



VASSP

Victorian
Association
of State
Secondary
Principals

Implementing the EBA at your school

Advice to VASSP Members

*Tips on leading the negotiations
on the local implementation of the
Enterprise Bargaining Agreement*

February, 2011



Preface

This document is the result of work done by VASSP members at our 2010 Annual General Meeting. The suggestions they made were amalgamated, then further refined by VASSP Committee. The advice given covers a range of areas, and is intended to give you ideas and support you in your leadership of the negotiations involved in implanting the EBA. When reading this document and when having discussions with your consultative groups in your school **it is important to remember that the EBA itself IS the bottom line in regard to conditions/expectations** etc (i.e. it is not the union interpretation of this, the historical local agreement etc.... **any move away from the EBA conditions is likely to come at a cost....** you need to be fully aware of this cost and that is the message behind the top tips....know the EBA before you have any discussions about interpretation with your consultative groups).

Many schools do not talk about local agreements, while others have the sub branch wanting to create a local agreement. Some of these are by way of clarification of aspects of the EBA (e.g. what will be the hours of attendance for parent teacher nights for full and part timers, what is our expectation for yard duty etc). Others try to win better conditions than the EBA provides.... and this comes at a cost to the school and the students. If you feel you would like some support with this do not hesitate to contact VASSP

The VASSP Committee also designed the flow chart which appears at the end of this document. It provides an overview of the process.

VASSP also offers support in this process through its Regional Meetings, and through the work of its Field officers or Project Services Team. We encourage members to use VASSP at any stage in the process.

I would like to thank all the members who contributed to the document – their experience is invaluable in providing collegiate support - and the VASSP Committee for its thoroughness and insights into the process.

We hope you find the document useful, and encourage you to contact us with any comments on it, including further suggestions which could support principals.

Frank Sal
President

Getting started

When negotiating the implementation of the EBA at your school, some ways of beginning are:

- Read through this document with your APs.
 - What are the tips that are of particular relevance to you?
 - What processes will you need to put in place to implement one of the tips?
- Use a “Reading Circle” approach to the EBA documentation (the agreement itself and the Implementation Guide), focussing on particular questions. This could be done over several meetings, focussing on certain pages or sections. The Reading Circle could include your APs, your Leadership Team or your Consultative committee. Some possible foci:
 - What are the elements that are new/different from our current Local Agreement?
 - What are the elements that will need to be explained (e.g. the default position) to staff?
 - What are the elements that require school-based interpretation?
- Take your Consultative Committee off-site for an in-depth discussion of the understanding and interpretation of the EBA, and of any key factors you have identified as significant to your school.



Taking groups out of the school context can provide both uninterrupted time and a greater sense of higher level thinking.

- Ensure you have someone assigned to “do the maths” on any suggestions made by members of the Consultative Committee. This could be the time-tabler if it relates to allotments or the Business Manager if it relates to staffing. These will help with keeping the “big picture” elements in mind and to ensure that those making the suggestions are aware of the full implications of it. It also assists when the committee members talk to staff (as they invariably do) about the reasoning behind any decisions made.
- Use your collegiate support networks to talk about the work!



1. What you need to know/understand/prepare before negotiating

- Read EBA and the DEECD Implementation Guide thoroughly and be familiar with the provisions. Know the EBA yourself; know your mindset & strategy context
- Know your current local agreement
- Highlight changes in EBA
- Compare EBA & local agreement
- Collect background documents:
 - Locate last LA
 - Locate all policies
 - Look at council minutes for previous year
 - Samples of other agreements → ask local Principals; VASSP members; AR etc. Have these available when discussing specific issues
 - Get state agreement & Teachers Service Order & have as reference
 - SRP / Planner → know what you can / can't afford
- Use current agreement as starting point
- Know default position - 480 formula is your friend.
- Know your calculations for index – usually staff are better off without default
- Avoid grievance potential with merit protection → work with partnership approach → know process in 'no agreement' situation?
- Be prepared, understand history behind issue → know your key players e.g. AEU
- Consider ES/teacher consultative process
- Understand staffing people → contracts/history → ongoing → experts/ ratios → ongoing & impact of these
- Consider network in school negotiation
- Understand salary levels of staff
- Develop a way to link staffing & curriculum (e.g. Spreadsheet)
- Have a datasheet which shows ramifications of any decision, including financial implications
- Develop & document the meaning of key terms such as 'meeting'
- Don't confuse practice with policy
- Don't be waylaid by 'in my last school'
- If new to school – know history
- Ensure clarity about interpreting meaning of Agreement
- Extend the time frame – the period of the agreement
- Get head around composition of LCC / LAC / PAT → who are they & who do they represent?
- Know your school – start & end points – predict "issues & battles"
 - Understanding of complaints process
 - Know "hotpoints"
 - Predict disputes ahead
 - Avoid grievances
 - Partnership approach
 - Know your staff/ES staff
 - Know / use key people / senior personnel & use them to get to end point
- Have some mantras, e.g.
 - What's best for **our** students?
 - How does this improve student outcomes?
- Have a good understanding of complaints process – teachers' workload – Recruitment in Schools Guide
- Identify stakeholders, representation, structure of committees – all before starting this work
- Know budget implications of decisions and what parts of your SRP are discretionary e.g. ESL
- Know potential 'hot issues – predict disagreements ahead – what is NB in terms of strategic intent
- Know process for when agreement not reached
- What else is relevant? e.g. goodwill, holidays
- Have very clear guidelines about the consultative committee.
- 2 year local agreement (or longer) rather than 1 year - do not negotiate every year
- Define / understanding of what consultation means



