

17 July 2020

Ms Michelle Green
Chief Executive
Independent Schools Victoria
40 Rosslyn Street
WEST MELBOURNE VIC 3003
Via email: michelle.green@is.vic.edu.au

Dear Michelle

The rest of 2020 looks like being one of the most difficult periods in the history of education in Victoria. As Covid-19 cases continue to devastate families and cause serious disruption to our communities, schools will be faced with difficult challenges and some will come under real financial pressures. The IEU is committed to supporting our schools and the people who work in them in every way possible. We encourage your member schools to speak with us about the plans they are making to cope with these challenges.

When the first major decisions were made late in Term One 2020 and schools moved to remote learning, a number of Independent schools jumped to implement stand-downs of support staff. As you know, the Union takes a very dim view of moves to shift the projected costs and losses onto the lowest-paid and most vulnerable staff. We initiated proceedings against a number of schools, and this resulted in reversals of those stand-downs (though there remains one matter which is still proceeding in the Court, with all the concomitant costs and distractions). We do not resile from our position on stand downs: Schools cannot stand down staff because schools are not stopping their operations. A change to remote learning and a reduction of work does not permit a school to access the stand-down provisions of the Act – there must be an actual “stoppage”. Recent decisions of the courts and the Commission reinforce this rule.

We do not relish the opportunity to prosecute these cases. It is our strong preference to consult with schools about their options and to deal with the challenges through co-operation and consensus wherever possible. We appreciate that the ISV has been encouraging schools to take this approach with us and with their own staff. After all, quite aside from the many obvious benefits of engaging with staff about the challenges and solutions, a school’s intended savings can be very quickly lost in legal costs if litigation is necessary.

We may not always be able to reach complete agreement, but the IEU and your member schools have more interests in common than not. We understand that some Independent schools will face real financial challenges in the near term and, while we will continue to prosecute any school that stands employees down unlawfully, we stand ready to engage with Independent schools to find the solutions.

Regards



Debra James
General Secretary

cc: Victorian Independent School Principals; Liz Gilmour ISV; Felicity Nethercote ISV