



Attachment 3 – FAQs

Victorian Catholic Education Multi-Enterprise Agreement 2021

FREQUENTLY ASKED QUESTIONS – NOTICE OF EMPLOYEE REPRESENTATIONAL RIGHTS

Number	Question	Answer
1	When will bargaining for the proposed enterprise agreement commence?	Bargaining for the proposed <i>Victorian Catholic Education Multi-Enterprise Agreement 2021</i> will commence in Term 4, 2021.
2	Who will represent my employer in bargaining for the proposed enterprise agreement?	The Catholic Education Commission of Victoria Limited (CECV) has established a bargaining team to bargain for the proposed enterprise agreement. The bargaining team consists of representatives from Catholic Education Sandhurst Limited (CESL), Diocese of Ballarat Catholic Education Limited (DOBCEL) and Melbourne Archdiocese Catholic Schools (MACS).
3	Does the <i>Victorian Catholic Education Multi-Enterprise Agreement 2018</i> (VCEMEA 2018) still apply?	The VCEMEA 2018 and all of its conditions will continue to apply to relevant Victorian Catholic Education employees covered by the VCEMEA 2018 until the proposed enterprise agreement is approved by the Fair Work Commission and commences to operate.
4	What is a multi-enterprise agreement?	A multi-enterprise agreement is a type of enterprise agreement made between two or more employers and employees, (in this case, relevant Victorian Catholic Education employees), employed at the time the agreement is made, and who will be covered by the agreement.

5	Who will be covered by the proposed enterprise agreement?	<p>The proposed coverage includes relevant Victorian Catholic Education employees, employed by the relevant employers, who perform the work of the classifications currently covered by the VCMEA 2018 as follows:</p> <ul style="list-style-type: none"> • Primary Principals • Deputy Principals • Teachers (including Emergency Teachers) • Education Support Employees • School Services Officers • CESL, DOBCEL & MACS Diocesan Office School & Student Services Employees • CESL, DOBCEL & MACS Diocesan Administration Employees. <p>It is also proposed that the enterprise agreement will cover employees performing work in schools as Instructors (for example, instrumental music tutors, and sports coaches).</p>
6	What is a Notice of Employee Representational Rights (NERR) and when are employers required to provide employees with a NERR?	<p>The CECV, on behalf of the relevant employers that will be covered by the proposed agreement, must take all reasonable steps to give notice to each employee, (in this case, relevant Victorian Catholic Education employees), who will be covered by the agreement and who are employed at the notification time for the agreement, of their right to be represented by a bargaining representative.</p>
7	What is the notification time for a proposed enterprise agreement?	<p>The notification time for a proposed agreement is the time when the CECV, on behalf of the relevant employers, agrees to bargain, or initiates bargaining, for an agreement.</p>
8	What is the purpose of the NERR?	<p>The purpose of the NERR is for the CECV, on behalf of the relevant employers, to notify each employee (in this case relevant Victorian Catholic Education employees) of</p>

		<p>their right to appoint a bargaining representative to represent them in:</p> <ul style="list-style-type: none"> • bargaining for the proposed enterprise agreement; or • a matter before the Fair Work Commission regarding bargaining for the agreement. <p>Additionally, the purpose of the NERR is for the employers to notify each employee as to how they can appoint a bargaining representative.</p>
9	When will I receive the NERR?	The CECV, on behalf of the relevant employers, must provide each relevant employee, (in this case, Victorian Catholic Education employees), with the NERR as soon as practicable, and not later than 14 days, after the notification time for the proposed enterprise agreement.
10	Who can represent me in the bargaining for the proposed enterprise agreement?	<p>You have the right to appoint a bargaining representative to represent you in bargaining for the proposed enterprise agreement or in a matter before the Fair Work Commission pertaining to bargaining for the agreement.</p> <p>You can appoint yourself as a bargaining representative, or another person.</p> <p>If you are a member of the Independent Education Union Victoria Tasmania (IEU), or the Australian Nursing and Midwifery Federation (ANMF), they will be your bargaining representative for the agreement unless you appoint another person as your representative, or you revoke their status as your representative.</p>
11	I am a member of IEU or the ANMF. Do I need to do anything?	No. The IEU or the ANMF will be your bargaining representative for the proposed enterprise agreement unless you appoint another person as your representative or you revoke the IEU or the ANMF's status as your representative.

