

**FAIR WORK COMMISSION**

*Fair Work Act 2009*

Sec 185 application for approval of an enterprise agreement

**Early Learning Association Australia**

**ATTACHMENT 2 TO THE APPLICATION**



# LIST OF CONTENTS IN THIS EMPLOYER PACK

This Employer pack contains the following documents:

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29 January 2016

Dear Employer,

Early Learning Association Australia (ELAA) has negotiated on your behalf with the Australian Education Union (AEU) and United Voice to develop an enterprise agreement to replace the Victorian Early Childhood Teachers and Assistants Agreement 2009. A new proposed agreement titled *Victorian Early Childhood Teachers and Educators Agreement 2016* has been concluded reflecting terms and conditions agreed between the parties, including salary rates and classifications. In line with the requirements of the *Fair Work Act 2009*, all teachers and educators employed in your service who will be covered by the proposed agreement will now be asked to participate in a voting process.

Please note that although ELAA has negotiated this agreement on your behalf, you have an opportunity to read the agreement on ELAA's website [www.elaa.org.au/news\\_advocacy](http://www.elaa.org.au/news_advocacy) before making a **final** decision on whether you want to make this agreement with the employees.

We have developed a summary document detailing the changes to assist you in making a decision. I strongly urge you to read these documents **before** providing your employees with a copy. Once you request your employees to approve the proposed agreement (by providing them with a copy of the agreement and a ballot paper), you will be legally bound to accept the outcome of the balloting process. Please see the attached list of FAQs for more information.

Due to the large number of staff who will be balloted in this process, we are seeking your support to ensure that this process is conducted as smoothly as possible. **In particular, we ask that you make it clear to all your employees that in order to cast a valid vote in the ballot, the completed ballot paper should be sent directly to the service in the envelope provided and not directly to ELAA.** We also advise that you take note of key dates in the Voting Schedule document as timing is critical to this process. Please read the Voting Schedule provided in this pack for further details.

If the vote for a new agreement is successful, ELAA will work with the AEU and United Voice to submit an application to the Fair Work Commission for approval and certification of the agreement. This process can take between four to 12 weeks from the date the application is submitted. The agreement comes into effect seven (7) days after the Fair Work Commission approves the agreement.

I would like to thank you for your patience and support during the often difficult negotiation process. Once the proposed agreement has been approved by the Fair Work Commission, ELAA will be providing practical, detailed guidance on implementation to all members who are party to the agreement.

A copy of this pack is available for ELAA members to download from the 'Members Only' section of the ELAA website. If you require any information or clarification about the voting process, please do not hesitate to contact ELAA on 03 9489 3500 or at [elaa@elaa.org.au](mailto:elaa@elaa.org.au).

Yours sincerely

**SHANE LUCAS**  
CHIEF EXECUTIVE OFFICER



# GUIDE FOR EMPLOYERS

## PRELIMINARY STEPS

Step 1	<p>After receiving the ballot pack, please ensure that all the contents as listed in the cover sheet are in the pack.</p> <p>If not, please contact ELAA on 03 9489 3500 as soon as possible.</p>	
Step 2	<p>Read the proposed <b>agreement</b> and <b>summary document</b> and decide if, as the employer, you are willing to request your employees to approve the agreement.</p> <p><b>Please note that this is your last opportunity to withdraw from this proposed EBA. Once you provide a copy of the proposed agreement to eligible employees for voting, you will be bound by the outcome of the ballot process.</b></p>	

## IF YOU DECIDE NOT TO SIGN UP TO THE AGREEMENT

Step 3	<p>Please write to ELAA informing us of your decision not to request your employees to approve the proposed agreement. ELAA will remove your service from the list of employers bound by the agreement.</p> <p>Please see FAQs for further information on what this decision means for your service and your employees.</p>	
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## IF YOU DECIDE TO SIGN UP TO THE AGREEMENT

