

September Newsletter 2024

Welcome members to our September newsletter.

Please note that our [annual member survey](#) is currently occurring so I would greatly appreciate if you could please complete the survey, your input is invaluable to us so that we can constantly make improvements to the service that we provide to you so thank you in advance, and you can also be in the drawer to [win a \\$200 gift voucher](#).

A lot of concern has been raised on the recent [Right to Disconnect Legislation](#), so please find an article within this newsletter to assist you in this regard. We also conducted a webinar on this topic recently, so as members you can view this and any of our past webinars at any time.

There has been some recent publicity on security within childcare centres and safety generally, so also please find an article on [child care safety](#) within the newsletter.

Last year we conducted over **100 health and safety audits** for a number of clients, and we were very successful in highlighting a variety of potentially serious issues which have now been corrected by our members to increase the safety of the children. If you have not already, may I strongly recommend you taking advantage of our HR safety audits.

We have noticed a number of members have got into a little trouble in relation to the **conduction of investigations** that they chose to do internally which have come under scrutiny for failing to comply with procedural fairness. Please find an article on investigations and why you should please consider using us for this process and the advantage of having an independent organisation conduct this for you.

Learning and Development has been a popular topic over the last few months with a lot of members seeking assistance with us training staff in person at their premises in matters such as time management, customer service, health and safety and both mandatory and employee induction training. We offer all this to our members so if you need any assistance then please give me a call.

Thank you to the terrific response to our **10.000 step walking program** and as we head into the summer months there is still plenty of time to join if you want to get into shape so if you are interested then please give us a call.

As per our last newsletter we have managed to assist our clients with a number of urgent matters recently including:

- Responding to several urgent unfair dismissal claims.
- Dealing with a complex adverse action claim.
- Providing advice and guidance on a complex discrimination complaint.
- Conduction several HR and Wage Audits.
- Dealing with a number of return-to-work claims.

Thank you everyone,

Kind Regards,



Kevin Prendergast

Chief Executive Officer



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CMS Webinars

You can find all past webinars that we have hosted in the past on our Website, under the member resources, including Recruitment, Workplace Health and Safety, Investigations and Wellness.

<https://www.cmsolutions.org.au/webinars/>



Community Management Solutions Election Results 2024

Community Management Solutions is an organisation registered under the Fair Work (Registered Organisations) Act 2009. Under its Rules elections are held usually every 3 years. The election process is conducted on behalf of the Registered Organisations Commission by the Australian Electoral Commission (AEC) in accordance with the above Act.

All financial members as at 31st May 2024, would have received an email from the AEC advising them of the election and seeking nominations for positions on the CMS Board of Management.

To view the outcome of the election, go [here](#)

Community Management Solutions Annual Member Survey

Dear Members,

I would greatly appreciate if you could please take the time to complete our annual member engagement survey for 2024, which was sent out recently.

It has been some time since our last survey, and I realize of course how busy everyone is but your comments are highly valued and we genuinely need your feedback so that we can continue with our continuous improvement policy.

The survey is relatively short and can be completed quickly and once we issue the survey, we will leave it open for four weeks.

All the survey responses go into a draw to win a \$200 Gift Voucher.

Once we receive the feedback then we will closely examine the results and put into place appropriate strategies to improve our service to our members.

The survey will close on the 30th of September 2024.

Thank you everyone,

Kind Regards,

A handwritten signature in black ink, appearing to read 'Kevin Prendergast'.



Kevin Prendergast

Chief Executive Officer

Right To Disconnect

This article is for Employers covered by the Fair Work Act 2009. It is not intended for P&C Employers as they are not effected by these changes.

PLEASE READ BELOW TO HELP YOUR ORGANISATION!

The Fair Work Act 2009 was recently amended to include a new “Workplace Right” being “the Right to Disconnect”. This “Right” commenced from 26 August 2024.

The new Workplace Right has the same effect as the “Right” to ask about wages, take sick leave, or make a complaint about bullying. This means that a Manager is not permitted to take any negative action against an employee who exercises or may exercise the “Right to Disconnect”.

The right is for an employee to reasonably refuse to respond to a workplace communication when they are not at work. They cannot, however, unreasonably refuse to respond to such a communication.

The question then becomes “What is unreasonable refusal”?

When working out whether an employee’s refusal is unreasonable, the following factors must be considered:

- The reason for the contact.
- How the contact is made and how disruptive it is to the employee.
- How much the employee is compensated or paid extra for.
- Being available to perform work during the period they’re contacted, or
- Working additional hours outside their ordinary hours of work.
- The employee’s role in the business and level of responsibility.
- The employee’s personal circumstances, including family or caring responsibilities.
- It will be unreasonable for an employee to refuse to read, monitor or respond if the contact or attempted contact is required by law.