12	What if I am not a member of IEU or the ANMF?	<p>If you are not a member of the IEU or the ANMF, you can:</p> <ul style="list-style-type: none"> • join the IEU or the ANMF; • appoint another person as your bargaining representative; • appoint yourself as a bargaining representative; or • decide not to appoint a bargaining representative. <p>If you do not appoint a bargaining representative, once bargaining for the proposed enterprise agreement is completed, you will have the opportunity to consider the agreement and vote on it.</p> <p>The relevant employers will provide relevant employees with updates in relation to bargaining for the agreement.</p>
13	Do I have to appoint a bargaining representative?	<p>No. If you do not appoint a bargaining representative, once bargaining for the proposed enterprise agreement is completed, you will have the opportunity to consider the agreement and vote on it.</p>
14	How can I appoint a bargaining representative to represent me in the bargaining for the proposed enterprise agreement?	<p>You can appoint a bargaining representative to represent you in bargaining for the proposed agreement by notifying the person in writing that you appoint them as your bargaining representative.</p> <p>You can also appoint yourself as a bargaining representative.</p> <p>In either case, you must provide the employers with a copy of the instrument of appointment of a bargaining representative. In order to do so, please complete the respective Instrument of Appointment form and email it to eba@cecv.catholic.edu.au</p>

15	When must I appoint a bargaining representative?	You can appoint a bargaining representative at any time during bargaining for the proposed enterprise agreement in writing. In order to do so, please complete the appropriate Instrument of Appointment form and email it to eba@cecv.catholic.edu.au
16	What if I am a new employee? Can I appoint a bargaining representative?	<p>Yes. Each employer that will be covered by a proposed enterprise agreement must take all reasonable steps to give notice to each employee, (in this case, relevant Victorian Catholic Education employees), who will be covered by the agreement and who are employed at the notification time for the agreement, of their right to be represented by a bargaining representative.</p> <p>However, new employees who were not employed at the notification time for the agreement can still appoint a bargaining representative in writing at any time during bargaining. In order to do so, please complete the appropriate Instrument of Appointment form and email it to eba@cecv.catholic.edu.au</p> <p>Once bargaining for the agreement is completed, you will have the opportunity to consider the agreement and vote on it.</p>
17	How do I revoke my appointment of a bargaining representative?	You can revoke your appointment of any bargaining representative (another person, yourself, the IEU or the ANMF) in writing at any time during bargaining for the proposed enterprise agreement. In order to do so, please email eba@cecv.catholic.edu.au
18	What are the requirements that bargaining representatives must meet?	In accordance with section 228 of the <i>Fair Work Act 2009</i> (Cth), bargaining representatives for a proposed enterprise agreement must meet the good faith bargaining requirements.

<p>19</p>	<p>What are the good faith bargaining requirements in section 228 of the <i>Fair Work Act 2009</i> (Cth)?</p>	<p>In accordance with section 228 of the <i>Fair Work Act 2009</i> (Cth), the good faith bargaining requirements that a bargaining representative for a proposed agreement must meet are:</p> <ul style="list-style-type: none"> • attending, and participating in, meetings at reasonable times; • disclosing relevant information (other than confidential or commercially sensitive information) in timely manner; • responding to proposals made by other bargaining representatives for the agreement in a timely manner; • giving genuine consideration to the proposals of other bargaining representatives for the agreement, and giving reasons for the bargaining representative's responses to those proposals; • refraining from capricious or unfair conduct that undermines freedom of association or collective bargaining; • recognising and bargaining with the other bargaining representatives for the agreement. <p>The good faith bargaining requirements do not require:</p> <ul style="list-style-type: none"> • a bargaining representative to make concessions during bargaining for the agreement; or • a bargaining representative to reach agreement on the terms that are to be included in the agreement.
<p>20</p>	<p>If I appoint myself as a bargaining representative, will bargaining meetings occur at times that I am available to attend?</p>	<p>Bargaining meetings will occur at times that:</p> <ul style="list-style-type: none"> • the maximum number of bargaining representatives can attend; and • are least disruptive to the operations of the employers.

