

24 March 2020

Mr Paul Adams
Manager Human Resources
Tasmanian Catholic Education Office
PO Box 102
NORTH HOBART TAS 7002
Via email: Paul Adams paul.adams@catholic.tas.edu.au

Dear Paul

Thank you for your correspondence of yesterday answering our questions from 5 March 2020. Since that time things have moved on substantially and, as you know, the IEU is now calling for an immediate nation-wide end of term for all schools and an orderly transition to emergency schooling arrangements, including online/remote learning.

We have raised many concerns about current arrangements. We appreciate your response to our questions about particular work-from-home and leave arrangements (which we address in more detail below) but we remain very concerned, especially about:

1. Older employees and those with underlying health conditions,
2. Employees who are pregnant,
3. Employees who provide care for elderly or immune compromised relatives within their own household.

Anyone in these groups should, with immediate effect, be permitted to work from home or granted ex-gratia leave.

As to the protective arrangements in place in schools, and partly reiterated in your 'Required Cleaning and Personal Hygiene Practices', we remain concerned that schools do not have the human or material resources, and students do not have the capacity, to ensure that these are effective. Particularly:

- Students are not following social distancing guidelines despite constant reminders from duty staff. This is understandable for a number of reasons, including that they are urged to maintain personal distance outside the classroom, but are then required to sit close to each other when in class.
- There are shortages in the supply of materials including hand sanitiser.
- Some classes are conducted in small rooms with little or no ventilation.
- Cleaning products are being used without appropriate safety information and/or appropriate safety equipment.

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- The extra workload in undertaking cleaning duties is falling on existing staff who are already stretched and struggling to maintain order and calm among students and parents.

For all these reasons we cannot see how the continued attendance of students can possibly be in the interests of the schools' communities, nor how this could meet the schools' obligations under the Work Health and Safety Act.

We also seek clarification as to whether staff are being required to prepare work for students who are currently not attending the school, noting that this is not an expectation in government schools.

In relation to your proposed leave and work from home arrangements we raise the following, taking the global view that prevention is paramount; that it is in everyone's interests to ensure that the vulnerable are not exposed to the virus; and that we should avoid circumstances where the potentially infected are financially compelled to continue attending workplaces:

1. The document routinely refers to the option of taking 'recreational leave'. As you know, teachers' annual leave is absorbed into school holidays. We cannot see how this would work unless it is anticipated that the teacher will be permitted to work from home in each case. In relation to support staff, does this infer that, having used annual leave, they will have to work additional non-term time?
2. Many employers, including Victorian Catholic employers, have resolved to permit staff to use 'carer's leave' to mind children who are not attending school, regardless of whether they are actually sick. We commend that approach and ask that you adopt the same approach.
3. Many employers, including Victorian Catholic employers, have announced 'special leave' of up to 2 weeks to apply across a number of circumstances. This sensible step will resolve a number of scenarios, including where a staff member has exhausted their personal leave.
4. There are a number of circumstances where communicable diseases leave and/or compassionate leave would apply. Those entitlements should not be lost.
5. In relation to the last two scenarios in your document (people away due to a concern of being 'at risk' or a concern of having someone 'at risk' in the

household, more is required. Given your obligations under the Act, if a person is likely to be at risk the employer is under an obligation to direct them not to attend and compliance with that direction entitles that person to payment as normal. We do not want to get caught up in semantic arguments about who made the decision: if an employee raises such a concern and their absence is appropriate, they should be paid.

Overall, these concerns could largely be resolved by an urgent move to remote learning for the majority of students, and arrangements for the children of essential workers. Given the extraordinary circumstances and the relative security of funding for Catholic Education in Tasmania, a much broader approach to payment should be considered so that the focus can shift to serving the best interests of the schools and the broader community in the face of this pandemic.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra James', written in a cursive style.

Debra James
General Secretary