

Industrial Relations News



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Welcome from the Executive Director

Welcome to the October 2016 edition of *Industrial Relations News*.

With the final term of the 2016 school year now underway, schools are preparing for the 2017 school year. This edition of *Industrial Relations News* therefore includes a number of articles to assist principals in their end-of-school-year and start-of-school-year preparations. This includes articles on pro-rata school holiday pay, annual leave loading, fixed-term employment and Category B recall. The newsletter also contains 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 (VCMEA)*.

At the end of this month, the [VCMEA](#) will pass its nominal expiry date. However, despite this fact, the VCMEA will continue to apply until a new enterprise agreement is approved to replace the current agreement.

In order to assist schools, [Implementation Guide Part 3C: Salary and Allowances](#) has been developed to provide advice regarding salaries and allowances for employees in the 2017 school year under the VCMEA. *Implementation Guide Part 3C* is available on the CECV website www.cecv.catholic.edu.au under *Industrial Relations / Communications / Implementation Guides*.

Finally, an update on negotiations for the successor to the VCMEA is provided in this edition, as well as information regarding WorkSafe Health and Safety month, Occupational Health and Safety (OHS) issues associated with stairs, OHS Noticeboards and other trending OHS issues.

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

Child Safe Standards

With the introduction of the Child Safe Standards in December 2015, schools are required to be compliant with Ministerial Order No. 870, which sets out the minimum requirements for schools in relation to child safety. Child Safe Standard 4 and clause 10 of [Ministerial Order No. 870](#) relate to staff screening, selection, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.

The definition of school staff within [Ministerial Order No. 870](#) includes employees, volunteers and contracted service providers working within a school environment.

The IR Unit has prepared various resources to assist schools in meeting these requirements, including the new [CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#) (Volunteer Guidelines) and [Guidelines on the Engagement of Contractors in Catholic Schools](#), which complement the [CECV Guidelines on the Employment of Staff in Catholic Schools](#), which was released in July 2016.

Volunteer Guidelines

The Volunteer Guidelines provide a step-by-step guide to assist principals and employers with the process of selecting and engaging volunteers in schools. It is important to note that the Standards do not distinguish between volunteer roles. For example volunteers who regularly assist in the classroom, the canteen, the library or volunteers who assist on one-off or more limited occasions such as accompanying a class on a school excursion or helping out on a school fete. The Standards also do not distinguish between whether a volunteer is a parent of students in the school, are former students or whether drawn from the wider community. The Volunteer Guidelines are therefore relevant to all volunteers engaged by a school.

The Volunteer Guidelines are intended to cover not only child safety but also to ensure that the selection and engagement processes used by schools encourage the engagement of quality volunteers and to protect schools from claims of unlawful discrimination and adverse action.

The Volunteer Guidelines have been prepared with the intention of providing Catholic schools with a model for best practice processes around the engagement of all volunteers, and providing clarity around how schools can work towards this best practice model.

The Volunteer Guidelines are now available from the CECV website under *Industrial Relations* / [Policies and Guidelines](#).

Next Steps

Schools should be reviewing their current practices around the engagement of volunteers using the Volunteer Guidelines as a reference. The Guidelines have been prepared to support schools to audit, plan and implement processes and procedures required for the engagement of volunteers in schools. Currently, schools may already have processes in place when engaging volunteers which school leaders deem to be sufficiently rigorous to meet the Standards' requirements.

Feedback obtained from school leaders is that network groups are working together identifying common gaps in current procedures and developing enhanced processes so as to ensure compliance with the Standards. For example, some network groups have been developing descriptions for volunteer roles.

VCEMEA Negotiations Update

As outlined in the August newsletter, bargaining for the next enterprise agreement to replace the [VCEMEA](#) has commenced between the CECV and the IEU. Five meetings were held during Term 3 with further meetings scheduled for Term 4.

Meanwhile, the CECV is monitoring the progress of negotiations occurring between the Department of Education and Training (DET) and the Australian Education Union (AEU). These negotiations are ongoing, with DET and AEU yet to conclude negotiations for a new enterprise agreement.

