

Industrial Relations News



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ISSUE NO. 2
FEBRUARY 2015

ISSN: 1834-5069

Welcome from the Executive Director

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

It has been a busy start to the year, with schools implementing the February 2015 salary increases in accordance with the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCEMEA).

This edition contains important information on a range of Industrial Relations (IR) and Occupational Health and Safety (OHS) issues, including guidance on the Supported Wage System and the first in a series of articles on the engagement of independent contractors.

The year has also commenced with significant numbers of school staff attending the IR and OHS professional learning sessions.

I encourage all principals and school administration staff, who may not have been able to attend so far, to consider booking into the training sessions still available for the remainder of 2015.

The details of training sessions and bookings can be made on My PL (IPLS) through the CEVN website <http://cevn.cecv.catholic.edu.au> under *Professional Learning / My PL (IPLS)*.

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

Stephen Elder
EXECUTIVE DIRECTOR

Salary and Allowance Increases

February 2015 – Reminder

There are a number of situations where salary increases are not automatically updated on the Online Staffing Records (OSR).

For the February 2015 salary increase, these situations include the following salaries or allowances:

- salaries or allowances without the suffix AUG14
- salaries or allowances under the classifications 'UC' or 'NA'
- salaries for School Services Officer Category D
- allowances where a dollar amount needs to be specified.

If they have not done so already, school employees responsible for OSR need to make the necessary changes to those categories.

May 2015

Incremental progression for ongoing staff occurs on **1 May 2015**, which means that increases in salary must take effect from **1 May 2015** even though the actual payment may not be made until **after 1 May 2015**.

An ongoing employee must have **6 months of service** in the incremental period between **1 May 2014 and 30 April 2015** to qualify for incremental progression.

Where employees are subject to an Employee Improvement Plan (EIP) under clause 13.4 of the [VCEMEA](#), 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](#).

Details regarding incremental progression and classification structures are detailed in [Part 3A Salaries and Allowances \(2015 School Year\)](#) of the *2013 Agreement Implementation Guide* which can be accessed from the CECV website www.cecv.catholic.edu.au under *Industrial Relations*.

Other changes on 1 May 2015

On **1 May 2015** there are a number of structural changes occurring to the salary scales for primary principals and education support employees. The changes apply to education support staff in particular, and include:

- adjustments to the maximum and minimum salary points of some classifications
- the reduction or increase in the number of salary points within a classification.

An employee may receive a salary increase effective from **1 May 2015** as a result of one or more of these changes, even though the employee is not eligible for incremental progression.

It is extremely important that the salary scales detailed in [Part 3A Salaries and Allowances \(2015 School Year\)](#) of the Guide are followed for all staff.

Graduate Teacher Payment

The Graduate Teacher Payment applies to ongoing teachers who commenced employment at subdivision T1–1 prior to **1 May 2014**.

Eligible ongoing graduate teachers are entitled to be paid a lump sum on progression to subdivision T1–2 in **May 2015**. The lump sum payment compensates graduate teachers for the fact that they do not progress from T1–1 to T1–2 for over 12 months.

The Graduate Teacher Payment should be made in the first full pay period on or after **1 May 2015**.

The payment amounts in the following table are for an ongoing full-time graduate teacher. A pro-rata calculation should be applied for eligible ongoing part-time teachers.

Provisions regarding the Graduate Teacher Payment are contained within clause 51 of the VCEMEA.

Commencement of Employment:	Lump Sum Payment:
Between 2 November 2013 and 1 December 2013	\$298
Between 2 December 2013 and 1 January 2014	\$244
Between 2 January 2014 and 1 February 2014	\$189
Between 2 February 2014 and 1 March 2014	\$126
Between 2 March 2014 and 1 April 2014	\$63

Letters of Appointment

Employers and principals are reminded that any employee who has been newly appointed to an ongoing or fixed-term position must be given a new letter of appointment (even where the employee has previously held one or more fixed-term positions).

The default mode of employment is ongoing as outlined in clause 11.1 of the VCCEMA.