### A. PREPARING FOR THE BALLOT

Step 4	<ul style="list-style-type: none"> <li>Nominate a contact person at your service to answer any queries from your employees, or provide replacement ballots or instruction sheets.</li> <li>Include the name and contact phone for this person in the <b>cover letter</b> (template provided) you send to your employees.</li> </ul>	
Step 5	<p>Make a list of all the teachers and educators employed at your service.</p> <ul style="list-style-type: none"> <li>Include all full-time, part-time and casual teachers and educators.</li> <li>Exclude all other employees, e.g. administration staff. These employees will not be covered by the agreement.</li> </ul>	
Step 6	<p>Ensure the following is prepared:</p> <ul style="list-style-type: none"> <li>Sufficient photocopies of the <b>employee cover letter, ballot paper</b> and <b>voting instructions for employees</b> (provided in this pack).</li> <li>Sufficient number of envelopes with your service address on it, in which employees will place their completed ballots.</li> </ul>	

	<ul style="list-style-type: none"> <li>• A ballot pack for each eligible employee containing the following: <ul style="list-style-type: none"> <li>○ Employee cover letter</li> <li>○ Ballot paper</li> <li>○ Voting instruction for employees</li> <li>○ Envelope with the return address to post/deliver the ballot back to the service</li> </ul> </li> <li>• A large and reasonably secure box in which employees can place their ballots.</li> </ul>	
Step 7	<ul style="list-style-type: none"> <li>• Place a copy of the proposed <b>agreement</b> and the <b>summary document</b> explaining the changes in a common location, where all eligible employees can access and read the documents, e.g. staff notice-board, lunch room etc.</li> <li>• Place a copy of the voting instruction for employees and the opening and closing dates for the ballot alongside these documents.</li> </ul>	

#### B. CONDUCTING THE BALLOT

Step 8	<p>Distribute the prepared ballot pack by the date specified in the <b>voting schedule</b> (see enclosed).</p> <p>You have the option to either:</p> <ul style="list-style-type: none"> <li>• Hand it out in person, if the employee is at the service; or</li> <li>• Mail it to their address as per your records.</li> </ul> <p><b>Please note Australia Post may take a week to ten days to deliver mail.</b></p>	
Step 9	<ul style="list-style-type: none"> <li>• Open voting on the day specified in the <b>voting schedule</b> attached.</li> <li>• Ensure that the ballot box prepared for this purpose is available for staff members who are physically present at the service to cast their vote and place the envelope in the box.</li> <li>• Make arrangements to collect ballots mailed to the service by staff members who may choose to post their envelope.</li> </ul> <p><b>Note:</b> To make the voting process easier, ELAA recommends that services consider conducting a staff meeting on the day voting commences, to enable employees to cast their votes in person. Employees unable to attend this meeting may still cast their votes during the five (5) days that voting is open by coming to the centre or mailing their ballot using the envelope provided in their packs.</p>	
Step 10	<p>Close voting on the day specified in the <b>voting schedule</b> attached.</p> <p><b><u>Any ballots received after voting closes are invalid.</u></b></p>	



### C. CONCLUDING STEPS

Step 11	<p>Collect all the ballot envelopes (from all sites, if you operate more than one centre) and place them in a larger envelope addressed to ELAA at the following address:</p> <p><b>EARLY LEARNING ASSOCIATION AUSTRALIA</b>  <b>Level 3 / 145 Smith Street</b>  <b>Fitzroy VIC 3065</b></p> <p><b>Note:</b> Cluster Managers or services operating more than one centre may choose to have employees cast their ballots at their "local" centre, and then arrange to collect all ballots and bring them to a central location after the close of voting.</p>	
Step 12	<p>Sign the <b>employer declaration</b> provided in this pack. Please ensure that the person signing the declaration has the authority to do so (e.g. an Executive member of the Management Committee or the CEO or authorised Executive of the Cluster Manager).</p>	
Step 13	<p>Print a copy of the staff list you prepared under Step 5.</p>	
Step 14	<p>Place the signed declaration and a copy of the staff list in the larger envelope along with the collected ballot envelopes.</p> <p><b>Please note that in the event you do not receive any ballots from staff, you <u>must</u> still complete and return the employer declaration if you wish your service to be covered by the new agreement.</b></p>	
Step 15	<p>Seal the envelope and <b>courier</b> the parcel to ELAA to ensure speedy delivery.</p>	

#### IMPORTANT NOTE:

To keep the counting process simple and efficient, ELAA is asking that all ballots are collected and forwarded to us by the employer, accompanied by the staff list and employer declaration.