Information on Enterprise Bargaining can be found on the CECV website under *Industrial Relations* / [Enterprise Bargaining](#).

Principal Checklist

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

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

- 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.

Information on salaries and allowances for the 2017 school year can be found in [Implementation Guide Part 3C – Salary and Allowance \(2017 school year\)](#).

Further information can be found on the CECV website under *Industrial Relations / Communications / Implementation Guides*.

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 fifteen days during the school year
- changed 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 (40.8)
C	is the number of non-term weeks, or part thereof, in the school year (11.8)
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 5B: 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 <https://cevn.cecv.catholic.edu.au> for primary principals, deputy principals, teachers and Category B education support staff and school services officers.

Fixed-Term Employment – Review and Renewal of Appointments

At this time of year, principals should review all fixed-term positions with a view to determining whether to renew these positions in the coming school year, or to change the status of the positions to ongoing.

Principals are reminded that a fixed-term staff member should have a current letter of appointment. This is the case even where the staff member has previously held one or more fixed-term positions. A letter of appointment is necessary at the start of every contract.

In the absence of a current letter of appointment, principals should be mindful that the default mode of employment is ongoing (clause 11.1 of the [VCEMEA](#)). Employment for a specified period of time (fixed-term employment) is permitted **only** if the staff member is employed under the following circumstances (see clause 11.2 of the [VCEMEA](#) for more detail):

- 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
- 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 staff member does not fall within one of the above categories, the staff member should be ongoing.

For fixed-term staff, the letter of appointment must specify the reason for the employment being fixed-term as well as outlining the relevant circumstances that give rise to that reason (clauses 12.1(d)(i) and (ii) of the [VCEMEA](#)).

For example, where the fixed-term contract is to replace a staff member under sub-clause 11.2(a)(iii), an outline of the rights under the [VCEMEA](#) of the employee being replaced should be provided.

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 (this also applies to POL and deputy principal allowances).

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

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](#).

Category B Staff – Recall Allowance and End-of-Year Procedures

When looking at recall days and end-of-year procedures for Category B staff, schools should ensure that their arrangements meet the requirements of the [Guidance Note: Category B recall and end-of-year procedures](#), which is available on the CECV website under *Industrial Relations / Communications / Implementation Guides*.

The guidance note applies to both education support employees and school services officers.

Recommended Approach for end-of-year procedures

- Principals should consult with Category B staff about the last day of attendance at the end of the school year.
- Principals are not required to change arrangements for the finish dates for Category B staff that were in place in 2013, where those arrangements have been fair and workable.
- Category B staff should commence school holidays at the end of the year on or around the same day as teachers.
- Any requirement for Category B staff to work beyond the last day of attendance for teachers must be demonstrably based on a need to perform purposeful tasks which are relevant to the employee's normal duties.
- Subject to local arrangements, the recall allowance is generally only payable for recall days worked during the gazetted school holidays.

WorkSafe Health and Safety Month 2016

This year marks the 24th anniversary of WorkSafe Health and Safety Month. The statewide program kicks-off on Tuesday 4 October and concludes 27 October 2016.

Events are taking place in Melbourne, Geelong, Ballarat, Bendigo, Mildura, Morwell, Bairnsdale, Echuca, Swan Hill, Warrnambool, Wangaratta, Chadstone, Sunshine, Scoresby, Dandenong, Preston, Shepparton, Altona, Wodonga, Hamilton and Port Fairy.

The purpose of the diverse calendar of events is to raise awareness of WorkSafe and the role it plays in the community to deliver excellent workplace safety and return to work outcomes.

It provides information and education to employers, workers and the community – designed to help them meet their obligations under health and safety and workers compensation legislation. This includes communication that highlights best practice, drives behaviour and cultural change and informs and encourages compliance.

The full program is available at: www.worksafemonth.com.au.

Don't forget to join the conversation on social media by using #hsmmonth.



Trending OHS Issues

Is it compulsory for a school to have a Health and Safety Representative?