Unfortunately, this is going to have to be litigated before we will have a comprehensive answer to the question of “reasonable vs unreasonable refusal” but in the meantime we can make the following assumptions based on statements made by the relevant Ministers when this legislation was being debated.

It would be most likely to be unreasonable for an employee to refuse to respond to a change of roster due to an emergency or unexpected absence (e.g. an offer of additional hours or a change of commencement/finish time);

It would be most likely to be unreasonable for an employee to refuse to respond to a query relating to an emergency at the workplace;

It would be most likely to be unreasonable for an employee to refuse to respond to a query outside of working hours if they are a senior manager who was paid a salary and their contract stipulated that they may be required to work additional hours and this is included in their salary.

What can we as Managers do?

1. Minimise the use of “WhatsApp” or other group messaging services to the bare minimum communication necessary and preferably communication which does not require a response outside of working hours.
2. If you are changing a roster or offering more hours, contact by text or phone call by all means, but if you don’t get a response make sure you do not take any action against that employee until after you have established whether their “non-response” was reasonable or unreasonable.
3. Advise employees during a toolbox talk/staff meeting that they must not unreasonably refuse to respond to a text or phone call regarding serious workplace issues that require an immediate response (i.e. roster changes taking effect before their next rostered shift, site emergencies, etc).

We recently had a Webinar on the "Right to Disconnect", you can view it [here](#)

The Importance of Properly Conducted Workplace Investigations

Investigations within the workplace are all more common and on the increase. The need for an investigation can be for several reasons including, complaints, grievances, breaches of legislation, code of conduct, sexual harassment, workplace bullying and discrimination just to name a few.

PLEASE READ THE ARTICLE BELOW FOR MORE INFORMATION!

The benefit of conducting a proper investigation includes early intervention and addressing and correcting workplace culture problems. They are designed to remind people of company policies, responsibilities, expected behaviour and reduce or eliminate liability.

Investigations can be time consuming and quite complex and therefore must be performed with a person who has skill and expertise.

It is extremely important that the investigation is conducted by an appointed investigator who has the skills, qualifications and experience to ensure that the investigation is conducted correctly and in accordance with best practice.

Appointing an independent external investigator from CMSolutions ensures impartiality and fairness with no preconceived bias, who are objective, good communicators, explain the process to all concerned and who operates in accordance with investigative guidelines following the principles of procedural fairness and natural justice.

CMSolutions offers a cost-effective investigation service to our members. If you require this service or any advice/guidance, then please call Kevin on 3852 5177 or kevinp@cmsolutions.org.au

Find out more [here](#)

CMSolutions' Bookkeeping & Payroll Service

Recently we have had an increasing number of members asking us to help with aspects of financial management.

Our tailor-made solutions take the pressure off Treasurers (making it easier to recruit and keep one) and allows committees to breathe easy, knowing all the right processes are being followed.

Whether you need timesheets and pays processed, full bookkeeping and accounting services, or BAS and committee reports, we can deliver a cost-effective and personalised service!

We have been providing bookkeeping and payroll services for P&C's, Kindergartens and community organisations for over 16 years.

Call our Finance Team today on 07 3852 5177 to get a quote

Membership Referral Program

Dear Members,

We have introduced a new referral program and we are asking you to recommend CMSolutions to other businesses, organisations, colleagues and/or friends.

When you refer us to a new member who joins our organisation your organisation will receive one of the following of your choice (Once the new members join);

- 10% discount on next year's membership ,
- A tailored webinar for your organisation on a topic of your choice,
- A two-hour training session for your staff and volunteers, *
- One free handbook of your choice from our library (digital copy)
- Two hour Mentoring Session, *
- 2 hours of time for a HR Audit, or
2 hours of policy review and recommendations.

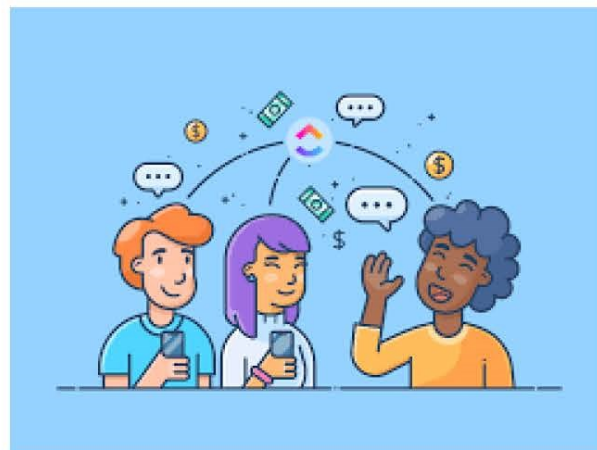
You as the person referring will receive

- \$50 gift voucher of your choice

To become Eligible please fill below.

