

# Industrial Relations News



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## Welcome from the Executive Director

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

In Term 3, negotiations will commence for the replacement of the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCEMEA](#)).

This edition of *Industrial Relations News* contains guidance to schools concerning compliance with the *Child Safe Standards – Managing the Risk of Child Abuse in Schools*.

At this time of the year, some schools may be contemplating changes to staffing requirements, including redundancies, in preparation for 2017. Advice regarding these issues is also provided.

The new CECV website [www.cecv.catholic.edu.au](http://www.cecv.catholic.edu.au) featuring an enhanced 'look and feel' and improved functionality is now available.

Minimum wage increases are effective from the first full pay period of July for award-based employees. Please note that staff employed under the terms and conditions of the [VCEMEA](#) are not affected.

Occupational Health and Safety (OHS) issues covered in this edition of *Industrial Relations News* includes guidance regarding WorkCover with the recently released *Workers Compensation Claims Guide* and information on the benefits of early intervention in potential WorkCover claims.

Industrial Relations (IR) and OHS training sessions for the remainder of Term 3 and Term 4 are outlined in this newsletter. Bookings can be made, on My PL (IPLS) through the [CEVN website](#) at <https://cevn.cecv.catholic.edu.au> under *Professional Learning / My PL (IPLS)*.

For enquiries regarding any of the IR topics in this newsletter, please contact the IR Unit on (03) 9267 0431 or via email [ceoir@cem.edu.au](mailto:ceoir@cem.edu.au). For any OHS or WorkCover enquiries please contact the IR Unit on (03) 9267 0431 or via email [ohs@cem.edu.au](mailto:ohs@cem.edu.au).

Stephen Elder  
EXECUTIVE DIRECTOR

## Child Safety and Employment Guidelines

### Child Safe Standards

With the introduction of the Child Safety Standards (Standards) in December 2015, schools are required to be compliant with the [Ministerial Order 870](#) on Child Safe Standards by **1 August 2016**. Many Schools are in the process of implementing their new Child Safety Policy, and Child Safety Code of Conduct.

The [Ministerial Order 870](#), sets out the minimum requirements for schools in relation to child safety. Child Safe Standard 4 and clause 10 of Ministerial Order 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 IR Unit has prepared various resources to assist schools in meeting these requirements.

### Employment Guidelines

The CECV Guidelines on the [Employment of Staff in Catholic Schools](#) (Guidelines) have recently been released.

The Guidelines provide a step-by-step guide to assist principals and employers with the process of selecting and employing staff in schools. The Guidelines cover each step of the process, including developing a position description, advertising, interview, selection, appointment, pre-employment checks, induction and ongoing employment obligations.

The Guidelines contain useful checklists, templates and forms to further assist principals and employers. The Guidelines are intended to cover not only child safety but also to ensure that the selection and employment processes used by schools encourage the employment of quality staff and protect schools from claims of unlawful discrimination and adverse action.

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

### Other Resources

The IR Unit is currently preparing *Guidelines on the Engagement of Volunteers in Catholic Schools* and *Guidelines on the Engagement of Contractors in Catholic Schools*, to be released to schools in the coming month.

### Catholic Education Melbourne Child Safety Policy Template

Child Safe Standard 2 and clause 8 of the [Ministerial Order 870](#) requires your school to have a Child Safe policy, and Child Safe Standard 5 and clause 11 of the Ministerial Order requires you to have a procedure in place for responding to and reporting allegations of suspected child abuse. The CECV template child safety policy at clause 15 Breach of Policy includes the following:

*Where an employee is suspected of breaching any obligation, duty or responsibility within this Policy, **[insert school name]** may start the process under clause 13 of the Victorian Catholic Education Multi Enterprise Agreement 2013 (VCCEMA) for managing employment concerns. This may result in disciplinary consequences.*

The inclusion of this clause in your policy is important and makes clear to employees that employment concerns may be dealt with in relation to clause 13 of the [VCCEMA](#).