A health and safety representative (HSR) is a person who has been elected by the members of his or her designated workgroup to represent them on OHS issues. Any employee can request that a Health and Safety Representative (HSR) be elected if a workplace does not have one.

HSRs can make a difference in having OHS issues addressed in a school and help achieve better health and safety outcomes. They can help provide a bottom-up approach to safety and reduce some of the burden placed on school leaders and principals.

However, it is not compulsory to have a HSR unless a staff member has requested one.

What Is Early Intervention?

The early identification of the physical signs of discomfort will assist the introduction of easy and cost-effective measures to help prevent an injury from occurring.

Early intervention is about:

- identifying and responding to early warning signs and reports of near misses, accidents or incidents
- providing assistance to employees before they sustain or develop an injury or illness, thereby reducing the prevalence of extended personal leave absences or the lodging of a claim for workers' compensation.

The earlier you notice potential signs of ill health or injury, the sooner you can take steps to help. This will benefit not only the employee but the school community as well.

Further information is available from the CECV website under *OHS & WorkCover / WorkCover / [Early Intervention](#)*.

Why Do We Need To Worry About Falls On Stairs?

Over-familiarity with stairs has reduced the perception that they are inherently hazardous.

Falls on stairs have resulted in people being injured, incapacitated and even killed.

Be cautious of stairs: Add visual adaptations such as painting colour contrasting strips on stairs; and/or add tactual cues such as non-slip mats, or adhesive tread strips.

One of the most important things you can do when ascending or descending stairs is to use the handrail. Holding on to the handrail gives you two points of contact and balance at all times. Here are some other tips when travelling up and down stairs:

- Never run up or down stairs.
- Never read or be on a mobile phone while using stairs.
- Focus on the stairs, not conversations or other distractions that may be present.
- Always look straight ahead when using stairs
- Only take one step at a time.
- Get help if you have to carry something up or down stairs.
- Ensure you always have at least one hand free when using stairs.
- If the steps are located outside, be extremely careful if it is raining or snowing.

For any further OHS queries, please contact the IR Unit on 03 9267 0431 or ohs@cem.edu.au.

OHS Noticeboards

It is a requirement for schools to display the [If you are injured at work](#) poster that contains the name of the Return-to-Work Coordinator and their contact details.

Schools are strongly advised to have a dedicated Occupational Health and Safety staff noticeboard that contains relevant health and safety information, such as emergency contact details and other resources including:

- OHS Policy
- OHS Consultation Process
- OHS Issue Resolution Flowchart
- OHS Committee meeting minutes
- Emergency personnel: Wardens and first aiders
- Location of first aid kits
- Evacuation procedures/plan
- OHS Updates such as Safety Bulletins and Safety Alerts
- Hazard reporting requirements
- Return to Work Information.

Noticeboards should **not** contain:

- Personal advertisements
- Flyers, brochures, etc. not relating to occupational, health and safety.

Information regarding OHS noticeboards can be viewed at www.education.vic.gov.au/school/principals/management/Pages/ohscomms.aspx.

IR and OHS Training Sessions

IR and OHS Professional Learning training sessions are still available in 2016.

Details of training sessions and bookings can be made on [My PL \(IPLS\)](#) through the [CEVN website](#) under *Professional Learning / My PL (IPLS)*.

Know Your Agreement – Education Support

This session focuses on the sections of the [VCEMEA](#) that are most relevant to education support employees for their role in Catholic schools.

Date: 21 October 2016
Activity code: 16IST101E
Registrations close: 14 October 2016.

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: 21 October 2016
Activity code: 16IST203D
Registrations close: 14 October 2016.

Return-to-Work Coordinator Training

This two-day course (Victorian WorkCover approved) provides the underpinning knowledge required for Return-to-Work (RTW) coordinators. According to the current legislation, schools with \$2.169 million or more rateable remuneration (indexed annually) must appoint a suitably trained RTW coordinator.

Date: 10 & 11 November 2016
Activity code: 16IST205D
Registrations close: 9 November 2016.

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)*.

Summary of Communications

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VCEMEA Implementation Update – October 2016
[Principal's End-of-Year Checklist](#) – 7 October 2016. †