

## VICTORIAN CATHOLIC EDUCATION MULTI-ENTERPRISE AGREEMENT 2018

### Background

Sport is an integral component in our schools and there are a number of arrangements in place for how schools are currently employing sports coaches or instructors, particularly in secondary schools. This information sheet aims to assist schools with employing a sports coach/instructor and provide guidance about the best practice in doing so. A sports coach/instructor might include, but is not limited to, a swim coach, cricket coach, dance coach or sports assistant. Sports coaches/instructors generally tend to be seasonal in nature, although there might be some instances where the role is required to be permanent.

### Are sports coaches/instructors covered by the Victorian Catholic Education Multi-Enterprise Agreement 2018 (VCEMEA 2018)?

No. Sports coaches/instructors are not covered by the VCEMEA 2018 and, therefore, they are not covered by the terms and conditions of the agreement. A sports coach/instructor is not considered to be an education support employee under the VCEMEA 2018.

### What are the different ways a sports coach/instructor can be employed by a school?

There are two common ways in which a sports coach/instructor can be employed by a school: either under an award or as an independent contractor.

### Educational Services (Schools) General Staff Award

Sports coaches/instructors are specifically covered by the *Educational Services (Schools) General Staff Award 2020* (the Award) and schools are encouraged to employ a sports coach/instructor under this instrument. Under the Award, a sports coach/instructor is classified as an instructional services employee and can be employed on a full-time, part-time, fixed-term or casual/seasonal basis.

Due to the inherent nature of the work of a sports coach/instructor being seasonal, schools should consider employing a sports coach/instructor on a casual or fixed-term basis under the Award to give the school flexibility within the employment relationship. However, schools should note that a casual arrangement may not be suitable if the position requires a mutual commitment to ongoing, regular, stable and predictable employment on a fixed pattern of days or ordinary hours of work. Casual employment should be used for services needed on an ad hoc or temporary basis.

Schools should also note that there are a number of differences between the entitlements for an employee covered by the VCEMEA 2018 as opposed to an employee covered by the Award, including wages and leave entitlements.

Therefore, schools should familiarise themselves with the obligations that stem from employing a sports coach/instructor under the Award, including the requirements in relation to pay rates, hours of work, shift and weekend penalties, and rostering. For example, under the Award, the minimum rate of pay is based on the classification level of the sports coach/instructor. There are eight classification levels under the Award. In particular, a sports assistant can be employed at Level 2 upwards, an assistant sports coach can be employed at Level 3 upwards and a sports coach can be employed at Level 4.2 upwards.

# Sports Coaches/Instructors Information Sheet for Schools

For further information regarding the Award's specific entitlements, please contact the Employee Relations Unit.

## **Independent contractor**

Another way in which a school may elect to recruit a sports coach/instructor is via an independent contractor arrangement. This includes the circumstances where a school engages a sports coach/instructor to provide coaching at the school either inside school hours or immediately outside school hours.

The independent contractor arrangement may be with the sports coach/instructor personally, or it may be with a company established by the sports coach/instructor.

A sports coach/instructor engaged in this way is not an employee of the school and the school is not responsible for providing the sports coach/instructor employment-related entitlements such as leave (i.e. annual or personal/carer's leave), or other entitlements under the relevant award. However, if the sports coach/instructor works under a contract that is wholly or principally for the sports coach/instructor's labour, the school is required to pay superannuation contributions and may be liable to pay workers compensation payments. For more information, please see the CECV's [Engaging External Labour Providers and Casuals – A Guide for Schools](#).

If a school decides to directly engage a sports coach/instructor as a contractor, it must ensure that the relationship between the sports coach/instructor and the school is not one that more accurately fits the description of an employer/employee relationship. For further assistance and information on engaging a sports coach/instructor as an independent contractor, please contact the Employee Relations Unit.

## **Other arrangements**

If a school currently has a different employment arrangement in place and is unsure if the arrangement meets the necessary employment requirements, please contact the Employee Relations Unit for further advice.

## **Template letters of appointment**

The Employee Relations Unit has developed template letters of appointment for schools to use when employing a sports coach/instructor who will be covered by the Award. The template [letters of appointment](#) can be accessed from the CECV website.

Template [contracts](#) to engage a sports coach/instructor as an independent contractor can also be found on the CECV website.

## **Queries and further information**

Any queries in relation to this information sheet or the relevant legislation should be directed to the Employee Relations Unit on 03 9267 0431 or [ceoir@macs.vic.edu.au](mailto:ceoir@macs.vic.edu.au).

Further information can also be found in the following CECV resources:

- [Guidelines on the Employment of Staff in Catholic Schools](#)
- [Guidelines on the Engagement of Contractors in Catholic Schools](#).