

The key issues in focus – April 2015

In their most recent letter to staff, the union highlighted a range of issues with the employers' proposed terms of settlement. Read on for a more comprehensive outline of our responses to the key IEU's concerns:

MATCHING DET SICK LEAVE ENTITLEMENTS BY CHANGING TO 15 DAYS PER YEAR UNCAPPED

Catholic Employers are committed to giving employees the same personal/carer's leave entitlement as state school teachers. That is 15 days leave but with no 150 day cap on the accrual of entitlements. This change would not impact your current leave accruals which would also be maintained.

On average, most employees use less than 8 days of their sick leave each year. Reducing personal/carer's leave from 25 to 15 days per year is unlikely to impact the ability of employees to take leave when they need it.

However the move to uncapped accruals will provide a significant benefit by providing long serving employees with an important safety net especially in the event of a serious illness or injury later in their careers.

Through negotiations, significant improvements have also been granted in relation to leave:

- In recognition of the concerns raised for new staff, an additional 15 days will be granted upfront on commencement for all new employees.
- Employers may request evidence of absence after 3 days. Currently this request can take place after 2 days.
- If needed, employees can now obtain this evidence in a number of ways, which may include visiting a pharmacist, chiropractor, physiotherapist, psychologist and others.

Other leave benefits have also been provided as part of this package:

- We've made our parental leave more contemporary by allowing 14 weeks of paid parental leave for the primary caregiver - mother or father.
- Employees accessing leave as the non-primary caregiver will have access to 1 week of employer-paid leave which was previously not available.
- Access to a range of additional leave for General Employees including up to five days a year of paid community service leave, exam study leave, military reserve leave and up to two years of unpaid leave to work in an overseas volunteer program.

FAIR PROCEDURES IN CASES OF ALLEGATIONS OF REPORTABLE CONDUCT

The vast majority of child safety issues that get raised do not require reporting to the NSW Ombudsman, and are dealt with locally, within the school.

For the small number of cases that are reportable to external agencies, Catholic Employers are committed to giving staff the rights to access files as determined by government legislation operating in the DEC.

As you would expect in such an important area as child protection, the focus is on encouraging anyone with concerns to come forward and therefore the legislation allows the name of victims and witnesses to be protected. This is balanced by the legislative requirement that there be a fair procedure that allows a person to know with clarity, what is being alleged.

Any matter reported to the Ombudsman is reviewed externally to ensure that both the investigation and the findings are fair and reasonable. Employees have an independent right to request a file review by the Ombudsman if there is any concern.

It is worrying that the IEU is seeking additional rights for persons accused of child protection allegations than they would have under legislation rather than prioritising the needs of staff and students who give evidence as witnesses or victims.

SCHOOL SUPPORT STAFF

There are currently 5 different agreements in place covering the work of non-teaching staff in NSW and the ACT, with a great degree of variation in classification and pay rates among different occupations.

The changes proposed aim to give catholic schools one simple, consistent classification structure for school support staff, maintenance and outdoor, and cleaners.

The structure being proposed by employers offers a fairer, more consistent approach to what we have now. It has been updated to reflect current duties and skills of employees and classifies staff according to criteria such as competency, training, experience, level of supervision and typical duties.

Importantly, there will be no changes to rates of pay for existing school support staff. Some employees such as cleaners, bus drivers, and certain groups of maintenance and outdoor staff, will receive a pay increase to promote pay equity across classifications.

Acting up at a higher duty

We know that from time to time, in the case of an employee absence, a colleague may cover their duties for a day or two. Employers are proposing a new provision that will ensure that long term arrangements are formalised so that an employee who covers for 5 days or more will have access to a higher allowance that reflects those duties.

This represents common practice across the industry and is a reflection of a reasonable and manageable arrangement for schools.

Work during pupil vacation periods

The Union has said they do not agree with foreshadowed changes to arrangements for maintenance and outdoor staff about working during pupil vacation periods. To address this claim, catholic employers have agreed that maintenance and outdoor employees who are not currently required to work during pupil vacation periods will not be required to under the new agreement.

CATHOLIC ETHOS

For many years Catholic Schools have been proud of our record in attracting dedicated staff who support our mission and vision. Each person who works with us, has, as part of their employment, acknowledged their support of the Catholic ethos.

The IEU has indicated a lack of understanding of Catholic Schools by objecting to a provision which openly expresses current expectations for school staff in relation to Catholic ethos. In particular, they object to including a statement in the Agreement which gives employers the right to specify particular provisions and requirements into contracts of employment or policies. The union's objection is unreasonable as the right to specify requirements around Catholic ethos in contracts and policies is a pre-existing right and already occurs.

There is growing concern that the IEU's objection to a provision that expresses the status quo in our schools is part of a broader campaign being run to restrict the rights of faith based schools to exist and operate in accordance with their beliefs.

SUPPORT FOR PROVISIONALLY AND CONDITIONALLY ACCREDITED TEACHERS

We know that graduate teachers require support to reach accreditation. Employers are proposing a provision in the Agreement that will set an expectation that this is provided through induction programs, mentoring and appropriate classroom release.

This is offered across Dioceses as a matter of internal policy, arranged in a number of ways to reflect local staffing arrangements and preferences.

Reducing this to a 'formula' of standard release time to apply for teachers and their mentors is an outdated and unreasonable request of the union, which doesn't recognise these local arrangements.

If a Graduate (or their mentor) has concerns in regard to the support being provided, employers have agreed to including a new provision in the EA that would provide for a process for this concern to be heard and addressed.

MEAL BREAKS

Teachers have a guaranteed uninterrupted lunch break of 30 minutes. However as professionals if teachers and principals want to negotiate a different break time split then as professionals they may choose to do so.

This already occurs in a number of schools and it would be a sad day if arrangements were so tightly regulated so as to disallow practical, localised solutions that have been agreed at school level.

PROFESSIONAL DEVELOPMENT

Our Dioceses offer substantial formal professional development to staff during term and non-term time. It is up to each employee to decide whether they wish to attend.

A number of these professional development opportunities, such as conferences, are held outside of school hours. The IEU seeking a guarantee that all PD would be held during school days would see an end to these initiatives and we cannot support that proposal.

What we are proposing is that the status quo will simply remain, as PD is largely self-directed, in situ learning that's managed locally between employees and their employer.

WORK PRACTICE AGREEMENTS

Work Practice Agreements are negotiated between each Diocese and the union and as such are discussed at the local level.

We do not propose any changes over the life of the Agreement, unless these are mutually agreed between the Employer and the union. This is the current practice, and there is no plan to change this.

TEACHER PAY RISES IN THE ACT

The employers have agreed to provide increases of 2.27% from 1 January 2015, and 2.5% from 1 January 2016 to teachers in the ACT.

At this time, the rates of pay for Teachers in the ACT are not formally settled. However, in the event that rates of pay for ACT public sector teachers are higher than Agreement, the Archdiocese of Canberra and Goulburn will apply those rates from the first full pay period on or after the public sector enterprise agreement is approved by the Fair Work Commission.