2. What others need to know

- Remind staff that they voted for the agreement, and what is being discussed is its implementation, not another negotiation of EBA conditions
- Start with default position - the 480 formula
- Advise staff that the role of committee is consultative and that Principal makes final decision.
- Definition of consultation - consultation not negotiation
- List of areas the committee can be involved in
- Agreement signed? Not signed? – Agreed at Consultative level
- Clarify each year for staff coming in
- Clarity for all staff the default position. It is an option not to have a local agreement!
- Explain ramifications of decisions
- Role clarity of those involved in process
- Provide PD for Consultation Committee
- Explain 'default' - default position is unattractive!
- Define / understanding of what consultation means
- Develop & document the meaning of key terms such as 'meeting'
- Full copy of SRP – just take out salaries to consultative to let team know what is possible / not (only if you're in deficit)
- Identify stakeholders, representation, structure of committees – all before starting this work
- Explain budget implications of decisions and what parts of your SRP are discretionary e.g. ESL
- Process for those trying to operate outside → local → statewide
- Provide context e.g. SRP
- Staff need to understand resources are finite – keep them informed about budget framework e.g. how student numbers impact on staffing & programs – share workforce plan / how SRP works
- Negotiator must have a thorough knowledge of industrial agreement and implementation advice
Distinguish between what is in the current Agreement and what is part of the log of claims for the next Agreement
- Remind staff representatives that role is to consult with all staff - request clarity from staff representatives as to where they have consulted

3. Who you need to talk to through the process

- Brief AEU executive beforehand. Open up dialogue with AEU reps from outset
- In the context of implementing (rather than negotiating) the Agreement, ask Branch for:
 - Suggestions re improvements to draft local document
 - Specific concerns
 - Additional issues to discuss
- For effective communication include whole staff in providing feedback and invite their suggestions. This is especially important in developing agreed consultative process.
- Clear process in 'no agreement' situation
- If in doubt clarify with experienced Principals (contact VASSP)
- Know what other Principals are negotiating / EBAs in your network
- EBA → deep knowledge → share with consult committee & staff
- Consultative group makes recommendations

4. The way to approach the meetings

- Aim to work constructively with consultative committee
- Be transparent – clear – keep to timeline– no hidden agendas – an open process based on fairness and equity
- Negotiate in good faith
- Non emotional approach to interaction with union
- Fair & equitable – be sure you apply this to all discussions
- Eliminate conspiracy theories – information provision
- Don't open to all staff - staff make recommendations to CC
- Have a plan; have a position - be proactive
- Table the proposal / articulate the process
- Develop agreement on what consultation means.



- Remind everyone that decisions are only recommendations to the Principal – the Principal has final say.
- Discussion could include succession planning, hard to staff areas – include implications of class sizes etc
- Start at the beginning of the year
- Student centred decisions – the crux of everything
- Establish communication processes
- Where can you be flexible? Yard Duty, class sizes, time allowances, electives offered?
- Keep track of dialogue / process. Document everything.
- Be clear about ramifications of decisions
- Involve senior personnel/leadership team and use them - invite bus man & all APs to join group → One AP to take minutes or make sure you have an independent note taker
- Empathise with staff – they work hard
- K.I.S.S. (Keep It Simple, Stupid) → don't keep replicating EBA → be prepared with a compromise
- Keep a private record discussions etc as well as public record → transparency
- Meet with committee / be able to put names to faces
- Spend the last five minutes of each meeting summarising what has been agreed so that minutes are accurate and you don't have to debate or amend them later.
- Negotiate locally loads average over weeks – not just one
- Acknowledge “good will” that exists in schools already
- Agreement re combined VCE classes U1 & 3 – be careful not to tie yourself down!
- Expert teacher role and additional payments – think about in profile to be prepared for debate. Be clear about expectations
- Negotiate a long (as long as possible) term Agreement – 2, 3 or 4 years rather than 1 year Local Agreement.
- After the meetings, debrief with your APs and talk through what you would like to achieve in the next meeting.

