

# Industrial Relations News



## ***In this issue:***

- Welcome from the Executive Director
- VCMEA Update
- Incremental Progression 1 May 2017
- Learning Support Staff (LSO) and Fixed-Term Contracts
- Working with Children Checks and Volunteers
- VIT Permission to Teach Requirements
- Venue for Union Meetings
- Managing Employees with an Illness or Injury
- Education Support Employees and School Camps
- Chemical Management
- Ergonomics
- 2017 WorkSafe Awards
- Industrial Relations and Occupational Health and Safety Training Sessions
- Summary of Communications

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## Welcome from the Executive Director

Welcome back from what I trust was a very relaxing holiday and a happy celebration of Easter, and I hope you have returned refreshed for the demands of Term 2.

Negotiations are continuing between the CECV and the Independent Education Union Victoria Tasmania (IEU) for the successor to the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCMEA](#)).

This edition of *Industrial Relations News* contains a range of IR matters, including: incremental progression on 1 May 2017; fixed-term employment, volunteers' Working With Children Checks; VIT permission to teach requirements; managing employees with an illness or injury; school camp attendance for non-teaching staff; a range of OHS topics covering chemical management, ergonomics, and nominations for the 2017 WorkSafe Awards.

In Term 2, the IR Unit will continue to conduct training sessions, including sessions on the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCMEA](#)) and OHS.

Details of training sessions can be found, and bookings can be made, via [My PL \(IPLS\)](#) through the CEVN website <https://cevn.cecv.catholic.edu.au> under *Professional Learning / My PL (IPLS)*.

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

Stephen Elder

EXECUTIVE DIRECTOR

## VCEMEA Update

On 23 March 2017, the Department of Education and Training (DET) and the Australian Education Union (AEU) announced that after 12 months of negotiations, in-principle agreement had been reached for a new Victorian Government Schools Agreement.

While in-principle agreement has been reached, Victorian government teachers, principals and support staff are yet to vote on the agreement. This will likely occur in the next couple of months.

Importantly, the salary increases and other changes agreed to between DET and AEU do not automatically apply to Victorian Catholic schools, and at this stage, no changes should be made to the pay rates for staff employed in Victorian Catholic schools under the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCEMEA](#)).

The CECV has been in negotiations with the Independent Education Union Victoria Tasmania (IEU) since Term 3, 2016.

In light of the in-principle agreement being reached between DET and AEU, the CECV will be seeking to achieve an outcome for Victorian Catholic schools as soon as possible. The CECV, however, is also considering the impact of funding negotiations with the Australian Government, which have not yet finalised any funding arrangements past 2017.

Information on Enterprise Bargaining can be found in the Frequently Asked Questions on the [CECV website](#) under *Industrial Relations / Enterprise Bargaining*.

## Incremental Progression – 1 May 2017

Although the *Victorian Catholic Education Multi Enterprise Agreement 2013* ([VCEMEA](#)) notionally expired on 30 October 2016, the provisions of the agreement continue until a new agreement is approved by the Fair Work Commission.

### *Incremental Progression*

Incremental progression for ongoing staff and other eligible employees occurs on **1 May 2017**. This means that increases in salary must take effect from 1 May 2017 even though the actual payment may not be made until after 1 May 2017.

An ongoing employee must have six months of service between 1 May 2016 and 30 April 2017 to qualify for incremental progression.

Where employees are subject to an Employee Improve 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 back pay 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 contained in Implementation Guide [Part 3C](#) Salaries and Allowances (2017 School Year).

### *Graduate Teacher Payment*

The Graduate Teacher Payment applies to teachers who commenced **ongoing** employment at subdivision T1–1 prior to 1 May 2016.

Payment to eligible graduate teachers should be made at the same time as their incremental progression to T1–2.

Payment amounts are provided in Implementation Guide [Part 3C](#) Salary and Allowances (2017 school year).

### *Additional Qualification Recognition*

Teachers who have successfully completed a Master's Degree (or its equivalent) or higher are entitled to advance by one sub-division in the incremental scale. Importantly, the additional subdivision shall only be granted from 1 May 2017 following the date on which the extra qualification was attained.