### Below is a quick reference for your concerns

#### WHAT DO I REFER TO, IF I HAVE A CONCERN REGARDING...

<b>Child Safety</b>	Refer to your child safety policy
<b>Employment</b>	Clause 13 of the <a href="#">VCCEMA</a> .
<b>Child safety and employment</b>	Refer to both your child safety policy and clause 13 of the <a href="#">VCCEMA</a>

### Employment concerns

If, because of a child safety concern, you have an employment concern and you think that you may want to take action as a result (i.e. issue a warning, place the employee on an improvement plan or even

dismiss the employee), then the process set out in clause 13 of the [VCEMEA](#) will need to be applied.

**If in these circumstances, you have a child safety concern which involves an employee, contact the IR Unit for assistance and advice regarding what to do and whether any action needs to be taken under clause 13 of the VCEMEA.**

## National Criminal Record Checks – New Recommendations and Information

### *New recommendation for current employees*

The *CECV Guidelines on the Employment of Staff in Catholic Schools* (Guidelines) contain new specific recommendations in relation to obtaining National Police Record Checks (NPR Check) from prospective *and* current employees. The Guidelines now advise employers to not only obtain a NPR Check from all new employees (except teachers who are covered by Victorian Institute of Teaching (VIT) Registration), *but also* from current employees, every five years.

The recommendation to obtain a NPR Check from all employees every five years is new, and is based on the new obligations contained in Child Safe Standards. It takes into account that a NPR Check is an assessment made at a particular time, which is not subsequently updated.

Note: It is recommended that an employer requires an employee to provide a NPR Check *and* pass a Working With Children Check (WWC Check).

Employers are advised against only requiring a WWC Check, because a NPR Check will disclose a broader range of criminal convictions than a WWC Check. For example, if a school employs a person to work in the finance department, the employer would want to be aware of any criminal history regarding fraud or taxation offences, as well as ensuring the employee passes a WWC Check.

### *Outcome of NPR Check*

Where a prospective or current employee provides a NPR Check that discloses a past criminal conviction, then this will not automatically disqualify the person from gaining employment, or provide a reason for ending a current employee's employment. The appropriate response will depend on the nature of the criminal offence/s and whether the offence/s are incompatible with the employee's position of trust and responsibility in the school.

Note: The Australian Human Rights Commission (AHRC) has within its scope of powers, the ability to receive a complaint of discrimination based on a person's criminal record. While it is not currently unlawful under federal legislation, the AHRC still has the ability to conciliate a matter where an allegation of discrimination based on a criminal record is raised. When a complaint cannot be resolved by conciliation, or where conciliation is inappropriate, and the AHRC finds that there has been a breach of human rights or that workplace discrimination has occurred, it may prepare a report for the federal Attorney-General which must be tabled in Parliament.

**In the event of a NPR Check disclosing a prior criminal history for a prospective or current employee, it is recommended that the employer or principal contact the IR Unit before a decision is made regarding the next step.**

## Redundancy Reminder

Appendix 2 of the [VCEMEA](#) contains the redundancy procedures that apply to all staff employed in Catholic schools. The [VCEMEA](#) provides that a redundancy situation can arise as a result of many different circumstances including changes to educational programs or curriculum, technological change, changes to funding or enrolments, changes to work methods, or changes to the structure or organisation of the functions of the school.

Note: by **Friday 29 July 2016**, being the end of the third week of Term 3, principals should have identified any potential redundancies taking effect from the start of the 2017 school year and any staff, including staff on leave, should be notified that a potential redundancy situation has been identified.

To assist principals, *Redundancy Guidelines* are available on the [CECV website](#) under *Industrial Relations / Policies and Guidelines*.

The *Redundancy Guidelines* detail the procedures to be followed in relation to a redundancy and include pro forma documentation that should be used for notifying staff.

## New CECV Website Launch

The Catholic Education Commission of Victoria Ltd (CECV) has recently launched a new [website](#). This new website retains the previous web address of [www.cecv.catholic.edu.au](http://www.cecv.catholic.edu.au). However, all old 'bookmarks' or 'favourites' links will need to be reset for the new site as every page and document has a new address or path.

The IR, OHS and WorkCover sections of the website provides users with improved search functionality, an enhanced 'look and feel' and an A–Z index with a list of common topics.

Queries about the IR, OHS and WorkCover sections of the new CECV website can be directed to the IR Unit.

