

Dr Neil Mc Goran
Director Catholic Education SA
By email, cc to S Young

1 Feb 2022

Dear Neil,

Re: COVID-related return to school issues

I write following up on my letter of 20 Jan 2022 re provision of masks, and to raise a few further issues with you in your PCBU/Director role.

I note Sue Young's prompt email reply that masks would be supplied free of charge but there was no commitment as to standard of mask forthcoming.

S.49 of the WHS Act 2012 requires consultation

- (a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;***
- (b) when making decisions about ways to eliminate or minimise those risks;***
- (c) when making decisions about the adequacy of facilities for the welfare of workers;***
- (d) when proposing changes that may affect the health or safety of workers;***

The IEU notes recent comments from the CPHO that, in summary,

- Cloth masks provide inadequate protection
- N95 masks provide good protection but need to be fitted properly
- Surgical masks properly worn are likely to provide better protection than poorly fitting N95 masks

In the interests of the required consultation, the IEU seeks your assurance that

- Catholic schools in SA would not be issuing re-usable cloth masks
- Staff would be offered the choice of surgical or N95 masks
- Masks would be replaced when required and upon request
- All staff, not just classroom based staff, would be provided with masks

The state government is supplying Rapid Antigen Test kits to schools and early learning settings. Those RATs are to be used for early learning centre surveillance testing of staff and for "test and stay" situations.

- If RATs are not available when needed, how would "classroom contacts" be treated with respect to isolation?
- As RATs are used on an "opt in" basis, have any sites decided to not "opt in"?
- How do you propose to treat individual staff who chose to not "opt in" to testing?

Ventilation and air purifiers have received detailed consideration lately, with the health advice leaning toward ventilation and outdoor activities, but recognising that purifiers have their place when proper ventilation is not possible or practical. I am told that CESA has purchased some purifiers to be deployed in situations of inadequate ventilation.

- How many have been purchased?
- Are there plans to purchase additional units?
- Where are those purifiers to be deployed?
- What criteria are used to determine where purifiers are to be placed?
- How would a worker go about requesting such a machine if they believed ventilation was inadequate?

Leave provisions remain a serious sticking point in need of resolution. It is the IEU's position that if, in the course of work, an employee is to be excluded from the workplace for a COVID-related reason, that employee should not suffer any detriment and leave should not be deducted from any leave entitlement.

The IEU is perplexed at the current employer position that the infectious diseases clause 24.1 in the EA does not apply. I request an urgent reconsideration of that position in the hope of avoiding otherwise inevitable formal dispute.

Although COVID-19 is not one of the named diseases in CI 24.1, the catch-all ending would clearly cover COVID as it is being tracked and notified within the school.

- ***Other diseases as the employer may determine by notice to employees.***

Following proof of the disease within the School and related activities and a medical practitioner is of the opinion that in all probability the disease was contracted by the employee while on duty as a result of contact with the children or other employees of the School, then the employee must be granted infectious diseases leave with pay not debited to the employee's personal/carer's leave credit.

To remove any uncertainty or ambiguity, the IEU has made a new EA claim for the inclusion of COVID-19 on the list of identified diseases. It is an issue very strongly felt by members, as is the provision of some form of isolation leave in cases where the employee may not fit the "test and stay" model for classroom contacts.

We have resurrected our previously abandoned claim for Pandemic Leave but are open to vary it to better fit current circumstances. The imperative is strong, but these issues should not unreasonably delay the conclusion of the new EA if treated favourably.

Vulnerable workers are emerging as an area of deeply felt concern. Pregnant women do have access to paid "no safe job leave" under the NES, but we are encountering situations where schools are not recognising relevant medical certificates. This cannot remain unchallenged.

There are also many people who because of age or underlying health issues are at increased risk working in a school setting. The SA Health website states

People aged 65 years and over, pregnant women, Aboriginal people (6 months of age and older), young children (6 months to less than 5 years of age) or people with chronic conditions like heart disease, diabetes and lung disease are particularly vulnerable.

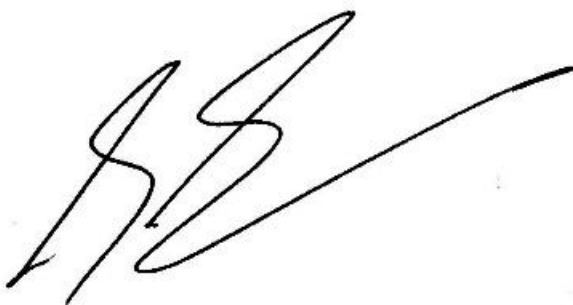
I request some urgent discussion to streamline the parameters and process of accommodating vulnerable workers without simply sending them home without pay or depleting other leave accruals.

The Vaccination Mandate issue may not be completely settled yet. My understanding is that any new employee would need to be fully vaccinated, rather than having only one shot and an appointment. Can you confirm your understanding of this and how will the employer treat staff who have lodged a medically supported application for vaccination exemption, whilst the application is being considered?

I believe we had verbal agreement that dual mode instruction would not occur. Basically if a class was being conducted F2F, then parents who chose to not send the student, would not have the option of online instruction instead. Similarly if a vulnerable student or essential worker's child was attending whilst that year level was being taught online, those students would also access the lesson online in a central supervised location. Please confirm that understanding.

Please provide written responses to each question as soon as possible, but in any event in time to allow for the formulating and production of an end of week member update.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'G. Seidel', with a long horizontal stroke extending to the right.

Glen Seidel
Secretary