

Fixed Term Employment



Employment for a specified period of time (fixed term) must only be used when the appointment is for one of the reasons in the Victorian Catholic Education Multi Enterprise Agreement 2013 (VCEMEA).

Employment for a specified period of time

Under the VCEMEA, there are seven reasons for the appointment of an employee as fixed term in a school:

1. The employee is employed to undertake a specific project or task where funding has been made available for a specified period of time
2. The employee is employed to undertake a specific task which has a limited period of operation
3. To replace an employee on approved leave for greater than 11 weeks
4. An employee terminates their employment after the commencement of the school year or prior to the end of the school year, and a replacement employee is required (provided the fixed term contract does not extend beyond that school year)
5. To avoid a redundancy situation
6. Where an employee is employed as a Primary School Principal
7. Where an employee has been issued with permission to teach from the Victorian Institute of Teaching (VIT), provided that the fixed term contract does not extend beyond the permission being granted.

Periods of employment for fixed term employees should not be set to avoid the payment of entitlements. For example, if a fixed term employee is provided with a contract from the commencement of the school year or a school term and this contract will end at the conclusion of the school year or school term, the end date of the appointment must be the day before the next school term commences (with the possible exception of those employees who are replacing another employee on approved leave who wish to return to work).

Contract end dates should coincide with the Victorian Government gazetted term dates and school years as determined by the Victorian Government from year to year.

Further employment

Provided that the reason for providing a fixed term contract is legitimate under the VCEMEA, there is no limitation to the number of fixed term contracts that can be provided to an individual. However, after three years is one school on a fixed term contract, an employee will be given preference for any appropriate vacancy that arises in that school, all other things being equal.

Prior to advertising any vacancy within the school, employers must advise all suitably qualified fixed term staff of this vacancy in writing. If an employee applies for the vacancy, the employee must be interviewed.



No further employment

If an employer will not be immediately re-employing an employee at the conclusion of their contract, the employee shall be provided with a letter advising them that the employment contract will be terminating. This letter must be provided to the employee not less than seven weeks' prior to the end of their contract.

If an employer fails to provide this notice to an employee, the employee will be paid an amount equal to their ordinary wages for any part of the notice not provided. For example, if an employer provides notice of termination four weeks prior to the end of an employee's contract, the employee will be paid an additional three weeks' notice.

References

- *Victorian Catholic Education Multi Enterprise Agreement 2013* (clause 11)
- Department of Education and Training
- Victorian Institute of Teaching

Resources

- Template Letters