

From the Employment Officer's Casebook



Redundancies at Hill Top School

Our eight members at Hill Top received a most unpleasant shock when they were all handed redundancy letters on 22nd December 2008. They were told that as the school had no cash flow at all, they would not be paid their salaries beyond that date.

To date, we have been working together with our legal advisers to attempt at least to get the arrears of salary (up to 27th January) paid promptly. Beyond that all staff are entitled to further pay in lieu of notice, together with the redundancy compensation allowed for in their collective agreement.

We are very concerned that these staff were left unexpectedly without their expected funds to cover the January period, and for one or two this has meant real hardship. Certainly, the Board has acknowledged its obligations, and its intention of paying staff before



Hill Top School

other creditors, but when any payment will be made remains completely unknown.

We have advised the Board that we would have the right to file in the Employment Relations Authority for the outstanding salaries, or at least for a definite time frame for payment. However, to date we have not done so, although that process remains a good possibility.

The school has not technically closed, but has remained open with less than 10 students. We understand the Board are in negotiations to sell the property as a going concern.



Six of the redundant Hill
Top School Staff

This sad situation is a reminder again of the need for good redundancy clauses in every agreement. In the present climate

Boards are most reluctant to commit to compensation payment if it is not already in place. If your agreement has good conditions make sure you keep them!

Mairi Ferguson
Employment Officer

TRIAL PERIODS UNDER THE 90 DAY LEGISLATION

There is now a new category of employment called a "Trial Period", which comes into effect from 1 April 2009. This can be **used only by employers with less than a total of 20 employees**. This would cut out the majority of our schools, since employees in this case means all employees, not just teachers or just support staff. For those employers, it will be possible to employ someone for 90 days, with no obligation to continue after that.

The Trial Period must be included in writing in the employment agreement.

Notice of dismissal need not be in writing, and no reason need be given for dismissal.

Employees can not be rolled over for a second 90 day period.

Good faith conditions still apply, and (in theory at least) such employees must be treated like anyone else in all other respects. They do have access to mediation for anything that occurs during the trial period, but not for the dismissal.

Is Honorary Membership for YOU? - see page 4

ISEA

ISEA NEWS

REPRESENTING TEACHING AND NON-TEACHING STAFF IN INDEPENDENT SCHOOLS



FROM THE CHIEF EXECUTIVE OFFICER

AGMs: Its that time of year again!

Greetings for 2009 and I hope that everyone is settling back into school life. Over the next few months, I am looking forward to attending as many ISEA school AGMs as possible. Members' democratic participation in ISEA is an important aspect of our ability to represent you to government and the employer. Therefore, we are encouraging all schools to hold Annual General Meetings early in the year and confirm their ISEA school representative.

The school representative is your link to the ISEA Executive and staff team. So, a formal election process confirms and strengthens the membership's relationship with those acting on your behalf. The AGM does not have to be an onerous meeting and in fact the election can be the single main item on the agenda. Your Executive decided to provide a membership fee discount scale to encourage participation, increased membership and in an attempt to partly compensate school representatives for their time. This is based on the number of members at the school and the form of employee agreement. Confirmation of the details of the formula will be circulated later in the term.

In the meantime, please contact me if you would like one of the Executive or staff to attend your AGM or a meeting at any other time during the year.

Check your Stationery

This month we will be posting out new membership packs to both your school representative and your principal/headmaster. These are primarily to give out to new staff (both teaching and non-teaching) at the school. You will notice that this new material has the new 'ISEA' logo replacing the old 'ISTANZ' one. The second and most important change is the membership form. **Please** destroy any old membership forms in staff rooms or on file and replace with the new one available on the website www.isea.org.nz or in the packs.

New Staff at Your School

Members provide valuable service to ISEA by simply passing on membership packs or forms to any new staff they recognise. It looks like a difficult year for us all and the most effective way of helping each other through it is by collectivity and increased numbers. Make it a New Year's resolution to encourage a new staff member to join in 2009.

All the best for the year

Grant Gillon
Chief Executive Officer

FROM THE PRESIDENT



Welcome back to the new school year. I pass on the greetings and best wishes from the National Executive and our staff team, for a good and positive year. For those who remained in New Zealand for the holiday period we had a glorious summer with long periods of warm sunny days. For those who travelled overseas I hope you have returned reinvigorated and ready for the school year.

There is no question that we are facing challenging times economically. It is clear from preliminary feedback that enrolments in our schools are being affected. This will certainly have the potential to have an impact on our smaller schools. We will be monitoring the situation closely.