21	Are employees employed by an external agency or contractor entitled to participate in bargaining for the proposed enterprise agreement?	No. Employees employed by an external agency or contractor are not relevant Victorian Catholic Education employees. Therefore, they will not be covered by the proposed enterprise agreement and are not entitled to participate in bargaining for, or voting on, the agreement.
22	How can I obtain information about bargaining for the proposed enterprise agreement as it progresses?	The relevant employers will provide employees with updates in relation to bargaining for the proposed enterprise agreement.
23	How will the parties consider claims made by bargaining representatives?	Parties will consider all claims made by bargaining representatives. However, in accordance with the good faith bargaining requirements in section 228 of the <i>Fair Work Act 2009</i> (Cth), bargaining representatives are not required to make concessions or reach agreement on claims.
24	When will bargaining for the proposed enterprise agreement be completed?	The length of time of bargaining for the proposed enterprise agreement will be dependent upon several factors, including the number and breadth of claims made by bargaining representatives.
25	When will I have the opportunity to consider the proposed enterprise agreement and vote on it?	<p>Once bargaining for the proposed enterprise agreement is completed and the parties have agreed in principle to the draft proposed enterprise agreement, the relevant employers will provide relevant Victorian Catholic Education employees with a copy of the draft agreement and any other material incorporated into it. The relevant employers will also notify relevant Victorian Catholic Education employees of the time and place that the vote will occur and the voting method.</p> <p>The relevant employers will provide relevant Victorian Catholic Education employees with a copy of the draft agreement and any other material</p>

		incorporated into it during the access period for the agreement.
26	What is the access period for a proposed enterprise agreement?	The access period for a proposed agreement is the seven-day period ending immediately before the start of the voting process.
27	What if the majority of each employer's employees vote to endorse the proposed enterprise agreement?	If the majority of each of the relevant employer's employees vote to endorse the proposed enterprise agreement, within 14 days of the vote, a bargaining representative will apply to the Fair Work Commission for approval of the agreement.
28	How will the Fair Work Commission approve the proposed enterprise agreement?	The Fair Work Commission will consider the application to approve the proposed enterprise agreement. In order to approve the agreement, the Fair Work Commission must be satisfied (amongst other things) that: <ul style="list-style-type: none"> • the majority of relevant Victorian Catholic Education employees endorse the agreement; and • the agreement passes the Better Off Overall Test (BOOT).
29	What is the BOOT?	A proposed enterprise agreement passes the BOOT if the Fair Work Commission is satisfied, as at the test time, that each award covered employee, and each prospective award covered employee, for the agreement would be better off overall if the agreement applied to the employees rather than the relevant modern award. <p>For teachers, the relevant modern award is:</p> <ul style="list-style-type: none"> • <i>Educational Services (Teachers) Award 2020</i> <p>For other employees, the relevant modern awards are:</p> <ul style="list-style-type: none"> • <i>Educational Services (Schools) General Staff Award 2020</i> • <i>Clerks – Private Sector Award 2020</i>

		<ul style="list-style-type: none"> • <i>Health Professionals and Support Services Award 2020</i>
30	What if the majority of my employer's employees vote to oppose the proposed enterprise agreement?	If the majority of your employer's employees vote to oppose the proposed enterprise agreement, the agreement will not apply to your employer and your employer's employees will not be covered by it. Instead, a bargaining representative will vary the proposed enterprise agreement to exclude your employer and your employer's employees.
31	What are the relevant sections of the <i>Fair Work Act 2009 (Cth)</i>?	Part 2-4 – Enterprise agreements. The particularly relevant sections are: <ul style="list-style-type: none"> • Division 3 – Bargaining and representation during bargaining – sections 173, 174, 176, 178, 178A. • Division 4 – Approval of enterprise agreements – sections 180–185, 186-188, 189-190, 193.
32	Where else can I find further information regarding enterprise bargaining?	The Fair Work Ombudsman website at: https://www.fairwork.gov.au/tools-and-resources/fact-sheets/rights-and-obligations/enterprise-bargaining