

Industrial Relations News



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Welcome to the 2014 School Year

The new year is upon us, and it will be a busy start to 2014, with the continued implementation of the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCCEMA 2013).

This issue of *Industrial Relations News* contains information on:

- Start of School Year Checklists
- Letters of Appointment
- VCCEMA 2013: Notable Changes
- Victorian Institute of Teaching (VIT) Registration
- Working With Children (WWC) Check
- National Police Record Check
- Policy Review
- 2014 Industrial Relations and OHS Courses
- First Aid Kits.

This information will assist schools to ensure that their employment, human resource and occupational health and safety practices are compliant with legislative requirements and best practice.

If you have any questions about any of the matters in this newsletter, please contact the IR Unit on 03 9267 0431 or via email ceoir@ceomelb.catholic.edu.au.

I wish all staff in our schools a safe, happy and learning filled 2014.

Stephen Elder

EXECUTIVE DIRECTOR

Start of School Year Checklists

To assist in preparing for the 2014 school year, attached to this newsletter are two useful checklists to deal with Industrial Relations and Occupational Health and Safety (OHS) issues. Principals are encouraged to use these checklists as an aid to ensure they are ready for the 2014 school year.

Letters of Appointment

A reminder that an employee who has been newly appointed to an ongoing or fixed-term position (including where the employee has held fixed-term positions in previous years) must be given a new letter of appointment.

Where the appointment is on a fixed-term basis, the letter of appointment **must** also state the reason for the employment being fixed-term as well as the relevant circumstances that give rise to that reason as outlined in [clauses 12.1\(d\)\(i\) and \(ii\)](#) of the VCCEMA 2013. The [Agreement](#) is available from the CECV website www.cecv.catholic.edu.au under *Industrial Relations / 2013 Agreement*.

[Template letters](#) are also available from the CECV website under *Industrial Relations*.

VCCEMA 2013: Important Changes

The VCCEMA 2013 has introduced a number of changes.

Implementation Guide: Parts 2 and 3

The Catholic Education Commission of Victoria Ltd (CECV) released Part 1 of the Implementation Guide for Schools for the VCCEMA 2013 in November 2013. [Part 1](#) provided information on managing salary and allowance adjustments for 2013.

The CECV has now released [Part 3](#) of the Implementation Guide on salary and allowances including salary adjustments for the 2014 school year. This document is also available from the [CECV website](#) under *Industrial Relations / 2013 Agreement Implementation*. (Part 2 which deals with changes to leave entitlements, including parental leave, personal leave and long service leave will be available soon).

Salary Increase – February 2014

A reminder that most Catholic school employees will be entitled to a salary increase on 1 February 2014 in accordance with the [Schedule of Salaries](#) in the VCCEMA 2013. Guidance is also provided in [Part 3](#) of the Implementation Guide.

Evidence of Prior Teaching Experience

A key change in relation to salary assessment is that new teachers will have a limited amount of time to provide evidence of prior teaching experience which would satisfy a reasonable person. New teachers should be informed of the evidence that is required (see also below requirements in relation to induction).

If a teacher has not provided the evidence of prior experience after 26 weeks of employment, any back payment will not exceed 26 weeks. However, at its discretion, the school may grant an extension where the teacher can demonstrate they have made reasonable endeavours to obtain the evidence. See [clause 50.2\(b\)\(iii\)](#) of the VCCEMA 2013.

Induction Program

[Clause 23](#) of the VCCEMA 2013 states that an induction program must now be provided to all newly appointed employees upon their commencement of employment with a school. The program must include:

- materials relevant to the ethos and mission of the school
- provision of and training on school policy and procedures documents
- identification of lines of support and contact persons
- salary assessment information.

Category B Education Support Employee and Category B School Services Officer recall

There continues to be an entitlement to recall Category B Education Support Employees (previously as School Officers) and Category B School Services Officers to duty during school holiday for up to six days (pro rata for part-time employees) in each school year. Such days shall be immediately after the end of a term or before the

beginning of a term except where the principal and the employee agree to another time.

Employees must be given at least four working weeks' notice of a recall, except in the case of an emergency (where the school may not be able to give that notice or but where the employee may not be able to comply with the recall).

The key change in relation to recall is that employees attending for duty on recall will be now also be paid an allowance equal to 72.47 per cent of their pay per day of attendance (see [clause 25.9](#) of the VCCEMA 2013).

Variation to Part-Time Employment

The principal can change a part-time employee's hours of work if it can be demonstrated that the change is required because of a change in enrolment, curriculum, program, organisation, structure, technology or funding.

It is now a requirement, under [clause 15.1\(b\)](#) of the VCCEMA 2013, for principals to:

- consult with the employee and give due consideration to the impact of the variation on the employee's family and personal responsibilities as well as other relevant circumstances
- advise the employee whether the proposed variation is required because of a change in enrolment, curriculum, program, organisation, structure, technology or funding
- advise the employee of the proposed change to hours and/or days and/or times of attendance in writing.

The VCCEMA 2013 also includes a requirement (unless an employee consents to the change) that the employee is to be given eight (previously seven) weeks' written notice of any change to their hours, with an encouragement to be given ten weeks' notice (see [clause 15](#) of the VCCEMA 2013).

A key change within [clause 15.2](#) of the VCCEMA is that where there is a significant reduction of hours (either at one instance or over a period of two years), the employee may choose to accept the reduction, or elect to receive a severance payment.

New Education Support Classification: Level 5

The previous agreement contained seven classification levels for education support employees. The VCCEMA 2013 has only five levels, Level 5 is a new classification.

