



## 1. What is an LCC?

A Local Consultative Committee is a **representative group** of management and union nominees which is established to provide a forum for discussion of **work related issues**. The LCC should be the key consultative body within the school that focuses on workers and how they do their work.

The purpose of the LCC is to provide a quality consultative mechanism in the school where all staff members have the opportunity to:

- contribute to the implementation of the terms of the enterprise bargaining agreement;
- influence **workplace reform**;
- raise issues of concern to them as employees;
- initiate improvements in areas such as work organisation, training, delivery of services and safety;
- achieve a healthier, more satisfying and productive work environment;
- avoid arbitrary management decision-making; and
- plan and **negotiate change** smoothly.

**The Department of Education and the Arts Teachers' Aides Certified Agreement 2009 Schedule 6 carries forward and expands on the consultative arrangements in schools established in 1995. These arrangements require the establishment of LCCs in schools with more than 25 employees, including teaching and support staff. They also govern the consultation required in processes for achieving flexibility in schools**

Smaller schools have the option of either:

- establishing an LCC if that is considered to be appropriate to their situation; or
- ensuring that any decisions relating to workplace reform or workers' issues generally are made in accordance with the consultative guidelines agreed by unions and the Department.

Consultative mechanisms are established at both a local school-based level (LCC) and at a state-wide level (ECC - Education Consultative Committee made up of United Voice, QPSU, QTU and Education department officials).



The LCC has a role in the consideration and approval of any proposals for workplace reform at a school level. These areas include:

- the implementation of the Department of Education and the Arts Teachers' Certified Agreement 2006 (the Certified Agreement) at a local level;
- changes in work organisation, eg. staffing, job descriptions and classifications;
- changes affecting the employment or conditions of employees, eg. starting and finishing times, break times.

The areas are not clearly defined but are intentionally quite broad. If there is any dispute about whether an issue falls within the role of the LCC, you should contact the Union for advice.

In most schools, the LCC has a significant role in the consideration of variations to the staffing mix. This provision allows staff to vote on any proposal that may impact on their area by either reducing the number of hours or employees available to perform the role(s) (eg. utilizing teacher aide hours to employ other classifications such as IT, Administration etc). The guarantees (outlined in Section 5 of this kit) require timely consultation on any matters affecting employment or conditions of employment. While many decisions can now be made at a school level, any proposed variations to award conditions or conditions in directives or determinations must be referred to the Education Consultative Committee under the facilitative provisions in Clause 3.7.1 of the Department of Education and the Arts Teachers' Certified Agreement 2005. Disputes about the implementation of the Certified Agreement must also be referred to the Education Consultative Committee.

## 2. Who Can Be on an LCC?

The Department of Education and the Arts Teachers' Certified Agreement 2006 stipulates that membership of LCCs must comprise **equal representation** of management and union nominees.

The size of the LCC is not prescribed but will usually be eight (four union and four management) with the QTU having two of the union positions.

Wherever possible, union representatives should include a member of each of the three unions (United Voice, QTU and QPSU) with representation in schools. Obviously, union nominees must be union members.

**The LCC must not include parents or community representatives.** As a consultative body dealing with employees working conditions, the Certified Agreement and relationships with management / the employer, it is not appropriate to include representatives from other interest groups.

Each union controls the process for selecting its own representative(s) on the LCC. Endorser United Voice Union Representatives have the first choice for accepting a position in the LCC. Eg. Delegated contacts.

It is vital that the union nominees work cooperatively, even if some issues do not directly affect United Voice members.

Where a union has no financial member wishing to nominate, that position may be filled by a member of another union, provided that the relevant union agrees. Thus it is possible for the United Voice to fill a vacancy created by another union.

After union nominees have been finalised the principal should consult as to the nomination of management nominees with a view towards ensuring the broadest possible representation across all groups of workers in the school. It is expected that the principal will be a member of the LCC.

Management nominees and union nominees should recognise that their prime objective is to ensure that the views and concerns of all workers are brought forward and the interests of all groups are considered and protected.

While the various employee groups are covered by separate agreements, they maintain a formal role in the functioning of the LCC and it is important to ensure that the effect of any proposal on their working conditions is considered and that they are kept informed of LCC decisions.

The LCC should take account of representation of the target groups identified in the "*Equal opportunity in Public Employment Act, 1992*".