5. Who can give you support

- Determine critical friend/s (school council President)
- Do homework with stakeholders prior to meeting
- Don't take things personally – seek support (externally)
- Meet with local principals before agreement – support / ideas / continuity (not out of step)
- Get an experienced Principal mentor and use them – use their process – timeline
- Have strategic examples from other local secondary colleges when discussing specific issues
- If in doubt clarify with experienced Principals (VASSP)
- Local VASSP group – collegial convenors
- Use other PCOs or VASSP - your professional organisation
- Contact Policy & Human Relations Unit at DEECD for clarification of EBA items
- Use VASSP Field Officers

6. What needs to be organised

- Timeline of consultation process
- Agenda of staff meeting to seek initial input and provide feedback
- 2 year local agreement (or longer) rather than 1 year - do not negotiate every year
- Have a clear process – have all facts/ documentation – document everything.
 - State/local agreement
 - Teaching service order
 - Recruitment in School's Guide.
 - Have space for documents & names of staff representative for staff to see/access.
 - Policies
 - ESS agreement
 - Know protocols
- Consultative Committee – properly formed - clear guidelines – process / protocols
- From the very start have a clear timeline for consultation, establish protocols for progress and agree on ways of managing the whole process.
- Be proactive in setting up the consultative committee to avoid blockers.



- Need to have informed members of the Consultation Committee. Young staff may lack the background knowledge of industrial relations.
- Prepare and consider a range of options
- Reach agreement on protocols of doing the consultation – have detailed consultative committee statement clarifying roles and protocol.
- Develop clear documentation of local agreements:
 - Allotments (e.g. 0.7 = x minutes teaching)
 - Constitution and scope of agreement implementation committee
 - Duration of local agreement with sunset clause
- Create written handbook document
- Develop a process for negotiation first
- Identify new negotiables e.g. Pupil free day
- Make sure local agreement is widely available, include in staff orientation
- Document constitution re agreement implementation committee & their scope → local agreement → time allowances & special payments, details of allotments (e.g. 0.7 = x minutes) with all variations and make these available to AIC
- Ensure there is a consultation process
- ESS agree & parallel to teaching staff negotiations → cover communication, relationships, understanding & compliance
- Establish and document protocols for consultation (acceptable practice)
- Establish protocols especially confidentiality
- Forward planning – liaise with branch, identify issues (leadership profile, student numbers etc)
- Get AEU local Agreement between AEU branch and Principal
- Pre-empt representatives → representative nominations
- Principal may 'start' process and offer to sub-branch but if not agreed – default
- Space for documents to be located & names of staff representatives – process to inform staff about agreed process for EBA
- Written agreement on the duration of the agreement
- Use reps (staff/union) to report back → shared knowledge / ownership
- Survey Monkey (www.surveymonkey.com) to seek feedback → AEU → Non AEU
- Have a plan for how staff will be informed about agreement – don't leave it to union
- Diagram of roles & process
- If there is a combined teacher/ ES Consultative Committee there is a need to clarify the role of each group in negotiation of respective Agreements
- Start negotiations at beginning of the year
- Timing of the Consultative Committee both of which preferred a start term 2 → start term 2 timing.

7. Managing yourself in the process

- Do homework with stakeholders prior to meeting
- Don't take things personally – seek support (externally)
- Focus on EBA negotiation
- Getting started: listen, confirm what you are told before acting on it
- Read AEU publications; check website
- Take time to reflect before committing to a decision
- Take issues under advisement, seek further advice – don't take for granted what others say.
- Is OK for grievance to be lodged, get support to work through it (don't see it as failure!)
- Have a documented starting point – focus
- Non emotional approach when dealing with union.

8. Managing others in the process

- Share knowledge & ownership. Communication/relationships.
 - Open & use them strategically
 - Consultation / communication
 - Shared use of key players
 - Shared decision making
 - Have a clear process



- AEU representatives – dialogue from staff meeting – VASSP network
- Outset on agenda of consult committees – advisory not directive – have them work for you.
- Use Union reps to report back – track dialogue/process
- Staff need to understand resources are finite/SRP workforce plan
- Consensus – not just ‘individual’ perspective → clarify just who said it / how many / representation
- Develop & document the meaning of key terms such as ‘meeting’
- Do homework with stakeholders prior to meeting
- Have a process for duty allocation
- Open up dialogue with AEU reps from outset. Brief AEU branch Executive beforehand.
- Principal deals with consultative committee
- Use the language of the EBA (direct quotes) in documentation to ensure staff understand fact from fiction / wish list
- Whole staff communication → group work → seek feedback from all staff
- Agreement – core things documented & locked down → aim to keep some flexibility to consult at management group trade offs
- Need goodwill → aim for give and take
- Keep good minutes of meetings and have public access – email to staff.



Negotiating a Local Agreement – a VASSP Flowchart