ISEA is hoping that the Minister will move quickly on the increase in funding to our schools. A formula for the increase has yet to be announced. Again we will be monitoring this very closely.

Readers will be aware from the media that one of our member schools in Auckland, Hilltop School, is facing serious financial difficulties. At the end of the school year the Hilltop staff were told that they would be made redundant as the school could not guarantee that it had sufficient enrolments to remain open. Fortunately ISEA had ensured that Hilltop had a good employment agreement which included a good redundancy clause.

ISEA has been working very closely with the staff and the school board over the holiday period. Inevitably the media became involved with both Mairi Ferguson and I being asked for comment. At the time of writing the Hilltop staff have yet to receive their final payments owing to them. ISEA have been working closely with the school Board to ensure this happens and acknowledge the full cooperation given by the Board in a very difficult financial situation for them in accepting responsibility for meeting these obligations.

It is a very difficult time for the former staff of Hilltop as they find new employment. Hilltop staff have been very loyal and supportive members of our association over many years. We wish them well as they find new jobs. We wish the Board well as it considers its options for the future.

Uncertain times do highlight the need for support. ISEA is committed to ensuring that all our members, whether teachers of support staff have good employment agreements and have strong support in times of need. If you are not already a member I do urge you to take up your subscription promptly. You never know when support might be needed.

Bruce Owen
President

PROFESSIONAL GRANT - report from Julie Ross, Rangi Ruru Girls' School

'Harum Scarum' Julie Ross 2008

My name is Julie Ross and I teach Art and Design at Rangi Ruru Girls' School. I am a practising artist working mostly in the area of drawing and zinc plate etching. In September 2008 I had a show of my work at the Brooke Gifford Gallery in Christchurch. I applied for, and was thrilled to receive a \$1000 grant from ISEA towards the cost of framing for my show.

The show, titled "Harum Scarum", featured 9 zinc plate etchings and 3 large lead pencil drawings. As an artist I consider myself a surrealist. I love creating unusual, humorous combinations of images in response to some form of narrative. I also enjoy working with humorous titles/sayings. - This show was all about playing with the words hare/hear/hair and here! Most of my works were variations of hare heads on figures and had titles such as; Harelding Spring, Made Hare, Hare No Evil, Haresay, Hareless etc!



'Harelding Spring'

The opening night of the show was a lot of fun and I felt very supported by family, friends, students and staff from Rangi Ruru. I was also able to take students to the show and talk to them about Dealer Galleries and what is involved with having an exhibition. I think it is a great opportunity for students to see teachers practising what they preach, and I feel very fortunate to be able to make work during some of my holidays.



'Foxy Lady'



'Harum Scarum'

- The Employer tax credit disappears.
- The annual fee subsidy also disappears. (This is currently \$40 a year towards your provider fees)

The law will change so that your gross pay can't be reduced if you join KiwiSaver.

I am aware that a number of schools are currently paying 4% employer contribution. In view of the information above, I think it very likely that some at least will want to reduce this to 2%.

Provided your contributions total at least \$1042.86 per financial year, you will still receive the full member tax credit of this amount. If your contributions are less than this, you will receive a credit up to whatever you have paid in.

You should receive a letter from KiwiSaver outlining these changes before 1st April.

Mairi Ferguson

REST & MEAL BREAKS

From 1 April 2009, employers must provide the following breaks:

- One 10 minute paid rest break and one unpaid 30 minute meal break if the work period is from four to six hours.
- An extra 10 minute paid rest break if your work period is from six to eight hours.

If you work longer than eight hours, then these breaks would be repeated.

We are all aware that lunch times in particular in schools tend to be used for meetings etc. Strictly speaking the employer cannot demand that you attend a meeting or do a duty for the whole of your lunch break – by law you are entitled to 30 minutes. Of course if you choose to organise something in that time that is your decision, and not the employer's responsibility.

The majority of schools do provide this, and many employment agreements specify the breaks as described. If you are required to remain after school for parent-teacher interviews (for example) you must be provided with a break. Some schools do provide for a 30 minute break with a light meal in these conditions. It is worth thinking about the timing of such events and ensuring that your needs (and rights) are being met.

INFANT FEEDING

New legislation from 1 April 2009 requires employers to provide "appropriate facilities" for employees who wish to breastfeed or express breast milk as far as is reasonable and practicable. The breaks are unpaid unless both parties agree otherwise.