The VCEMEA recognises the attainment of up to two Master's Degrees (or its equivalent) or higher for incremental progression purposes in Clause 52.

The teacher must advise the principal in writing of the acquisition of the additional qualification(s) and produce satisfactory evidence, such as an academic transcript, prior to 1 May 2017.

The additional qualification(s) should be entered on the teacher's [Online Service Record](#) (OSR) via the [CEVN website](#).

### **Education Support Level 3 Progression**

Clause 41.2(b) of the VCCEMA provides for eligible education support employees at the maximum (3–5) to receive a salary increment effective from 1 May 2017. Salary progression is not automatic.

An education support employee at Level 3–5 on 30 April 2017 can only progress to the next incremental level on 1 May 2017, if the employee can satisfactorily demonstrate to the Employer that they meet the qualifications and experience criteria (Appendix 6, Clause 1.3(e)) of the VCCEMA.

The principal has the responsibility for determining if the education support employee has satisfactorily met the requirements for salary progression.

Eligible employees who wish to progress must have submitted an application to the principal on the appropriate employee request form by **31 March 2017**.

Information regarding the process of applying for progression beyond the maximum, including templates and timelines is provided in Implementation Guide [Part 4C Guidelines for salary progression on 1 May 2017 \(education support employees Level 3–5\)](#).

## **Learning Support Staff (LSO) and Fixed-Term Contracts**

Many principals have been contacting the IR Unit to discuss their LSO staff and their letters of appointment / contracts. Some principals have been reviewing their contracts in light of the CECV [Guide to Fixed-Term and Casual Employment](#) while others have been contacted by LSO staff or the IEU in relation to the issue.

With your school incrementing many of your ongoing staff on 1 May, now is a good time to undertake an audit of your fixed-term LSO's and the reasons for their fixed-term contract. With this information you should contact the IR Unit for guidance on whether you should convert staff to ongoing contracts and to ensure you are compliant with the VCCEMA.

## **Working With Children Checks and Volunteers**

Schools are reminded that under the CECV [Guidelines](#) on the Engagement of Volunteers in Catholic schools, Working with Children (WWC) Checks are required for volunteers, including school parents, who are over the age of 18. Volunteers must apply for, and pass, a WWC Check prior to commencing volunteering at the school. Registered teachers and serving police officers are two specific categories of professionals that are exempt from requirements to hold a WWC Check card under the *Working with Children Act 2005* (Vic.).

Schools are required to ensure appropriate record keeping is maintained for all volunteers. It is recommended that all volunteer WWC Check card numbers and expiry dates be entered into the Personnel Record System (PRS) after verification and sighting by the principal or their authorised delegate. Volunteers can be added to the PRS as a non-employee.

An employee WWC Check card (identified with an E under the photo on the bottom left side) is valid for both paid and volunteer child-related work so there is no requirement for a volunteer to obtain a separate WWC Check.

Volunteer WWC Cards (identified with a V under the photo on the bottom left side) cannot be used for paid child-related work.

Further information, can be found on the [CECV website](#) under *Industrial Relations / Child Safety / Volunteers* or by contacting the IR Unit.

## VIT Permission to Teach Requirements

The Victorian Institute of Teaching (VIT) have stringent guidelines in place, as outlined in the [VIT Permission to Teach Policy 2011](#), in regard to when Permission to Teach (PTT) may be granted to a person who is not fully qualified as a teacher to undertake some, or all, of the duties of a teacher for a limited period of time. This allows a school, under special circumstances, to employ a person who is not fully qualified as a teacher where no qualified and suitably registered teacher is available.

Any application for PTT must include evidence satisfactory to the VIT that the school has first sought to employ a registered teacher. This includes:

- Evidence that the position has been advertised in statewide media (print or electronic) for a period of at least one week (inclusive of a weekend).
- A statement from the endorsing school that no qualified and suitably registered teacher was available.

