

Industrial Relations News



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From the Executive Director

I sadly advise of the passing of Norm Howett on 4 March 2016 after a brief illness.

Norm joined Catholic Education on 1 April 1986 and planned to remain in the job for five years. Four Directors, three Archbishops and twenty-six years later, Norm retired from his position as Manager, Industrial Relations in August 2012.

During his time with the Office, Norm provided outstanding service and support to our schools and principals. Norm was much loved and respected by all.

His funeral was held on Tuesday 15 March at 10.30 am at St Francis Xavier Church, Woolgoolga NSW.

I am sure you will remember Norm's wife, Amanda and his family in your thoughts and prayers at this time of sadness.



Stephen Elder
EXECUTIVE DIRECTOR

Staff Laptop Programs and Salary Deductions

Late last year Justice Bromberg of the Federal Court handed down a decision, *Australian Education Union v State of Victoria (Department of Education and Early Childhood Development) [2015] FCA 1996*, in relation to the Notebooks for Teachers and Principals Program (NTPP) in the Victorian Department of Education and Early Childhood Development (DEECD).

The NTPP operated in Victorian government schools from 2008 and provided laptops to school staff. As part of the program, staff members contributed funds towards the laptop through direct salary deductions.

The decision found that the program was in breach of the *Fair Work Act 2009* (Cth). The Court determined that the salary deductions were not principally for the employee's benefit, were unreasonable in the circumstances and contravened the employer's responsibility to pay an employee the full amount for work performed.

Based on Justice Bromberg's decision, the Australian Education Union and DEECD came to a settlement agreement under a consent order. DEECD agreed to back-pay staff their contributions with interest.

Catholic Schools with a laptop program that involve salary deductions may be affected by this decision. Unlike the DEECD, Catholic schools have a variety of programs that may be different to the NTPP.

The Catholic Education Commission of Victoria Ltd (CECV) is in discussions with the Independent Education Union Victoria Tasmania (IEU) in relation to the impact of this decision.

Schools with a program that involves salary deductions from staff wages in exchange for a laptop should immediately discontinue making current salary deductions, unless:

- the laptop is provided wholly for the benefit of the employee; **and**
- the laptop program is of no benefit to the school and the school has no interest in whether employees take up the laptop program or not.

Health & Safety Alert – Apple AC Adapter Recall

Apple has issued a recall of two-pronged AC wall plugs sold from 2003 to 2015 with Mac and certain types of iOS devices. In some cases it is possible for the plugs to break and create a risk of electric shock if touched.

Apple will exchange affected wall plug adapters with new redesigned adapters free of charge.

Detailed information on how to identify affected wall plugs and how to arrange an exchange is provided on the Apple website www.apple.com/au/support/ac-wallplug-dapter.

All schools and workplaces should arrange for any affected adapters within the workplace to be exchanged for new redesigned adapters and inform staff and/or students that have been issued with Mac and iOS devices of the recall.



Education Support Level 3 Progression

On **1 May 2016**, there is a change to the maximum salary for eligible education support employees who are currently at ES3–6 and who were previously classified as a School Officer Level 5 prior to the commencement of the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCEMEA](#)).

Eligible education support employees at level ES3–6 who wish to progress, must submit an application to the principal on the appropriate employee request form by **15 April 2016**.

Details regarding this process are outlined in the CECV Circular dated 3 March 2016, [Implementation Update March 2016](#) and provided in Implementation Guide [Part 4B](#) *Guidelines for salary progression on 1 May 2016 (Education Support Level 3–6)*

Pro-Rata School Holiday Pay and Annual Leave Loading 2016

Schools are advised that the calculations for pro-rata school holiday pay have been amended from the commencement of the 2016 school year.

The calculation now includes pro-rata leave loading to be included in pro-rata school holiday pay calculations.

Further details are available in the CECV circular dated 19 February 2016, [Implementation Update](#) and [Part 5B](#): *Guidelines for calculation of pro-rata school holiday pay and annual leave loading*.

Graduate Teacher Payment

The lump sum Graduate Teacher Payment applies to ongoing teachers who commenced employment at subdivision T1–1 prior to 1 May 2015.

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

The lump sum payment to eligible graduate teachers should be made on the first pay period on or after **1 May 2016**.

The eligibility criteria and the payment amounts are detailed in the CECV Circular dated 3 March 2016, [Implementation Update March 2016](#) and in the Implementation Guide [Part 3B](#) *Salary and Allowances (2016 school year)*.

IR and OHS Training Courses

IR and OHS Professional Learning training sessions are now available for Term 2, 2016.

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

22 April – OHS 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).

Activity name: OHS Chemical Management (22 April)

Activity code: 16IST206B

Registrations close: 15 April 2016.

29 April – Know Your Agreement – School Leaders

This session focuses on the sections of the [VCEMEA](#) 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:

- managing employment concerns
- parental leave
- introduction of change/redundancy.

Activity name: Know Your Agreement – School Leaders (29 April)

Activity code: 16IST103C

Registrations close: 22 April 2016.

12 & 13 May – 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 \$2.254 million or more rateable remuneration (indexed annually) must appoint a suitably trained RTW coordinator.

Activity name: Return-to-work Coordinator training (12 & 13 May)

Activity code: 16IST205B

Registrations close: 5 May 2016.

19 May – 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.

Activity name: OHS for School Leaders (19 May)

Activity code: 16IST203B

Registrations close: 12 May 2016.

20 May – Know Your Agreement – Education Support

This session focuses on the most commonly used sections of the [VCEMEA](#) by education support employees in their role at Catholic schools. Some of the key provisions covered are:

- categories and types of employment
- leave generally including parental leave
- personal leave deduction.

Activity name: Know Your Agreement – Education Support (20 May)

Activity code: 16IST101C

Registrations close: 13 May 2016.

10 June – Redundancy & Introduction of Change

This workshop focuses on the sections of the [VCEMEA](#) that are most commonly referred to by principals in their role of managing change. The program would also be of benefit to business managers and deputy principals.

Activity name: Redundancy & Introduction of Change (10 June)

Activity code: 16IST106A

Registrations close: 3 June 2016.

16 June – VCEMEA Leave

This workshop focuses on the sections of the [VCEMEA](#) that are most commonly referred to by principals, deputy principals and business managers in their role of managing leave entitlements.

Activity name: VCEMEA Leave (16 June)

Activity code: 16IST102B

Registrations close: 9 June 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

March

- Circular – VCEMEA Implementation Update – March 2016 – [Implementation Update March 2016](#)
- Circular – Federal Court Decision – Staff Laptop Programs and Salary Deductions [Programs and Salary Deductions](#)
- Circular – Health and Safety Alert [Apple AC Adapter Recall](#)

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