Employment for a specified period of time (fixed-term employment) is permitted only under the following circumstances (clause 11.2 of the VCCEMA):

- Funding is only available for a specified period of time.
- A specific task with a limited period of operation;
- Replacing an employee on approved leave for not less than 11 weeks.
- Replacing an employee who terminated during the school year.
- Avoiding a redundancy situation.
- Being employed as a placed teacher, primary principal or school adviser.
- Being appointed with permission to teach issued by VIT.

For fixed-term employees, the letter of appointment must specify the reason for the employment being fixed-term as well as outlining the relevant circumstances that give rise to that reason (clauses 12.1(d)(i) and (ii) of the [VCCEMA](#)).

[Template letters](#) are available from the CECV website www.cecv.catholic.edu.au under *Industrial Relations / Template Letters*.

Victorian Institute of Teaching (VIT) Registration: Template Letters

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

The January edition of [Industrial Relations News](#) details the requirements in relation to teacher registration and Working with Children Checks. Clause 14 of the VCCEMA details the stand-down procedures in relation to staff without appropriate registration or Working with Children Checks.

Template letters in relation to these procedures are now available now on the [CECV website](#) under *Industrial Relations / Template Letters*.

Independent Contractor Series Part 1: Engaging External Labour Providers and Casuals

Schools engage external labour providers in a range of circumstances; for example, contract cleaners, IT consultants and maintenance workers. In addition, schools often have reason to employ casual employees who are not covered by the VCCEMA; for example, sports coaches. Some workers, such as instrumental music tutors, may be engaged as either external labour providers or casual employees, depending on the circumstances.

In recognition of these working relationships, the IR Unit has developed the [Engaging External Labour Providers and Casuals: A guide for schools](#). This document considers the following four situations:

- Engaging an external labour provider through a labour hire entity.
- Engaging a worker as an independent contractor.
- Engaging a worker directly as a casual staff member under the *Educational Services (Schools) General Staff Award 2010*.
- Asking parents to directly engage labour hire providers.

The Guide assists schools to weigh up the pros and cons of the four different arrangements and highlights the legal obligations associated with each of the options. This is a great resource for principals, business managers and others, when engaging new external labour providers or non-VCCEMA casuals and when reviewing existing arrangements.

To further support schools, the IR Unit has recently developed template letters to use when engaging external labour providers. The template letters cover situations in which the external labor provider is an individual or a company, providing either instructional or other services. Template letters are also available for use with non-VCCEMA casuals.

As part of our independent contractor series, in the coming months, this newsletter will feature further analysis of each of the four options described above.

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

Supported Wage System

The Supported Wage System was established in 1994 to encourage and increase employment levels for people with a disability. It is an industrial mechanism for productivity assessment, which enables employers to pay a pro-rata wage to eligible employees whose work productivity is reduced as a result of their disability.

The VCCEMA outlines the required steps for schools, eligible employees, assessors and unions to follow when seeking to employ someone who will come under a Supported Wage Order (SWO). Once registered and approved by the Fair Work Commission (FWC), an SWO will allow an employer to pay a pro-rata wage to an assessed employee with a disability, based on the percentage level of productivity. This level applies only to the wage rate and not to other conditions of employment. It cannot be used to assess capacities or productivity levels in relation to employees who have workers' compensation claims.

If a school seeks to employ someone under an SWO, it may be important to consider the following issues prior to engagement:

1. Eligible Employees

There are strict requirements on what types of employees may enter into an SWO with an employer.

An employee must:

- meet the impairment criteria for the Disability Support Pension
- be a permanent resident or Australian citizen
- be at least 15 years old.

2. Type and Scope of Work

SWOs are not intended for contractors, short-term/temporary jobs or jobs in which the core duties and tasks often change, as the aim of the scheme is to create suitable but sustainable employment for people with particular disabilities that affect their productive capacities. The job under consideration for an SWO must also be covered by the VCCEMA.

3. Hours of work

The Federal Government currently requires a minimum of eight hours work per week to be provided under an SWO. This is also a requirement under the Wage Subsidy Scheme, which currently provides financial assistance of up to \$1,500 to employers for eligible employees.