Why CMSolutions?

- We are totally neutral, independent, impartial and fair
- We concentrate on risk minimisation a best possible outcomes
- We know your industry - we have the expertise
- Cost effective



For further information, call Kevin at CMSolutions on 07 3252 5177 or email info@cmsolutions.org.au

Remember CMSolutions are here to help!

Your:

Name: _____

Organisation: _____

Contact: _____

Referrals:

Name: _____

Organisation: _____

Contact: _____

*Note: training sessions/mandatory sessions may be online depending on geological location of the member.

"Your trusted partner, providing the safety net in the tough times and peace of mind at all times"



GUIDANCE

• ADVICE

• SUPPORT

Directors Responsibilities to Prevent Sexual Harassment at Work

Boards/Committees are being asked to take on a more pro-active approach to both prevent and address any workplace sexual harassment.

A new framework has been suggested for organisations to prepare and be ready to better prevent sexual harassment and respond if it occurs.

READ BELOW TO HELP YOUR ORGANISATION UNDERSTAND SAFE CULTURE!

Leadership- Guiding an organisation to have the capacity to respond quickly and with transparency in accordance with procedural fairness and natural justice.

Risk Assessment and Transparency- A proactive focus on looking at harassment from a risk perspective and putting in place strategies to mitigate risk and to encourage a philosophy of continuous improvement within the workplace.

Culture- Promote a culture of trust and respect and corresponding infrastructure which prevents sexual harassment from occurring and ensure that if it does occur then respond in a way which minimises harm to workers.

Knowledge- Support for education for all employees and managers with a demonstrated commitment to the understanding of what constitutes appropriate behaviour within this context.

Support – Providing support to all parties involved in the process and having documented procedures to provide that support.

Reporting- Have robust responsible and transparent reporting mechanisms in place.

The overall responsibility of Directors/Boards/Committees and people in authority is to set minimum expectations, take about and educate people, model appropriate behaviour and recruit the right leaders and hold them to account. Encourage reporting and monitor on a regular basis and overall to manage risks.

The overall objective is to support and build a respectful and safe culture at all levels within an organisation.

Key Changes to Casual Employment Rules

The following article was written by the Fair Work Ombudsman.

A new casual employee definition and pathway to permanent employment now applies to all casuals employed from 26 August 2024. Under the new definition, a casual employee is someone who:

starts employment and has no firm advance commitment to ongoing work, and

is entitled to a casual loading or specific pay rate under an award, enterprise agreement or employment contract.

The employee choice pathway to permanent employment allows eligible casuals to notify their employer in writing of their intention to change to permanent employment.

The Fair Work Ombudsman has updated the Casual Employment Information Statement with the new changes. Download a copy and find out more about the changes: <https://www.fairwork.gov.au/.../casual-employment-changes>



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Little changes today can make a difference to your tomorrow

As you read this, you're probably thinking about all the things that make up your small tomorrow – the appointments, bills, shopping, weekend [plans](#). But there's also a big tomorrow. The tomorrow you can plan for and look forward to when you retire.

Taking control of your super today, even when retirement is a while away, can make all the difference. And we're here to help.

Ideas for your big tomorrow

Here's how you can help get your super on track for the big tomorrow you want.

One is better than many

Do you have more than one super account? Discover why combining them can be good for your super savings.

Salary sacrifice – it's not as scary as it sounds

When [you](#) salary sacrifice, you boost your super with some more of your income. And you could pay less tax.

Look into your investment options

NGS Super has a wide range of investment options to suit your life stage and big tomorrow goals. Check out the choice and flexibility.

Chat with a Super Specialist

Our expert team is happy to answer your questions and help you understand your super.

Explore your options →

Talk to us today

NGS Super Pty Limited ABN 46 003 194 487, AFSL No. 233154 the trustee of NGS Super ABN 76 549 180 515.

[Privacy policy](#) [General advice warning](#)

Child Safety

Community Management Solutions can assist you by providing straightforward information and advice on how you can ensure your organization complies with all relevant legislation with our comprehensive Work Health and Safety Audits.

READ BELOW ON HOW WE CAN KEEP YOUR WORKPLACE SAFE!

A Queensland childcare centre has been fined \$13,500 after two toddlers escaped through an open gate and walked past a busy road in 2022.

The company pleaded guilty to charges of failing to protect children from harm and hazard and having inadequate supervision in relation to the incident.

In November 2021, another Queensland Childcare Centre was found guilty of four charges and fined \$15,600 over a 2020 incident where two toddlers escaped the childcare centre and were spotted and stopped by passers-by just before running onto a busy street.