Level 5 has the following descriptors for the three main education support staffing areas:

- **Administrative Services**
Leading and managing a significant functional unit with a diverse or complex set of functions and substantial resources in a large school.
- **Student Support**
Managing at a high level the delivery of professional support services in a large school, including the development of policy and operational practices to guide the work of others.
- **Curriculum/Resource Services/General**
Leading and managing a significant functional unit with a diverse or complex set of functions and substantial resources in a large school, including initiating, developing and implementing key policy initiatives.

Principals should ensure that staff appointed as Level 5 Education Support employees meet the classification descriptors in [Appendix 6](#) of the VCCEMA 2013.

Victorian Institute of Teaching (VIT) Registration

The *Victorian Education and Training Reform Act 2006* requires that all teachers in Victoria be registered with, or gain permission to teach from, the Victorian Institute of Teaching (VIT) before they can be employed in any Victorian school, including Catholic schools. The VIT undertakes a National Police Record Check of all applicants for registration as a teacher.

At the commencement of the year, principals **must** check to ensure that all teaching staff have appropriate registration with the VIT.

The Victorian Registration and Qualifications Authority (VRQA) also requires that schools keep a register of all teachers containing each teacher's name and their VIT registration number. This should be updated at the beginning of the school year.

Importantly, it is an offence for a person or body to employ or continue to employ a person to teach who is not registered with the VIT.

Further information on the registration requirements for teachers is available on the [VIT website](#).

If a teacher does not have VIT registration (or a non-teacher does not have a WWC), [clause 14](#) of the VCMEA 2013 now allows a school to give the employee:

- generally not less than seven days to obtain their registration (a teacher cannot be permitted to teach during these seven days, though they will be paid)
- an opportunity to explain any extenuating circumstances and to clarify the matter.

If, after this period of seven days, the school is satisfied that the lack of registration is due to the employee's actions or omissions, the school may stand the employee down without pay until they provide proof of registration.

Working With Children (WWC) Check

Since 30 December 2007 it is an offence under the *Working with Children Act 2005* (the Act) to engage in child-related work without having applied for a WWC Check. Penalties will apply to both the employer and employee if an employee is without a WWC Check. Any employee whose duties usually involve or are likely to involve work in a school (other than teachers and principals whose WWC is covered by their VIT registration) is considered to be engaged in child-related work as defined in the Act. Teachers and principals who are registered with the Victorian Institute of Teaching are exempt from the *Working with Children Act 2005* and do not require a WWC Check.

Principals must sight and retain a record of an employee's WWC Check number. Principals should

verify that WWC Check cards presented to them by employees are marked with the **letter E**. The VRQA requires that schools have a register of staff with a WWC Check and have procedures for maintaining the register.

Employees must inform the Department of Justice within 21 days every time an employee changes employer or address. **This is a legal requirement under the Act.** By not providing changes in contact and child-related work details within 21 days of a change, the employee is committing an offence with financial penalties.

Further information about the WWC Check is available from www.workingwithchildren.vic.gov.au.

If a school employee (apart from a teacher or principal) does not have a WWC check, [clause 14](#) of the VCMEA 2013 now also applies (see notes under previous article on VIT registration).

National Police Record Check

All new employees (except teachers and principals whose Police Record Check is covered by their VIT registration) should also be required to undergo a National Police Record Check (NPRC) before commencing work at the school. This is *in addition* to a WWC Check.

If an NPRC has been initiated but not completed then the offer of employment is conditional upon the employee providing a declaration that they have not been charged with, or found guilty of any offence which would be incompatible with their position of trust and responsibility. This requirement should be included in any offer of appointment. [Template letters](#) are available on the CECV website.

Workplace Policy Review

The beginning of the year is a good time to ensure that workplace policies are current and up to date. It is recommended that all employers have a workplace policy on:

- Equal opportunity/discrimination in the workplace
- Technology and social media

- OHS (including bullying).

[Policy templates](#) are available under *Industrial Relations* on the CECV website.

First Aid Kits

Both [WorkSafe](#) and the [Department of Education and Early Childhood Development](#) (DEECD) outline policy in relation to the contents of first aid kits.

While both websites provide a list of recommended items, schools should also consider their OHS risks on an individual basis and include additional items as required. These questions might be important when considering risks:

- What chemicals/hazardous substances or dangerous goods do you have on site?
- What first aid action does the Material Safety Data Sheet (MSDS) state needs to be taken if there is an exposure to the chemical, e.g. to the eyes or skin?

DEECD has additional policies for schools on their website for first aid related topics including:

- [Anaphylaxis](#)
- [Asthma](#)
- [Portable first aid kits](#)
- [Major first aid kits](#).

Regular Checks

It is important to have a first aid kit and supplies that are not out of date.

A number of items in a first aid kit have expiry dates and anything that is outside the expiry date should be discarded and replaced.

Some schools undertake their own regular review of first aid kits, others use companies who provide first aid kits/stock to undertake this function for them (at a cost).

If you have any queries, please do not hesitate to contact your OHS Officers Ms Gayle Kekena on 03 9267 0431 or Mr Keith Wilks-Gordon on 03 9267 0431.

February 2014: Industrial Relations and OHS Courses

The following Industrial Relations and Occupational Health and Safety (OHS) Professional Learning training sessions are now available for February 2014:

- 11 February – OHS Hazard and Incident Management
- 13 February – Salary Assessments
- 18 and 19 February – OHS for School Leaders (Day 1 and 2)
- 20 February – Know Your Agreement (one session for principals, another for Education Support employees)
- 27 February – Know Your Agreement (one session for principals, another for Education Support employees)

Registration is now open via My PL (IPLS) on the [CEVN](#) website. †