4. Trial Period

The SWO supports and encourages the establishment of an initial trial period of 12–16 weeks to facilitate the introduction of the employee to their role. A trial period is also required as a first step to ensure adequate assessment is made of the employee's capacity and productivity levels. For schools, this will result in the creation of an initial fixed-term contract with the eligible employee for the length of the trial period. The rate of pay during the trial period for an SWO is negotiated between the employer and the particular employee but must not be less than the minimum set by Appendix 4, clause 1.8(c) of the VCCEMA (currently \$80 per week). Once the trial period is completed, it is a requirement under Appendix 4, clause 1.8(e) of the VCCEMA that a separate contract of employment be entered into between the employer and the eligible employee. It is this second contract of employment that will refer to the SWO and the payment of pro-rata wages based on the assessed capacity levels.

5. Commencement of the Pro-Rata Wage

The date when a school can legally pay the pro-rata wage will be 10 days after the date the Application for the SWO is lodged with the FWC. However, it should be noted that the Application for an SWO will also be reviewed by the IEU after being lodged with the FWC and there may be some circumstances where the SWO is delayed. In this situation, the school would be advised by the FWC of any objections and delays. Please call the IR Unit for specific information and advice related to appropriate rates of pay.

For more information on SWOs and how they can apply to schools please contact IR Officer Sonia Hutchison on 03 9267 0228 or via email shutchison@ceomelb.catholic.edu.au.

Reporting a Notifiable Incident

A reminder that any of the incidents below, if occurring at schools or during school-related activities, MUST be reported to WorkSafe as a Notifiable Incident by calling 132 360:

- death
- employees or persons who require:
 - medical treatment by a doctor (eg fractures, administration of a drug or medical treatment)
 - immediate treatment as an in-patient in a hospital
- incidents involving high risk equipment.

A completed incident notification form must be submitted to WorkSafe within 48 hours.

Incident notification forms can be found on the WorkSafe website www.worksafe.vic.gov.au.

Asbestos Reminder

Asbestos management may be an issue in schools built before 2004. Schools can manage asbestos by:

- ensuring all asbestos has been clearly identified by a competent asbestos consultant
- keeping the asbestos consultant's report easily accessible

- developing an asbestos register that includes:
 - the location and type of the asbestos (consider using photos, diagrams or building plans to assist in accurate position identification)
 - the nature of the asbestos (friable or non-friable)
 - the condition of the asbestos
 - any work activities that may affect or cause damage or deterioration to the asbestos
- providing access to the asbestos register for staff and contractors (such as electricians, plumbers, maintenance staff, builders, painters and carpenters)
- reviewing and updating the asbestos register every five years – or earlier, if asbestos products have been removed, enclosed or sealed or additional products discovered.

Further information and assistance on how to manage asbestos can be obtained from an IR Unit OHS Officer on 03 9267 0228 or via email OHS@ceomelb.catholic.edu.au.

Templates and examples of a completed asbestos register in the [Asbestos Guidelines](#) on the [CECV website](#) under *Industrial Relations / Occupational Health and Safety / Occupational Health and Safety Guidelines*.

[WorkSafe](#) also has an [Asbestos](#) section on its website.

OHS FAQ Series: Material Safety Data Sheets

Question:

Do we need Material Safety Data Sheets (MSDS) only for the chemicals in the cleaner's cupboard or do we need MSDS for chemicals in all areas of the school?

Answer:

The MSDS is the basic information source for most chemicals, sometimes also called a Safety Data Sheet. As well as the name of the chemical, the MSDS provides information on precautions for safe use and first aid information.

The legal duty to provide MSDS extends beyond cleaner's cupboards to other areas of the school where chemicals are used or stored, including maintenance and gardening sheds, classrooms, staff rooms, art rooms, technology areas and even the gas barbecue.