### 3. What Should An LCC Do?

All members of the LCC, but particularly union nominees, should consult with staff in order to represent their views at meetings. To do this, strategies need to be developed to **gather views and ideas from staff**. These might include:

- draft meeting agenda one week ahead and call for comments, questions and additional agenda items;
- questionnaires;
- informal meetings of small groups;
- use of notice boards in staff rooms;
- newsletters / daily bulletins; and
- union workplace meetings / staff meetings.

With the establishment of the LCC, the school should take the opportunity to **reconsider existing committee structures** so as to avoid any overlap and duplication of effort.

It is anticipated that the LCC will become an integral component of management structures and processes in larger schools.

Clause 3.5.4 of the 2005 Certified Agreement requires that LCCs meet at least once per term and that minutes of these meetings be recorded as a permanent record. Meetings should be held at a time which minimises class disruption but allows all groups to be represented.

The role of the chairperson will be vital in ensuring that all views are heard, discussion remains focused, commitment is maintained and that consensus decisions are reached. The LCC should really only promote proposals for change which can be assured of bold support across the staff of the school. Any proposal for change should be considered by the LCC in terms of:

- **potential benefits** for the effective operation of the workplace;
- problems associated with implementation;
- future implications;
- **impact** on particular groups of workers, including workers with family responsibilities;
- occupational health and safety; and
- workload and work/life balance.

If there is a **consensus** decision to **initiate** a particular change proposal - the LCC should continue to maintain an active involvement throughout the stages of **implementation**, progressive monitoring and **evaluation** of the workplace reform initiative.

Workplace reform initiatives might include:

- flexible staffing arrangements;
- alternative management structures;
- school-based management of resources;
- facilities management;
- workplace child care; and
- flexible working hours arrangements.

N.B Clause 2.3 of the Department of Education and the Arts Teachers' Certified Agreement 2006 provides a process for local level approval of flexible school hours between 7.00am and 5.00pm subject to the change being a benefit to educational outcomes and agreed by the LCC.

### **Facilitative Provisions**

There are specific additional requirements when a workplace reform proposal requires variation to employment conditions or work practices contained in awards, industrial agreements, Public Sector Management Standards, Office of the Public Service Directives or Determinations of the Governor-in-Council. These requirements are set out in Clause 3.7.1 of the Department of Education and the Arts Teachers' Certified Agreement 2006

In summary, they require:

- the right of employees to be represented by local union delegates/union officials;
- negotiation with all employees directly affected and as a group;
- changes can only be implemented by agreement and consensus should be sought wherever possible;
- relevant unions must be notified at least seven days in advance regarding any proposal;
- consideration must be given to the impact on employees with family responsibilities, occupational health and safety issues and on other employee groups;
- proposals must be approved by the Education Consultative Committee prior to implementation; and
- basic employment conditions (normal weekly pay, hours of duty, leave entitlements) cannot be varied.

You should refer to the full text of the clause from the Department of Education and the Arts Teachers' Certified Agreement 2005 when considering such changes

## 4. Guidelines for Smaller Schools

The parties to the Department of Education and the Arts Teachers' Certified Agreement 2006 were of the view that most smaller schools (fewer than 25 staff) had insufficient staff numbers to sustain a formal LCC. Accordingly there is no requirement for them to establish an LCC, although they are free to do so. However it is a requirement of the 2006 Certified Agreement for these schools to follow a consultative approach to school management and workplace reform. This consultative approach might be advanced through the use of existing consultative structures or enhancement of other current consultative practices.

The parties to the 2006 Certified Agreement are committed to progressing the development and implementation of consultative mechanisms in schools which result in a more participative approach to work, management and service delivery. For this to happen existing consultative processes need to be reviewed to ensure they are inclusive and provide opportunities for all staff to contribute their ideas about how work is best organised in the school.

As LCCs will not be established in the majority of Band 5, 6 and 7 schools, alternative procedures for consultation will need to be developed in progressing workplace reform initiatives:

Smaller schools are encouraged to refer to the following checklist in progressing workplace reform initiatives:

- review existing committee structures so as to avoid overlap and duplication of effort;
- pay particular attention to EEO target group members and their needs;
- when considering a workplace reform initiative, first involve and consult those staff who will be affected;
- remember to involve teaching staff and ensure their views are taken into consideration;
- remember to involve union representatives in consideration of proposals;
- assist staff involvement by timing meetings in a way that is suitable for those with family responsibilities; and
- ensure that relevant information about Departmental policies or award conditions is readily available for staff to consider.