Further information can be found on the [VIT website](#) ([www.vit.vic.edu.au](http://www.vit.vic.edu.au)) or by contacting the IR Unit.

## Venue for Union Meetings

Principals should be familiar with the school's Independent Education Union (IEU) organiser and the usual practice for meetings with members. The IEU should be able to meet with members, and principals should try and agree with the IEU on the location for meetings, especially during the school day.

Appropriate locations for meetings may include a classroom, the library, the staff room or the lunch room. If you have any questions about the appropriate room and reaching an agreement on the meeting space please contact the IR Unit.

## Managing Employees with an Illness or Injury

Managing employees who are dealing with an illness or injury can be a complex area for employers to navigate. In particular, a significant challenge for employers can be managing employees dealing with mental health issues.

In managing these issues, there are a range of legal obligations that employers will need to be aware of and navigate in addition to the pastoral care aspect of being a Catholic employer. In terms of legal obligations, these include those contained in the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCEMEA), but also obligations under equal opportunity and anti-discrimination legislation, as well as occupational health and safety legislation.

For employers and principals dealing with these issues, the IR Unit is available to provide advice and guidance to assist in managing what can be time consuming and difficult matters. The IR Unit is available to ensure what while always maintaining a pastoral focus for employees, employers can also ensure they are meeting everyone's needs (including students and other staff), while complying with their legal obligations as employers.

If you are currently managing an issue involving an employee with an illness or injury, including a mental health issue, please contact the IR Unit for any further support that may be required.

## Education Support Employees and School Camps

An education support employee may be asked to attend a school camp to support teaching staff in their supervision of students during the course of a camp. An education support employee should be used in addition to the teachers who are required to attend the camp to ensure that the school meets the minimum requirements for staff–student ratios on camps. Education support employees are not to be used instead of a teacher.

If an education support employee works in excess of their weekly hours as a result of attending a school camp, they may elect to either take time off in lieu at the ordinary time (with the agreement of the employer) or be paid a loading of 33.3 per cent of their normal hourly rate for the excess hours in accordance with Clause 65.5 of the VCCEMA.

It is recommended that prior to the camp, the school and the employee come to a written agreement on the hours of supervision during the camp and the type of compensation (time off in lieu or overtime) the employee will receive for their attendance at the camp. The payments will be only be made for the time the education support employee is required to be on a duty (for example, they will not be paid for the time spent sleeping).

Any questions in relation to this can be directed to the IR Unit.

## Chemical Management

Schools have a legal responsibility to safely manage the risks associated with the storage, labelling and disposal of chemicals (also referred to as Hazardous Substances and Dangerous Goods) stored and used on the school site.

**Hazardous substances** are substances that pose a risk to people's safety over a short or long period of time.

**Dangerous goods** are substances that can immediately cause serious harm to people, property and the environment.

Schools are encouraged to conduct an audit of the school buildings and grounds where chemicals can be found.

### *Managing chemicals used or stored on the school site:*

- Make sure all containers and decanted substances are correctly labelled and not deteriorating or leaking.
- Obtain Safety Data Sheets (SDS) for each substance from the supplier or their website and create a centrally located list of all chemicals on the school site, ensuring that they are listed in a

Hazardous Substance and Dangerous Goods Register.

- Ensure that paper-based SDSs are located in the work areas where individual substances are used and stored. A copy of every SDS on the school site must be located at the front office/administration area.

Further information, including a short [10 Steps for Managing Chemicals in Schools](#) video can be found on the [CECV website](#) under *OHS & WorkCover / A – Z / Chemical Management*.

For further information please contact the IR Unit.

## Ergonomics

### *Workstations and seating*

There is no regulation that specifically addresses workstations and seating. However, under section 21 of the Victorian [Occupational Health and Safety Act 2004](#) (Vic.), the employer has a duty of care to employees to provide and maintain for employees a working environment that is safe and without risks to health (so far as is reasonably practicable).

This means that the workstation should be such that it does not create risks to the worker's health and safety. Ergonomics refers to how the workplace is set up, the equipment used and how work is performed.