"Appropriate facilities" has not been defined, but is assumed to mean a separate space with sufficient privacy for mothers to breastfeed or express away from the view of others without disrupting normal business operations. If a mother is expressing she will require access to a fridge or chilly bin to store milk in.

It will, from 1st April, be mandatory for employers to provide breastfeeding breaks for anyone who needs it.

KIWISAVER UPDATE

From 1 April 2009, there are some changes to KiwiSaver.

- Your minimum compulsory contribution reduces from 4% to 2%. If you are currently paying more than this, you have the choice of reducing your contribution to the 2% if you wish. Of course you may choose to leave the amount as it is.
- The compulsory employer contribution goes to 2%, but will not rise any further. Employers will have to pay tax on any contributions more than 2%.

INTERNATIONAL ISSUES

Continuing our occasional series on news from the many international teachers organisations ISEA has links with.

Zimbabwe

The appalling situation in Zimbabwe is hitting the education system hard. Teachers are on a minimum monthly salary of the equivalent of US\$2 and some parents have started buying clothing and groceries for teachers to keep them in schools. With annual inflation at possibly 516 quintillion percent (that's 18 zeros) the education system is crumbling. Teacher numbers have more than halved since 1995 and teacher unions are demanding teachers be paid in US\$ instead of the worthless Zimbabwean currency that the government insists on. Many of the remaining teachers have not returned to work for the new school year, demanding that the government address their concerns. It remains to be seen whether the new political agreement in Zimbabwe will help the situation.

Fiji Ban

Mr Tevita Koroi, the Fijian President of the Council of Pacific Education (COPE) which is the umbrella body for teachers in the Pacific region, has been prevented by the Fiji Public Service Commission from attending the regional Education International meeting in Kuala Lumpur in March. Tevita has been suspended without pay from his job as principal and banned from leaving the country because he spoke out against the interim regime in Fiji. ISEA hope that COPE can convince the Fiji PSC to lift the ban and allow President Koroi to represent the interests of all teacher organisations in the region. For information and messages of support you can contact COPE Secretary General Govind Singh on cope@connect.com.fj

Parental Attitudes

A major 3-year British study called the Good Childhood Inquiry has concluded that the aggressive pursuit of personal success by adults is now the greatest threat to children. It calls for a sea-change in social attitudes and policies to counter the damage done to children by society. Family break-up, unprincipled advertising, too much competition in education and income inequality were mentioned as big contributing factors in the growing numbers of anxious and troubled young people. The report claimed that children with single or step-parents were 50% more likely to fail at school and have behavioural difficulties and anxiety or depression.

Among its recommendations were calls for free psychological and family support if relationships struggle and rules making it easier for parents to stay at home and raise children.

Speed Learning

Pupils in an English school passed a GCSE science module after just an hour of teaching using a technique called "space learning" according to the Times Education Supplement. Students at Monkseaton High scored up to 90% in the paper after one session involving three 20 minute bursts of intensive teaching with slides, interspersed with 10 minute breaks for physical exercise. The technique produced better results for more than a quarter of the students after an hour than they achieved in traditional classes after four months. It was based on neuroscientific research on how the brain creates memories. The students were presented with the syllabus of the entire biology module in 70 rapid-fire slides in 20 minutes. This was then repeated twice after 10 minutes for physical exercise. The report has led some to question whether this was just cramming for exams and how much real understanding took place. The school intends to extend the approach to all age groups and other subjects this year.

Mark Cleaver

HONORARY MEMBERSHIP

**Going on Parental or long term leave,
or retiring this year?**

**Don't forget to change your
membership category to that of
Honorary Member to keep your
benefits alive.**

Only \$30.00 per year.

**Notify Jill Brookes, Administration
Officer today to ensure continuation of
access to all benefits.**

admin@isea.org.nz

ISEA - Directory [all correspondence should be addressed to P O Box 95-145, Swanson, Waitakere 0653]

Administrator: Jill Brookes
Ph [09] 833.9796
Fax [09] 833.9800
Mob 021.778.713
email: admin@isea.org.nz



President: Bruce Owen
Ph [09] 294.6629
Mob 021.681.962
email: president@isea.org.nz

Employment Officer: Mairi Ferguson
Ph [09] 277.5327
Mob 027.309.1835
email: mferguson@isea.org.nz

Chief Executive Officer: Grant Gillon
Ph [09] 480.1835
Mob 027. 480.1835
email: ggillon@isea.org.nz

Secretary Treasurer: Malcolm Walker
Ph [03] 384.8105
Mob 027.271.0104
email: secretary@isea.org.nz