**(Source: Adapted from Workplace Reform in Schools Program Department of Education,**



**March 1995; Clause 3.6 of the Department of Education and the Arts Teachers' Certified Agreement 2005).**

## 5. Staffing Flexibility

### 1. Background

One of the Department's aims in introducing school-based decision-making was to allow some measure of staffing flexibility at school level. This issue was central to the dispute between the QIU and the Education Department in 1997 and could not have been settled without the guarantees now contained in the Department of Education and the Arts Teachers' Certified Agreement 2006.

### 2. Protections Provided by Guarantees

The guarantees provide a range of protections in relation to staffing flexibility, primarily contained in School-Based Management Guarantees - 11.1.3 (b) Budget and 11.1.3 (d) Staffing and in Clause 3.7.2 Staffing Flexibility Arrangements.

In summary these protections include -

- Only notional salary allocations will be provided to schools. There can be no further devolution of salary funds, eg. "bulk funding" during the agreement;
- Funds allocated in the total school budget for staffing must be used for the employment of staff in accordance with the centrally-determined allocative methodology.
  - funds allocated for staffing must be used for the employment of staff;
  - changes to the staffing mix can only occur when a substantive vacancy exists; such changes can only occur following LCC endorsement;
  - such changes can only occur **following voting of affected staff**;
  - such changes must also be endorsed by the School Council (if established) and the Executive Director (School);
  - all the other guarantees (eg. maximisation of permanent employment) are to be met;
  - such changes must be submitted to the ECC for approval.

### 3. Staffing Flexibility "Endorsement by Staff"

One of the key guarantees is that changes to the staffing mix must be endorsed by staff. Obviously there is a limit to how much detail can be included in an agreement.

Thus there is a need to clarify the steps that need to be taken to ensure that any change in staffing can only occur after "endorsement" by a majority of staff.

The United Voice believes the process of endorsement should be based on the following important principles:

- the term "staff" includes all employees, ie. teachers, teacher-aides, administration staff, janitor grounds persons, laboratory assistants, etc.;
- co-operation should occur between the three unions represented in schools (United Voice, QPSU and QTU);
- staff should have the opportunity to determine "endorsement" (or otherwise) in a democratic-manner, without- pressure or-coercion

Thus the process of implementing a change for the staffing mix should go through the following steps:

1. Discussion at the Local Consultative Committee level, ensuring the proposed change does not contravene the guarantees detailed in section (2) above.
2. An unambiguous written description of the proposal (including funding) should be made available for all staff to consider.
3. United Voice Representatives should consult with representatives of other unions on-site, to discuss the proposal. United Voice Representatives should of course discuss the issues with United Voice members.
4. The Union Representatives should then conduct a ballot of staff to determine whether the proposal has the endorsement of staff.

**Important:** It is absolutely vital that **each and every** proposal is closely examined by the United Voice and its members. Although many proposals will not directly affect United Voice members, it is important to ensure that the process of endorsement is correct in the first instance

## 6. Can a Workplace Reform be made Permanent?

The issue of effective consultation is fundamental to the 'Workplace Reform in Schools' initiative and, as such, the mechanism to convert such reforms to permanent changes requires a further rigorous consultation process to be undertaken.

A typical consultation process for both the initiation of a new workplace reform and the consideration of an existing workplace reform for permanency will demonstrate the following stages:

- a) A full and frank review of the reform involving:
  - (i) notification to the Local Consultative Committee on the approved form of the intention to begin a consultation process pursuant to these guidelines at least fourteen (14) days prior to the commencement of consultation. Approval to conduct a consultation process must be received prior to consultation commencing;
  - (ii) consultation by the Principal (or delegate) with all affected staff to evaluate the reform against agreed criteria;
  - (iii) a review of the operation of the reform in the preceding twelve month period;
  - (iv) reflection on the ongoing applicability of the school's approved workforce plan and the relevance of the proposed permanent change;
  - (v) production of a summary of the findings of the review in terms of the benefits and outcomes for the school, in particular, the educational outcomes for students; and
- b) A ballot of all affected employees shall be conducted to determine whether support equivalent to not less than two-thirds of employees who vote exists in respect of the proposal to convert the reform to a permanent change. Where the affected employees represent two or more groups of employees the ballot must achieve two-thirds support amongst each of the groups to be considered sufficient to warrant a permanent change.

In general, the consultation process must be completed at least one school term prior to the proposed date for implementation of the resulting permanent change. In cases where the proposed workplace reform is consistent with an agreed standard workplace reform proposal as determined by United Voice and the Department, approval for conversion to permanency may be provided by the LCC alone. In all other cases, confirmation of eligibility must be obtained from the ECC.