## Increase in Award Rate – National Wage Review

The Fair Work Commission (FWC) issued a decision ([Decision](#)) on 31 May 2016, in this year's Annual Wage Review 2015–16. The FWC has since published the [National Minimum Wage Order 2016](#) increasing the federal minimum wage and the minimum rates in modern awards.

This pay increase affects those staff receiving the:

- federal minimum wage
- minimum rates in a modern award
- wages under a supported wage order.

### Modern Awards

Employees who receive federal minimum award rates in accordance with a modern award are due a 2.4 per cent increase from the first full pay period commencing on or after **1 July 2016**.

A small number of employees in Catholic schools whose terms and conditions of employment are covered by the [Educational Services \(Schools\) General Staff Award 2010](#) and the [Children's Services Award 2010](#) (Modern Awards) may be affected, e.g. instrumental music tutors, sports coaches, and before and after school care staff. The increased wages for staff covered by these Modern Awards are provided in attachments to this newsletter.

Relevantly, the rates for staff covered by a Modern Award are also contained in the [Education Services \(Schools\) General Staff Award 2010 - Determination](#) and [Children's Services Award 2010 - Determination](#).

**It is recommended that schools check the status of Modern Award-reliant employees to ensure that they are being paid the appropriate rate. Modern award-reliant employees who earn in excess of the minimum award rates are not affected.**

### Supported Wage Orders

The minimum amount payable to an employee covered by the Supported Wage System is now \$82 per week. This will also take effect from the first full pay period on or after **1 July 2016**. Schools should review any wages paid under a supported wage to employees with a disability affecting their productivity.

### VCEMEA Staff Not Affected

This [Decision](#) does not impact on the overwhelming majority of school staff whose terms and conditions of employment are covered by the [VCEMEA](#).

### Non-Compliance

Schools should note that non-compliance with the above changes may result in claims for underpayment of wages and penalties for breaches of the [Fair Work Act 2009](#) (Cth) of up to \$10,200 for an individual or \$51,000 for a corporation.

## Workers' Compensation – Claims Guide

The Catholic Education Commission of Victoria Ltd (CECV) has developed a simple claims guide to assist school leaders in managing the workers' compensation claims process.

The guide provides an overview of the claims management process, including employer obligations, Return to Work requirements and Early Intervention.

This guide can be found on the [CECV website](#) under *OHS & WorkCover / WorkCover / Workers' Compensation Claims Process*.

Worksafe Victoria also provides employers and injured workers with a simple [Claims Process Overview](#).

For any further queries, please contact the IR Unit, OHS Advisors on (03) 9267 0431 or via email [ohs@cem.edu.au](mailto:ohs@cem.edu.au).

## Early Intervention

### *Early intervention benefits*

Early intervention is about identifying and responding to warning signs and reports of accidents and incidents in the workplace. Responding early often prevents a staff member from becoming ill, taking long-term sick leave or submitting a worker's compensation claim.

The earlier you notice a staff member is experiencing potential signs of ill health or injury, the sooner you can take steps to help them.

Evidence shows that the provision of early support helps injured people recover faster. It also shows that people generally recover better and faster if they can safely stay at work during their recovery process.

Early intervention demonstrates a pastoral care approach and a commitment to staff wellbeing.

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

## Are you a Gallagher Bassett Client?

At the commencement of a new financial year, Gallagher Bassett would like to remind all of their clients of the requirements regarding certifying and estimating remuneration.

Schools are recommended to utilise WorkSafe's [Online Employer Services](#) Portal, where clients and authorised intermediaries can manage their policy details all in one convenient location.

Through this portal a school can:

- certify and Estimate the rateable remuneration
- view and download WorkSafe's insurance premium and final claim costs report
- view and download remittance advice statements
- add, amend or cease contact details.

## Portable Soccer Goalposts

Schools are reminded of the importance of safely securing portable soccer goalposts and the risks associated with students climbing and swinging on goalposts. It is equally important that all portable goals are anchored and secured safely when stored or not in use.

### *Do schools need to comply?*

Most schools use portable soccer goal posts and they may fail in their duty of care if an accident occurs and a student or teacher is injured.

