

Industrial Relations News



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Welcome from the Executive Director

Welcome to the March edition of *Industrial Relations News*.

This edition contains information regarding a number of payments and salary changes that take effect on 1 May 2017 for eligible staff. These changes include incremental progression, the recognition of additional qualification attainment and the graduate teacher payment. In addition, there is information in relation to eligible Education Support Level 3–5 (Maximum) staff who satisfy the criteria for progression.

Negotiations are continuing between the CECV and the Independent Education Union Victoria Tasmania (IEU) for the successor to the *Victorian Catholic Education Multi Enterprise Agreement 2013* [VCEMEA](#).

In relation to Occupational Health and Safety (OHS), this edition contains information regarding working from heights and manual handling. Manual handling is the biggest risk factor contributing to worker's compensation claims in our schools.

This edition also deals with an employee's entitlement to superannuation whilst on worker's compensation.

Details of training sessions and bookings can be made on [My PL \(IPLS\)](#) through the [CEVN website](#) <https://cevn.cecv.catholic.edu.au> under *Professional Learning / My PL (IPLS)*. Vacancies exist in forthcoming training sessions and all school leaders and administration staff are encouraged to consider booking into training sessions still available.

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

Stephen Elder
EXECUTIVE DIRECTOR

Education Support Level 3 Progression

On 1 May 2017, eligible education support employees who are currently at ES3–5 (Maximum) may progress beyond the Maximum to ES3–6 subject to a satisfactory application. Salary progression is not automatic and only successful ES3–5 applicants will progress to ES3–6.

Eligible education support employees at level ES3–5 who wish to progress, must submit an application to the principal on the appropriate employee request form by **31 March 2017** (last day of Term 1).

Information regarding the process of applying for progression beyond the Maximum, including templates and timelines is provided in Implementation Guide [Part 4C Guidelines for salary progression on 1 May 2017 \(education support employees Level 3–5\)](#).

Additional Qualifications Recognition

Eligible teachers who have successfully completed a Master's Degree (or its equivalent) or higher are entitled to advance by one sub-division in the incremental scale. This additional sub-division is in addition to any incremental advancement due to their period of service.

Importantly, the additional sub-division shall only be granted to fixed-term and ongoing teachers from 1 May 2017 following the date on which the extra qualification was attained.

The [VCEMEA 2013](#) recognises the attainment of up to two Master's Degrees (or its equivalent) or higher for incremental progression purposes in Clause 52.

The teacher must advise the principal in writing of the acquisition of the additional qualification(s) and produce satisfactory evidence, such as an academic transcript prior to 1 May 2017.

The additional qualification(s) should also be entered on the teacher's [Online Service Record \(OSR\)](#) through the [CEVN website](#) under *Staffing & IR*.

Incremental Progression on 1 May 2017

Incremental progression for eligible staff occurs on 1 May 2017. This means that increases in salary must take effect from 1 May 2017 even though the actual payment may not be made until after 1 May 2017.

An employee must have at least six months of service between 1 May 2016 and 30 April 2017 to qualify for incremental progression.

Where employees are subject to an Employee Improvement Plan (EIP) under Clause 13.4 of the [VCEMEA 2013](#), incremental progression may be withheld until the EIP has been concluded. Any incremental progression should occur (along with backpay of the incremental salary increase) at the conclusion of the EIP, other than where the EIP results in termination of employment under Clause 13.5(d) of the [VCEMEA 2013](#).

Details regarding incremental progression and classification structures are contained in [Implementation Guide Part 3C Salaries and Allowances \(2017 School Year\)](#).

It is extremely important that the salary tables detailed in [Implementation Guide Part 3C Salaries and Allowances \(2017 School Year\)](#) are followed for all staff.

Graduate Teacher Payment

The lump sum Graduate Teacher Payment applies to teachers who commenced ongoing employment at subdivision T1–1 prior to 1 May 2016.

The lump sum payment is based on the commencement date of ongoing employment and the time fraction of the graduate teacher.

The lump sum payment to eligible ongoing graduate teachers should be made at the same time as their incremental progression to T1–2, which is the first pay period on or after 1 May 2017.

Payment amounts are provided in [Implementation Guide Part 3C Salary and Allowances \(2017 school year\)](#).

Staff Laptop Programs and Salary Deductions

The CECV and the IEU have reached a settlement in relation to the reimbursement of salary deductions from employees for laptop computers.

The CECV is seeking advice from the Grants Allocation Committee (Primary) and the Grants Allocation Committee (Secondary) in relation to the level of financial support, if any, that may be provided to schools to meet the cost of reimbursement to employees.