Resources on how to safely manage chemicals:

[Hazardous Substances and Dangerous Goods Guidelines](#)

[Chemicals in Schools \(training manual\)](#)

[Chemicals in Schools \(five-minute video\)](#)

WorkSafe Name Restored

The WorkSafe name has been restored by the new state government. It had previously been called the Victorian WorkCover Authority under the former state government.

Industrial Relations and OHS Courses: Term 1, 2015

The following Industrial Relations and OHS Professional Learning training sessions are available for the remainder of Term 1, 2015:

March 2015

Training Session:	Date:
Salary Assessments	3 March 2015
Basic Claims Management	3 March 2015
Managing Employment Concerns – School Leaders	5 March 2015
Return to Work Coordinator Training	11&12 March 2015
Know Your Agreement – School Leaders	17 March 2015
Know Your Agreement – Education Support	18 March 2015
OHS Chemical Management	18 March 2015

1. SALARY ASSESSMENTS: 3 MARCH 2015

This session will introduce principals, deputy principals, business managers and education support staff to salary assessment procedures under the VCMEA, including:

- how to use the Salary Assessment Calculator
- how to assess years of experience
- understanding the Education Support structure.

2. BASIC CLAIMS MANAGEMENT: 3 MARCH 2015

Do you know what to do if one of your workers lodges a WorkCover claim? This workshop provides an overview of the claims management process, including employer obligations and return to work requirements.

3. MANAGING EMPLOYMENT CONCERNS – SCHOOL LEADERS: 5 MARCH 2015

This workshop provides school leaders with an understanding of how and when to utilise the employment concerns process in clause 13 of the VCMEA. The workshop will assist school leaders to confidently apply the required process in the management of issues regarding:

- underperformance
- inappropriate conduct
- capacity.

4. RETURN TO WORK COORDINATOR TRAINING: 11&12 MARCH 2015

Under current legislation, schools with \$2.169 million or more rateable remuneration (indexed annually) must appoint a suitably trained Return to Work (RTW) coordinator. This 2 day course (WorkSafe approved) provides the underpinning knowledge required for RTW coordinators.

5. KNOW YOUR AGREEMENT – SCHOOL LEADERS: 17 MARCH 2015

This session focuses on the sections of the VCMEA 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.

6. KNOW YOUR AGREEMENT – EDUCATION SUPPORT: 18 MARCH 2015

This session focuses on the sections of the VCEMEA that are most relevant to Education Support employees in their role at Catholic schools, including:

- scheduled class time
- leave
- letters of appointment
- school holiday and pro-rata pay

7. OHS CHEMICAL MANAGEMENT: 18 MARCH 2015

This workshop provides knowledge to interested parties (including property managers, lab technicians or OHS representatives) 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 MSDS (see also OHS FAQ series article in this edition).

Registration is now open via My PL (IPLS) on the [CEVN website](#) under *Professional Learning / My PL (IPLS)*.

Industrial Relations – Staff News

Olivia Damilatis has joined the team as the Industrial Relations Administrative Assistant. Olivia has extensive experience as an Administrative and Personal Assistant in various industries, including the Planning, Infrastructure and Capital Funding and Leadership and Professional Learning Teams at the Catholic Education Office Melbourne. Olivia previously worked as a temporary employee with the IR Unit in 2014.

Sonia Hutchison has joined the IR Unit as an IR Officer. Sonia has 10 years' experience working in IR and Human Resource (HR) management in a range of industries including social and community services and the Award Inspectorate with the Federal Government. Most relevantly, Sonia worked with Catholic schools in NSW and ACT and at the Catholic Commission for Employment Relations for three years. Sonia has qualifications in HR management and social policy.

Natalia Kajkic has joined the team as an OHS Officer. Natalia has a Diploma of OHS and has been involved with OHS and RTW for over five years. Natalia's roles have included working in the public and private sector for Australia Quarantine, Civil Aviation, and various transport companies developing OHS, RTW and Health and Wellbeing procedures and programs.

Congratulations to **Kate Roberts**, IR Unit Team Leader, and her husband Brendan, who recently became parents of a baby girl, on 12 January 2015. We wish Kate and Brendan all the best with the birth of their first child.

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