

Industrial Relations News



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Welcome from the Executive Director

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

Term 3 promises to be a busy time in schools, with salary adjustments effective from the first full pay period of August for all employees covered by the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCEMEA 2013). Minimum wage increases are also effective from the first full pay period of July for award-based employees and employees not covered by the VCEMEA 2013 or an award.

This edition of *Industrial Relations News* contains guidance on the new [parental leave](#) forms available for schools where employees are taking, or are planning to take, parental leave.

At this time of the year, some schools may also be contemplating staffing restructure or other changes to staffing requirements, including redundancies, in preparation for 2015.

Guidance is provided on these issues along with a number of other important Industrial Relations issues. In terms of Occupational Health and Safety (OHS) issues, this edition includes information on the new *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic) (WIRC Act) and guidance on

minimising safety risks for working from home/offsite arrangements.

The details of Industrial Relations and OHS training sessions for Term 3 and 4 are outlined in this newsletter, and bookings can be made on My PL (IPLS) through the [CEVN website](#).

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

Stephen Elder
EXECUTIVE DIRECTOR



New Parental Leave Forms

The VCMEA 2013 included an overhaul of the Parental Leave provisions. This was to ensure consistency between the VCMEA 2013 and the *Fair Work Act 2009* (Cth), as well as to ensure greater clarity of employee and employer entitlements and responsibilities.

Initially, the Industrial Relations Unit prepared template letters for employees and employers to use in order to effect entitlements and responsibilities, and these were available on the [CECV website](#). However, the 'to and fro' of letters seemed overly cumbersome. As such, most of the letters have now been replaced with forms, which are simply completed by the employee and signed by the employer.

The new forms have been prepared by the CECV Industrial Relations Unit and endorsed by the Independent Education Union Victoria Tasmania (IEU). The IEU has committed to publishing most of the forms on their website and to print key forms in their Parental Leave handbook. Whether employees obtain the form from their employer or from their union, all parties should be working off the same documents.

The forms represent a far more simple way of recording Parental Leave details. This should assist schools to keep a more accurate record of employees accessing Parental Leave and returning to work.

The new forms and letters can be found on the CECV website under *Industrial Relations / [Parental Leave](#)*.

August 2014 Pay Increases

Salary increases for all employees take effect from the first full pay period on or after 1 August 2014.

The following table provides information in relation to the pay period and the date the increase is to be applied:

Pay Period	Date increase is to be applied
4 August 2014 to 18 August 2014	4 August 2014
11 August 2014 to 25 August 2014	11 August 2014

Information on salary levels, translations and allowances is available in the *2013 Agreement Implementation Guide Part 3 – [Salary and Allowances \(2014 school year\)](#)* and the [spreadsheet of tables](#) on the CECV website under *Industrial Relations / [2013 Agreement Implementation](#)*.

Emergency teachers are also subject to a pay increase, with their daily rate increasing to \$283.30 and their hourly rate increasing to \$47.22.

National Wage Review

The Fair Work Commission (FWC) has published the [National Minimum Wage Order 2014](#) (Order) increasing the federal minimum wage to \$640.90 per week (\$16.87 per hour), an increase of \$18.70 per week. The increase is due from the first full pay period after 1 July 2014.

This minimum wage applies to all workers who are not covered by an award or an agreement, other than junior employees, trainees or employees with a disability affecting their productivity.

A loading of 25% applies to all minimum-wage earners employed on a casual basis.

Workers who receive the minimum wage in accordance with an award are also due a 3% increase from the first full pay period in July, as a result of the [recent award variations](#).

The above changes have no effect for employees who are covered by the VCMEA 2013.

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

Updated versions of consolidated modern awards relevant to Victorian Catholic schools are now available on the [Fair Work Commission](#) website.

The rates effective from the first pay period commencing on or after 1 July 2014 for before-and-after school staff are provided in attachments to this newsletter.



Redundancy Reminder

A reminder that by the third week of Term 3, 2014, principals should have identified any potential redundancies taking effect from the start of the 2015 school year.

Staff, including staff on leave, should be notified that a potential redundancy situation has been identified for the 2015 school year. In addition, your Diocesan Director, the CECV and the IEU should also be notified. If the potential redundancy is in a school with secondary students, then the Principals' Association of Victorian Catholic Secondary School (PAVCSS) should also be notified.

Appendix 2 of the [VCEMEA 2013](#) contains the redundancy provisions that apply to all staff employed in Catholic schools.

To assist principals, *Redundancy Guidelines* are available on the CECV website under *Industrial Relations / Guidelines*.

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

Public Holidays 2015

To help schools prepare for 2015, the following list of public holidays in 2015 is provided courtesy of [Business Victoria](#) (subject, but unlikely, to change):

Holiday	2015
New Year's Day	Thu 1 January
Australia Day	Mon 26 January
Labour Day	Mon 9 March
Good Friday	Fri 3 April
Easter Monday	Mon 6 April
ANZAC Day	Sat 25 April*
Queen's Birthday	Mon 8 June
Melbourne Cup (all of Victoria unless alternate local holiday has been arranged by non-metro council)	Tue 3 November
Christmas Day	Fri 25 December
Boxing Day	Sat 26 Dec and Mon 28 Dec (additional day)

*Note that there is no entitlement to a substitute holiday for ANZAC Day in 2015.

Changes to Workers' Compensation Legislation

On 1 July 2014, the WIRC Act came into operation, effectively replacing the *Accident Compensation Act 1985* (Vic) and the *Accident Compensation (WorkCover Insurance) Act 1993* (Vic) (Accident Compensation Acts).

