.au.

Footwear

With warmer weather approaching, it can be tempting to consider footwear options that are much cooler than heavy winter boots. However, it is important to consider the risks that come with footwear such as thongs, sandals, and other open-toe footwear, in addition to high, narrow heels. Appropriate footwear is essential to the protection of feet against health and safety hazards at work. Appropriate footwear is worn to protect feet and decrease the risk of injury.

Slips, trips and falls can occur from wearing inappropriate footwear, leading to injuries such as sprains, cuts and fractures.

Most roles in schools may at some stage involve risks that are exacerbated by inappropriate footwear.

Suggested strategies for appropriate footwear:

- consider the tasks required for the day and whether the footwear is appropriate
- undertake a documented risk assessment to identify appropriate footwear requirements for specific activities or areas of work
- consider the suitability of footwear for the school environment, including enclosed shoes which are well fitted with a good grip
- consider the suitability of footwear for the workplace hazards (e.g. uneven playground surfaces, stairs, technology area, workshops, art areas, maintenance sheds).

The CECV OHS Unit has an [Appropriate Footwear Checklist](#) available on the [CECV website](#) that can be used to help identify the right type of footwear for different environmental conditions.

Online Training – 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.

Contractor Safety Management

All schools engage contractors to carry out work at their sites. Schools have a duty to provide a safe working environment for contractors just as they do for their employees. The *Guidelines for the Engagement of Contractors in Catholic Schools* have been developed to ensure that contractors work safely on school sites and do not introduce unmanaged risks to the school environment.

A contractor is a person, organisation or business, other than an employee of the school, who is engaged to perform work at a workplace.

Before selecting a contractor for work, the school should ensure that the contractor has:

- appropriate insurance coverage, licences, permits, registrations and a Working with Children Check where required
- all necessary licences, competencies or permits to undertake the work to be performed, such as:
 - trade licences
 - council permits for certain activities
- trained and qualified personnel for the work to be undertaken
- OHS policies and procedures in place in order to identify, assess and control risks.

The school should consult with contractor(s) before work commences to ensure compliance with the [Occupational Health and Safety Act 2004 \(Vic\)](#). It is important that good lines of communication and a good induction process between the school and the contractor are established before work commences to ensure that health and safety issues associated with the work are managed.

Additional information and resources are available on the [CECV website](#), including:

- [Engaging External Labour Providers and Casuals](#)
- [Contractor OHS Induction Checklist](#)
- [Guidelines for the Engagement of Contractors in Catholic Schools](#).

Reportable Conduct Scheme Training – School Leadership

The IR Unit is holding Reportable Conduct Scheme (RCS) training throughout Term 4, 2017, for school leaders in the Archdiocese of Melbourne.

Training has been organised for Deputy Principal Networks in each region. Training has also been organised for school leaders who are unable to attend training in their region.

You can register for RCS training at [My PL \(IPLS\)](#) through the [CEVN website](#) under *Professional Learning / My PL (IPLS)* to be held on the following dates:

- Monday 23 October, 2017 - 10.00am – 12.00pm
- Monday 30 October, 2017 - 10.00am – 12.00pm

The IR Unit has developed, and is continuing to develop, resources to assist school leaders train and educate staff regarding the RCS.

For further information regarding the RCS contact the IR Unit on 03 9267 0431 or email ceoir@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)*.

Reportable Conduct Scheme

This session provides school leaders with a comprehensive training and briefing session on the new Reportable Conduct Scheme (RCS) introduced by the Child Wellbeing and Safety Act 2005. All principals are encouraged to attend at least one briefing on RCS.

Date: 23 October 2017

Time: 10.00 am – 12.00 pm

Activity code: IST107B

Registrations close: Tuesday 17 October 2017

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

Know Your Agreement – Education Support

This session provides a focus on the sections of the [VCCEMA](#) and [MOU](#) 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

Reportable Conduct Scheme

This session provides school leaders with a comprehensive training and briefing session on the new Reportable Conduct Scheme (RCS) introduced by the Child Wellbeing and Safety Act 2005. All principals are encouraged to attend at least one briefing on RCS.

Date: 30 October 2017

Time: 10.00 am – 12.00 pm

Activity code: IST107C

Registrations close: Wednesday 25 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 – School Leaders

This session focuses on the sections of the [VCCEMA](#) and [MOU](#) 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

Staff News

Lawrence D'Lima

The IR Unit welcomes the appointment of Lawrence D'Lima as a Senior Industrial Relations Advisor. Lawrence has substantial Human Resource Management and Industrial Relations experience, and has worked in the private, tertiary education and public sectors. Most recently, he worked with primary and secondary school principals as an Employee Performance Advisor in the People Division, Victorian Department of Education and Training.

Lawrence has hands-on experience and has advised internal clients on a range of matters including managing performance, dispute resolution, managing the end-to-end enterprise agreement process, managing and implementing major change and redundancy, employee conduct and capacity and workplace investigations. Lawrence has tertiary qualifications in human resource management, business administration and management.

Olivia Damiliatis

The IR Unit farewells Administration Assistant, Olivia Damiliatis, and wishes her well in her new role at the Department of Health and Human Services.

Kate Roberts

Team Leader, Kate Roberts has commenced parental leave. On 6 October 2017, Kate and her husband Brendan welcomed Connor Patrick Roberts, a brother for Abbie.

Summary of Communications

October

- Circular – [2018 School Year Implementation Guide](#)

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