### *Conditions of compliance*

Portable soccer goalposts should be secured in such a way to ensure that each goalpost complies with the suggested methods in the [Standards Australia Handbook HB 227-2003, Portable Soccer Goalposts – Manufacture, Use and Storage](#).

A school that did so would generally be regarded as meeting its obligations.

## Compliance principles

You should review all goalposts at your school, or at any ground where your students may play. The following principles should be adopted:

- Check It – is the goalpost in good condition, can it fall or topple?
- Secure It – ensure it is properly anchored into the ground.
- Test It – shake it and push it, is it stable?
- Respect It – only use the goalpost for what it was intended.

## Risks of non-compliance

There is the possibility of legal action against the school in the event of an injury.

## Trending OHS Issues

### Appropriate Footwear

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.

Further information is available from the [CECV website](#) under *OHS & WorkCover / A–Z Index / Footwear*.

### Electrical Safety

Schools have a responsibility to safely manage the risks associated with electrical equipment stored and used on the school site.

It is a legal requirement that electrical equipment used in schools be inspected and tested on a regular basis by qualified persons to reduce the risk of property damage and injury to staff, students or others.

Further information is available from the [CECV website](#) under *OHS & WorkCover / A–Z Index / Electrical Safety*.

## OHS FAQs

### Consultation Requirements

Schools have a legal responsibility to consult with all staff and other parties (such as emergency teachers, casual employees and contractors) when identifying and assessing hazards or risks, and making decisions about risk control.

#### Q. What is OHS Consultation?

A. OHS consultation involves:

- the sharing of relevant information about OHS with employees
- giving employees the opportunity to express their views and to contribute to the resolution of OHS issues
- valuing the views of employees and taking them into account.

Consultation enables employees to contribute to the decisions that affect their health, safety and welfare. It helps employers and employees to work together to seek solutions leading to healthier and safer workplaces.

Further information is available from the [CECV website](#) under *OHS & WorkCover / A–Z Index / Consultation*.

### Hazards and Risks

Schools should identify hazards and their potential risks as part of their OHS management system.

#### Q. What are Hazards and Risks?

**What is a hazard?**

A hazard is anything in the workplace with potential to cause injury or illness (physical or psychological) or damage to property and the environment.

Hazards can include objects in the workplace, such as **machinery** or **dangerous chemicals**. Other hazards relate to **the way work is done**. For instance, hazards in a school environment could include [manual handling](#), [inappropriate footwear](#) and the [chemical management](#).

Hazards can be identified in the school by:

- workplace inspections
- reviewing work practices
- [consultation](#)
- observation
- reviewing hazard reports
- monitoring injury and illness records.

### What is a risk?

A risk is how severely someone can be harmed by the hazard, and how likely it is that a person will be harmed by the hazard. The level of risk will depend on factors such as **how often** the job is done, the **number of workers** involved and **how serious** any injuries that result could be.

### How can risks be assessed?

- Determine what the risk is that someone may be injured.
- Assess how likely it is that a hazardous event will occur.
- Assess what the consequences are likely to be.

For any further queries, please contact the IR Unit, OHS Advisors on (03) 9267 0431 or via email [ohs@cem.edu.au](mailto:ohs@cem.edu.au).

## IR and OHS Training Sessions

IR and OHS Professional Learning training sessions are available for the remainder of 2016.

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

### Term 3

#### *OHS Basic Chemical Management*

This workshop provides knowledge on how to systematically store and manage all chemicals kept or used on the school site, including how to develop a chemical (hazardous substance and dangerous goods) register, what types of chemicals to include and the requirements for Material Safety Data Sheets (MSDS).

**Date:** 22 July 2016

**Activity code:** 16IST206C

**Registrations close:** [15 July 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:** 10 August 2016

**Activity code:** 16IST203C

**Registrations close:** 3 August 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:** 18 & 19 August 2016

**Activity code:** 16IST205C

**Registrations close:** 11 August 2016

### ***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:** 25 August 2016  
**Activity code:** 16IST101D  
**Registrations close:** 18 August 2016

### **Term 4**

### ***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

### ***July***

Guidelines on the [Employment of Staff](#) in Catholic Schools †