The WIRC Act is designed to:

- be simpler for both employers and employees to use
- clarify entitlements and obligations for both employees and employers arising from the WIRC Act
- streamline administration of the WorkCover scheme.

The WIRC Act covers the same areas as the Accident Compensation Acts including compensation, rehabilitation, return to work, dispute resolution and WorkCover premiums.

Under the WIRC Act, no changes have been made to employee entitlements, WorkCover premium calculations or the WorkCover claims lodgement process. WorkCover claims and any return to work arrangements made prior to 1 July 2014 will continue to be dealt with as they have been.

From 1 July 2014, employers will be required to register with WorkSafe Victoria (rather than have a WorkSafe Insurance Policy, as was previously required) to be covered for WorkCover purposes. However, employers who have a current WorkSafe Insurance Policy will be automatically registered with WorkSafe Victoria from 1 July 2014.

The WIRC Act will now allow employers to seek review of their premium notices not only at the Supreme Court, but also at the Victorian Civil and Administrative Tribunal (VCAT) if they are dissatisfied with WorkSafe's review decision. This will expedite, and reduce the costs of, the review process.



Flow charts did not feature in the Accident Compensation Acts but have been included in the WIRC Act to clarify WorkCover processes including:

- notice of injury
- making a claim
- employer objecting to a successful claim
- the return to work obligations of employers and workers
- the dispute resolution process if a worker disagrees with a decision.

The [WIRC Act](#) can be found on the Parliament of Victoria website under *Victorian Statute Book / 2013*.

Working-From-Home Guidelines

In certain circumstances, there may be a requirement to work off-site or from home to meet personal/role position/school-related work needs.

Workplace safety requirements and the respective employer and employee duty-of-care obligations from the *Occupational Health and Safety Act 2004* (Vic) are still applicable off-site, as the home office/workstation environment is seen as an extension of the employee's workplace during work-related activity.

Employers have a duty to provide employees, who work off-site or from home, with a safe working environment and system of work and to train and supervise them as far as reasonably practicable. This duty applies to both planned and ad-hoc requests. Some steps the employer can take in effectively managing employees working off-site and from home are to:

- consider whether the working arrangement is reasonable, in relation to the inherent requirements of the employee's position and organisational work demands
- seek input into the decision-making process to consider all factors (especially OHS-related) before determining a request, then record and date the process, including any discussions, and outcome
- complete a risk-assessment/customised ergonomic checklist of the off-site/home-office working environment, in which the 'working area' is clearly defined (photographs can be of great assistance here. Include possible hazards such

as the supervision of young children; pets; utilising staircases; access to amenities including first aid kit and telephone; and potential psycho-social issues such as feelings of isolation)

- ensure the employee is aware of his or her ongoing obligations to proactively identify hazards and associated risks, to comply with the organisation's policies and procedures (including any personal protection equipment (PPE) requirements) and to report any injuries, incidents and near-misses immediately
- ensure that the employee's off-site/home-office workstation is appropriate, with:
 - a suitable and ideally adjustable ergonomic chair
 - a desk free from clutter
 - computer use that is undertaken with minimal discomfort i.e. with correct posture and ergonomic computer setup (e.g. the computer mouse and keyboard are at the same level, the top of the monitor is at eye level and monitor glare is minimised).
- if a laptop computer is utilised, advise the employee that regular rest breaks should be taken to prevent ongoing discomfort
- ensure that a [Safe Laptop Use for Staff](#) fact sheet (published by the New South Wales Department of Education and Training) is given to the employee and an ergonomic workstation checklist is completed (see attachment to this newsletter) and given to the employer and the Health and Safety Representative (HSR) / Safety Officer for viewing and comment.
- ensure a mobile phone or fixed-line telephone is accessible from the workstation
- consider environmental factors including:
 - minimising noise
 - ensuring appropriate ventilation and comfortable room temperature
 - adequate lighting.
- implement ways to supervise/remote manage and to keep in touch with employees, such as:
 - email, portal access etc.
 - how, and how often employees should check in.
- consider placing limitations on where employees can work; employers should consider whether they want employees only to work in the area that has been risk assessed, or to allow them to

work outside of that area, such as the home garden or a local park or library.

Additional OHS information in relation to employees working from home or off-site is available from the WorkSafe publication [Officewise – a guide to health and safety in the office](#) and from the CEO Industrial Relations Unit's OHS Officer, Keith Wilks-Gordon by telephone on 03 9267 0228 or via email at kwilks-gordon@ceomelb.catholic.edu.au.

2014 Industrial Relations and OHS Training

The Industrial Relations and Occupational Health and Safety professional learning training sessions at the Catholic Leadership Centre for Term 3, 2014 are listed below:

Term 3 2014

Training Session:	Date:	IPLS codes:
Parental Leave / Leave	21 July 2014	14IST105B
Introduction of Change and Redundancy	21 July 2014	14IST106A
OHS Hazard and Incident Management	29 July 2014	14IST201E
OHS for School Leaders – Day 1	5 August 2014	14IST202C
OHS for School Leaders – Day 2	6 August 2014	14IST203C
Know Your Agreement – Education Support	7 August 2014	14IST102E
Know Your Agreement – Principals	7 August 2014	14IST103E
Managing Employment Concerns	4 September 2014	14IST104E
Return to Work Coordinator Training	9 & 10 September 2014	14IST204C

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