A Guidance Note is being prepared to assist schools in understanding the reimbursement process to enable the process to commence as soon as possible.

A [circular](#) dated 10 March 2017, regarding Staff Laptop Programs and Salary Deductions, provides further information.

New Staff Members and Performance

Many schools have new staff members commencing this year. Often it can take time for a new staff member to settle into a new position and understand the working environment and expectations.

Now is a good time for leaders to check in with leaders and new staff to see how they are settling in, whether they need further support or training and gauge their confidence in performing work.

Staff have diverse needs and will take varying amounts of time to settle into a new role. It is important that patience is exercised. However, if a staff member is continuing to have difficulties meeting the expectations of the role it is recommended to:

- raise the issue with the staff member informally
- explain the expectations of the role
- provide examples to demonstrate the issue and explain what you want the staff member to do in the future
- ask if the staff member feels like they have the skills, resources and tools to do their role
- offer additional support such as further training, mentoring or shadowing.

It is important you do not leave the issue for too long before addressing it with an informal conversation, and if necessary putting support measures in place.

It is a misconception that a new staff member's employment can be terminated at any time prior to six month's employment. Although a staff member who has been employed for less than six months cannot make an unfair dismissal application to the Fair Work Commission, schools still needs to follow the procedures of Clause 13 of the [VCEMEA](#). Following Clause 13 procedures ensures compliance with the [VCEMEA](#) and ensures a fair process that reduces the risk of discrimination or adverse action claims.

When terminating a staff member due to performance concerns, the Clause 13 procedure requires an Employee Improvement Plan (EIP) to be put in place to support the staff member. Clause 13 procedures do not specify the length of an EIP.

If serious concerns regarding a new staff member's performance continue after the informal discussion, contact the IR Unit for advice.

Engaging Staff While on Leave Without Pay

Queries have been received regarding the appropriate remuneration for school staff who are engaged at their school while on approved Leave Without Pay (LWOP), other than unpaid Parental Leave.

The engagement can have positive benefits for both the employer and employee. For the employee, it provides an opportunity for them to maintain contact with the school during their unpaid absence, and for the employer, it provides the opportunity to engage an individual who is known to the school and familiar with its operation.

While not specifically provided for within the [VCEMEA 2013](#), it is recommended that the employee be paid at their ordinary rate of pay for the engagement period. It is also recommend that the LWOP record be closed for the period of the engagement. This will provide for the accrual of leave entitlements.

This approach is consistent with the procedure for staff who are engaged while on unpaid parental leave.

The school should ensure that this period of engagement is included within pro-rata School Holiday Pay and Leave Loading calculations performed at the end of the year.

Ladder Safety

A recent incident in a school has highlighted the risks associated with working from heights and the use of ladders when retrieving balls from roofs, erecting signs and banners, displaying student's work and accessing high shelves.

Heights over 2 metres

Specific OHS regulations apply for working at heights above two metres. Working on ladders at heights over two metres and accessing roofs to collect footballs should only be done by qualified tradespeople.

Heights less than 2 metres

School staff can still be injured from heights under two metres. For heights less than two metres, schools and principals have responsibilities to consider alternative methods of doing the work so that ladders do not need to be used.

A guide regarding working at heights and ladder safety can be obtained from [Worksafe](#).

Manual Handling

Manual handling injuries are one of the most common injuries in schools, resulting in workers' compensation claims such as cuts, bruises, broken bones, sprains and strains and soft tissue injuries.

Each year, the majority of people injured in our schools do so as a result of manual handling. Manual handling is not simply the act of lifting items. It is any activity or sequence of activities that requires a person to use their physical body (musculoskeletal system) to perform work.

Hazardous manual handling is used to describe those tasks that have the potential to cause injury through the development of Musculoskeletal Disorders (MSD). Managing manual handling in schools involves identifying hazardous manual handling tasks and implementing preventative strategies in place to control the risk.

Strategies to Reduce the Risk of Manual Handling Injuries

Manual handling risks can be managed by:

- identifying the manual handling hazards in the school by completing the [Hazardous Manual Handling Checklist](#)
- implementing solutions to reduce the risk of injuries
- providing staff with manual handling training; for example, showing the CECV [Manual Handling](#) video at a staff meeting.

Further information in relation to manual handling can be found on the [CECV website](#) under *OHS & WorkCover / Common Issues / Manual Handling*.