### *Some guidelines for workstations:*

- When you are sitting at your workstation, you should be able to place your feet firmly on the ground or on a footrest, your thighs should be parallel with the floor, and the backrest of your chair should support your lower back. You should be able to move your chair easily about the work area, and its base should have five points touching the floor. These may be castors or fixed (depending on the need).
- The chair should be ergonomically designed and conforms to Australian Standard AS/NZS 4438 (*Height-adjustable swivel chairs*).
- Your workplace should be set up so that you do not have to twist, reach or bend too often. If you do have to reach for something, it is better to

stand and use the opportunity to change your posture. This will reduce fatigue.

- Learn how to adjust your chair by altering its height until your shoulders are relaxed (not slumped) in the working position, adjusting the backrest into the small of your back, ensuring the seat pan is flat or sloping upwards at the front (NEVER downwards) and using a footrest if there is any pressure under your thighs. Alternatively, lower your desk (if you can) as well as your chair and make sure you know and follow the elements of correct posture.
- When sitting at a computer, the screen should be set up so that you can read the screen with very little movement of your head, neck and shoulders. You should take rest breaks for your eyes every 15 minutes by looking away from the screen at something in the distance for a few minutes, or combining this with getting up to change your posture and stretch.

For further information download [Officewise](#), the WorkSafe Victoria handbook for workplaces.

Officewise covers managing occupational health and safety in the office, risk management, hazards, job and work environment design, office layout, workstations, furniture working with computers, exercises, manual handling and advice.

For further information please contact the IR Unit.

## 2017 WorkSafe Awards

### *Enter now or nominate someone for a WorkSafe Award*

The [2017 WorkSafe Awards](#) are the perfect way to establish yourself or your organisation / school as a leader in health, safety and wellbeing or return to work. The awards are open to Victorians in any industry. There are nine award categories from individual achievements to business solutions and inventions.

Entries close on **Wednesday 31 May 2017**.

## Industrial Relations and Occupational Health and Safety Training Sessions

Industrial Relations and Occupational Health and Safety Professional Learning training sessions are now available for Term 2, 2017. Training sessions run from 10.00 am until 1.00 pm at the [Catholic Leadership Centre](#).

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)*.

The following training sessions are currently available:

### *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 million or more rateable remuneration (indexed annually) or who have a worker's compensation claim must appoint a suitably trained RTW coordinator.

**Date:** 3–4 May 2017

**Activity code:** 17IST205A

**Registrations close:** 26 April 2017

### *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:** 26 May 2017

**Activity code:** 17IST203AB

**Registrations close:** 18 May 2017

### Know Your Agreement – School Leaders

This session focuses on the sections of the VCCEMA 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 as follows:

- Managing Employment Concerns
- Parental Leave
- Introduction of Change
- Redundancy
- Consultation
- Variation of Hours.

**Date:** 12 May 2017

**Activity code:** 17IST103B

**Registrations close:** 5 May 2017

### Know Your Agreement – Education Support

There is a focus in this session on the sections of the VCCEMA that are most relevant to Education Support Employees in their role at Catholic schools.

**Date:** 15 May 2017

**Activity code:** 17IST101B

**Registrations close:** 8 May 2017

### Redundancy and Introduction of Change

Learn about introducing significant change into the workplace as well as the process for implementing redundancies in accordance with applicable requirements under the VCCEMA.

**Date:** 2 June 2017

**Activity code:** 17IST106A

**Registrations close:** 26 May 2017

### VCCEMA Leave

This session provides a detailed rundown of the leave provisions in the VCCEMA. It runs through the provisions of, and highlights some of the key changes implemented by, the VCCEMA as compared to the *Victorian Catholic Education Multi Employer Agreement 2008*.

**Date:** 19 June 2017

**Activity code:** 17IST102A

**Registrations close:** 9 June 2017

## Summary of Communications

### March

- Special Message – New Victorian Government [Schools Agreement](#)
- Circular – New Victorian Government [Schools Agreement](#)
- Circular – Staff Laptop [Programs and Salary Deductions](#)

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