**Please advise your employees NOT to mail, email, or fax the ballots directly to ELAA.**

## GUIDE FOR EMPLOYEES

### How to cast a valid vote in relation to the proposed new enterprise agreement for early childhood teachers and educators

Step 1	<p>Check the contents of your pack and make sure the pack contains the following documents:</p> <ul style="list-style-type: none"><li>- Employee cover letter</li><li>- Ballot paper</li><li>- A copy of this instruction sheet</li><li>- An envelope addressed to the service, to place your ballot in to either hand deliver or mail to the service and arrive by <b><u>5.00 pm on Tuesday, 22 March 2016.</u></b></li></ul> <p>If any of these papers are missing from your pack, please contact your employer immediately.</p>
Step 2	<p>Read and familiarise yourself with the proposed agreement <i>Victorian Early Childhood Teachers and Educators Agreement 2016</i>. A copy of the new agreement, and a summary document explaining the changes are available at <a href="http://www.elaa.org.au/news_advocacy">www.elaa.org.au/news_advocacy</a></p> <p>A printed copy is also available at a common location at your service. Please refer to the <b>cover letter</b> from your employer for details.</p> <p>It is your responsibility to ensure you read and understand the agreement that you are voting for.</p>
Step 3	<p>Cast your vote following the instructions provided in the ballot paper.</p> <p>You may cast your vote by the following methods:</p> <ol style="list-style-type: none"><li><b>1. In person</b> Casting your vote at your workplace may be the fastest and most efficient option to make your vote count. Your employer may have also notified you of a staff meeting on one of the days nominated for voting. Please check the cover letter for details.</li><li><b>2. Via post to your service</b> If you are unable to attend your service on the days nominated for voting, and choose to mail your ballot, please ensure that you allow sufficient time for the mail to reach your employer before the ballot is closed. Please allow sufficient time for the mail to be delivered by Australia Post.</li></ol>

#### IMPORTANT NOTE:

**In order to cast a valid vote, your ballot paper must be delivered to your employer, and not directly to ELAA.**

## BALLOT PAPER

PART 1

The information included in this section of the paper enables identification of ballot participants as eligible to vote. Your name will be cross-checked with a list of employees provided by your employer for this purpose. Please print clearly.

I, .....  
(EMPLOYEE NAME)

am employed at .....  
(FULL NAME OF SERVICE/CENTRE)  
(Refer to "Name of Service" on the Service's Service Approval)

CLUSTER MANAGER NAME (WHERE APPLICABLE) .....

Signed .....

*When you have completed your ballot, please fold the bottom of the ballot paper up to the words "fold line" below and the top of the paper down to the resulting fold line.*

Fold line-----

PART 2

## BALLOT PAPER

### VICTORIAN EARLY CHILDHOOD TEACHERS AND EDUCATORS AGREEMENT 2016

If you wish to vote in relation to the above proposed agreement, please tick the applicable box below

Yes, I vote to approve the Victorian Early Childhood Teachers and Educators Agreement 2016.

No, I vote to reject the Victorian Early Childhood Teachers and Educators Agreement 2016

**BALLOT OPENS:** 9.00 am on Wednesday 16 March 2016

**BALLOT CLOSES:** 5.00 pm on Tuesday 22 March 2016

**You do not have to vote if you do not want to.**

**If you do not wish to vote, please destroy this ballot paper.**

**If you have voted, please fold the bottom of the ballot paper up to the fold line above and then fold the top of the paper down. Part 1 of the paper will be separated from Part 2 following the cross-check with the staff list and prior to the count of the ballot. Thank you.**



## TEMPLATE LETTER FOR EMPLOYEES

(Print for each employee on your service's letterhead)

[INSERT DATE]

Dear Employee

I am pleased to request your vote to approve a proposed enterprise agreement that has been negotiated and agreed with union bargaining representatives of the Australian Education Union (AEU) and United Voice (UV). The *Victorian Early Childhood Teachers and Educators Agreement 2016*, if approved by the required majority of employees and approved by the Fair Work Commission, will replace the Victorian Early Childhood Teachers and Assistants Agreement 2009 (VECTAA).