Employer Superannuation Contributions and Workers' Compensation

During the period in which an employee is receiving worker's compensation payments, schools should be aware of the different requirements related to compulsory superannuation contributions.

A staff member, who is receiving workers' compensation payments and is entitled to accident make-up pay in accordance with Clause 46 of the [VCEMEA 2013](#), is entitled to receive their normal superannuation contributions from their employer during that 26-week period. The amount payable to the staff member therefore is the same amount as what would have been payable if they were not in receipt of workers' compensation payments. For example if the staff member was a 0.6 FTE prior to receiving workers' compensation payments, then the superannuation contributions from the employer must be paid based upon 0.6 FTE.

At the end of the 26-week accident make-pay up period an employer is only obligated to pay superannuation contributions to a staff member for the hours they are working as part of a return-to-work plan. For example, if a staff member is working 0.3 FTE as part of a return-to-work plan, the obligation on the employer for compulsory superannuation contributions would only apply to the 0.3 FTE that the staff member is working.

The superannuation requirement would not be based upon their substantive FTE that they were working prior to the workers' compensation claim.

If a staff member has not returned to work after the initial 26-week period, an employer is not required to continue to make superannuation contributions for that staff member until such time as they return to work.

Any questions in relation to superannuation contributions and workers' compensation can be directed to the IR Unit 03 9267 0431 or ceoir@cem.edu.au.

A Guide to Workers' Compensation and Return to Work Process

The Industrial Relations (IR) Unit have a guide to assist schools in managing the Return to Work (RTW) process for ill and injured employees.

[The Guide](#) includes information regarding:

- appointing a RTW Coordinator
- planning and consulting about returning to work
- assessing suitable employment in line with the injured employee's medical constraints
- developing, proposing and implementing a Return to Work plan
- supporting and monitoring the employee's progress.

[A Guide to the Return to Work Process](#) can be found on the [CECV website](#) under *OHS & WorkCover / Return to Work*.

For further information please contact the IR Unit 03 9267 0431 or ohs@cem.edu.au.

OHS Incident Notification – School Injury/Incident Report Form

Schools are strongly advised to complete the School Injury/Incident Report form. The purpose of the report form is for schools to meet their legal requirements under the *Workplace Injury Rehabilitation and*

Compensation Act 2013. The report form also assists the OHS Team to identify areas of concern and assist schools in the development of OHS policy and prevention programs.

The [School Injury/Incident Report form](#) is available at the top of the [CEVN website](#) landing page:



The link includes a hyperlink to WorkSafe to facilitate the reporting of notifiable incidents (WorkSafe phone: 132 360).

Industrial Relations and Occupational Health and Safety Training Sessions

Industrial Relations Professional Learning training sessions are now available for Term 2, 2017. Training sessions run from 10.00 am until 1.00 pm 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)*.

The following training sessions are currently available:

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 \$2.368 million or more rateable remuneration (indexed annually) or who have a worker's compensation claim must appoint a suitably trained RTW coordinator.

Date: 3 & 4 May 2017

Activity code: 171ST205A

Registrations close: 26 April 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 the school.

Date: 26 May 2017

Activity code: 171ST203AB

Registrations close: 18 May 2017

Know Your Agreement – School Leaders

This session focuses on the sections of the [VCEMEA 2013](#) 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: 12 May 2017

Activity code: 171ST103B

Registrations close: 5 May 2017

Know Your Agreement – Education Support

There is a focus in this session on the sections of the [VCEMEA 2013](#) that are most relevant to Education Support Employees in their role at Catholic schools.

Date: 15 May 2017

Activity code: 171ST101B

Registrations close: 8 May 2017

Redundancy & Introduction of Change

Learn about introducing significant change into the workplace as well as the process for implementing redundancies in accordance with applicable requirements under the [VCEMEA 2013](#).

Date: 2 June 2017

Activity code: 171ST106A

Registrations close: 26 May 2017

VCEMEA Leave

This session provides a detailed rundown of the leave provisions in the [VCEMEA 2013](#). It runs through the provisions of, and highlights some of the key changes implemented by, the [VCEMEA 2013](#) as compared to the [VCEMEA 2008](#).

Date: 19 June 2017

Activity code: 171ST102A

Registrations close: 9 June 2017

Summary of Communications

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10 March – Circular regarding [Staff Laptop Programs and Salary Deductions](#)

17 March – Circular regarding OHS [Resources and Training Update](#)

IR Unit – Staff News

The IR Unit farewells Leo Faust, Industrial Relations Advisor, and wishes him well in his future endeavours.

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