A copy of the proposed agreement and a document explaining the changes are available online at [www.elaa.org.au/news\\_advocacy](http://www.elaa.org.au/news_advocacy). A copy of each document has also been put up in a common area at the service (*Please specify where it is available, e.g. staff room, staff notice board etc.*)

Under the *Fair Work Act 2009*, employees must be provided at least seven (7) days to consider the agreement before voting commences. Voting on this agreement will commence at 9.00am on **Wednesday, 16 March 2016** and close at 5.00pm on **Tuesday, 22 March 2016**. Please cast your vote following the instructions provided in the ballot paper.

You may cast your vote by the following methods:

### 1. In person

Casting your vote at your workplace may be the fastest and most efficient option to make your vote count. Your employer may have also notified you of a staff meeting on one of the days nominated for voting. Please check the cover letter for details.

### 2. Mail to your service

If you are unable to attend your service on the days nominated for voting, and choose to mail your ballot, please ensure that you allow sufficient time for the mail to reach your employer before the ballot is closed. Please allow sufficient time for the mail to be delivered by Australia Post.

Ballots received after the close of voting on Tuesday 22 March 2016, or sent directly to ELAA will not be accepted.

Thank you very much for participating in the ballot. If you have any questions in relation to the ballot process, please contact ----- (insert name of contact person at the service) on ----- (insert telephone number).

Yours sincerely

(Signature of authorised person)  
Name



## EMPLOYER DECLARATION

### Important Note:

This must be signed by the person with the appropriate authority to sign this declaration e.g. President of the Committee of Management or their authorised delegate, or the CEO or delegate of cluster management organisations.

I ----- (please insert name of signatory)

being the duly authorised representative of -----

(insert name of your organisation) hereby declare that -----

----- (insert name of organisation) wishes to make a

proposed new enterprise agreement – the *Victorian Early Childhood Teachers and Educators*

*Agreement 2016* – with our employees covered by the agreement.

If made, I further authorise ELAA to undertake the necessary steps on our behalf to seek approval for this agreement from the Fair Work Commission.

Signature

Authorised signatory Name

Designation

Date





## VOTING SCHEDULE

Packs mailed out to Employers	Friday 29 January 2016
Employers to read EBA and decide whether to participate	until Friday 12 February 2016
Employers to prepare for ballot (photocopying etc)	Monday 15 February 2016 to Thursday 18 February 2016
Employers to provide packs to all Employees	Friday 19 February 2016
Voting opens at 9.00am on Wednesday, 16 March	Wednesday 16 March 2016
Voting closes at 5.00pm on Tuesday, 22 March	Tuesday 22 March 2016
Larger Employers to collect all ballots centrally	Wednesday 23 March 2016 to Thursday 24 March 2016
Employers courier ballot packs to ELAA	between Wednesday 23 March and Wednesday 30 March 2016
Ballots counted at ELAA	Monday 4 April 2016
<b>Results declared</b>	<b>Monday 4 April 2016</b> <b>or</b> <b>Tuesday 5 April 2016</b>
Process for applying to the Fair Work Commission commences	Tuesday 5 April 2016

## FREQUENTLY ASKED QUESTIONS

1. **Do I have to make the proposed agreement with our employees?**
  - As an employer, you can choose not to make the proposed agreement with your employees.
  - However, you must exercise this choice before you invite your employees to vote on the proposed agreement.
  - Please refer to steps 2 and 3 in the attached Step by Step Guide for Employers for what you must do if you decide not to participate.
  
2. **What should I do if I do not receive any ballots from my employees?**
  - If your employees do not return any ballots, but you would like to be covered by this agreement, you must complete and return the Employer Declaration provided with this pack to ELAA.
  - If ELAA does not receive this declaration, we will not include your organisation's name in the list of employers covered by the agreement.
  
3. **What will happen if I do not return the employer declaration?**

If ELAA does not receive the employer declaration form from your service, ELAA will assume that you elected not to make the proposed agreement with your employees.

If this is the case and the agreement becomes operative:

- The new agreement will not cover your service and you will continue to be covered by the 2009 Agreement.
- You will not be obliged to meet the terms and conditions outlined in VECTEA 2016. You will be obliged to meet the terms and conditions in the VECTAA 2009.
- The service will not be eligible for any reimbursement of back pay from Department of Education and Training (DET).