In a statement about the case, the Department said: "The Regulatory Authority will continue to work with the early childhood sector to promote supervision and safe environments for children".

"If an approved provider's steps to ensure children's health and safety are inadequate, the Regulatory Authority will not hesitate to take appropriate action."

In March 2019 two young children escaped from a Childcare Centre in Victoria and were found running onto the road near the childcare centre in Melbourne's outer west.

On November 11, 2019, it was confirmed that the Childcare Centre would be charged over the incident.

Over the last three years, our WHS auditor Brian, has completed more than 60 Health and Safety audits for Childcare centres, Kindergartens and P&C's plus some aged care facilities and community support organisations.

When Brian provides a Health and Safety audit at a childcare centre, kindergarten, nursing homes, or any other community support organisation, the first thing that he looks for is the security and safety of the facility.

Most of the centres that Brian has provided Health and Safety audits for have secure entries, that require, either a designated pin number or staff assistance to enter. However, he has on occasion attended childcare centres where he was able to walk directly into the children's playground area, and past children at play before reaching the Childcare Centre's administration office.

Safety and security, is just one of the many aspects of Health and Safety, there are also regulations for fire safety, emergency exits, playground equipment safety, electrical safety, staff safety, and many other issues.

The staff at childcare centres, nursing homes, retirement villages, and community support organisations are trained and qualified in their specific areas of expertise.

The daily checklist is a good process, however a professional Health & Safety Audit every 2 to 3 years will identify issues that might go unnoticed or might not be identified simply because of a lack of training and knowledge in that specialised field. The cases cited above which attracted thousands of dollars in fines might have been avoided if a Health and Safety audit had noted the possibility of those instances occurring, and provided appropriate recommendations.

A professionally conducted Health & Safety Audit will greatly assist in the fulfilment of your requirements and leave you with the peace of mind that you are complying with the Work Health and Safety Act 2011, and other legislative requirements related to your organisation.

The Importance of Learning and Development

The importance of Learning and Development for your people is often forgotten in the busy times that we face concentrating on service delivery but at this time it is more important than ever that your employees and volunteers receive adequate opportunities to increase their skill set to meet the ever-increasing demands of their roles.

IF YOU WANT TO MAKE A DIFFERENCE IN YOUR ORGANISATION, THEN PLEASE READ THE ARTICLE BELOW!

1. Importance to People

In some surveys up to 90% of people believe that future learning and development opportunities are a major factor that a person considers when applying for a role and also when making that difficult decision to remain in a role. Therefore, the potential to take advantage of training and development is vital not only for employee and volunteer recruitment but also for retention of your most valuable asset being your people. An employee or volunteer feels appreciated that the organisation is investing time and money into their development leads to increased morale and engagement.

2. Improves productivity within the workplace

By providing your people with learning and development opportunities this can lead to real savings in the productivity of your people and you can obtain a real return on investment. Research indicates that trained employees and volunteers have a much clearer understanding of their roles and are more productive than those people that do not receive training. Some surveys and studies have indicated that this increase can be up to 20% which justifies the expenditure in your learning and development program.

3. Improved relationship with your customers

Increasing your engagement with your clients and customers is vital to ensure that your service delivery model is operating at maximum efficiency. When your employees and volunteers receive regular, relevant and up to date training they are better equipped to service your clients and they understand the organisations mission and values which leads directly to cultural alignment.

Learning and Development is traditionally thought of as people perhaps gathering in a room and participating in a group training session designed to deliver traditional learnings to elicit a desired response.

There is nothing wrong with the traditional classroom approach and there is still a place for people participating in group sessions even in this day of technological advancement and online learning.

In fact, based on the adult learning principles if this is facilitated properly it can be a very valuable tool to provide learning and development to our people and should not be underestimated.

There are a number of core adult learning principles that we need to take into account including but not limited to:

- The Self Concept of the Learner
- Readiness to Learn
- Motivation to Learn
- Orientation to Learning
- Learners need to know
- Prior experience of the Learner
- Self-Direction
- Mentorship
- Mental Orientation

Adult learners want respect and appreciation for their experience and life skills, they want to be seen as being self-directed, motivated and capable learners.

The preparation of a training needs analysis is to enable both individuals and teams to achieve goals is imperative as part of your strategic learning and development strategy.

This can be achieved through formal or informal surveys, an analysis of current trends and issues, the direction that an organisation is progressing, the facilitation of change being brought into a role or into an organisation, a system of monitoring employee performance, performance management action, employee development plans, change in the service delivery model, reaction to complaints or recommendations and numerous others.

Mandatory training is very important for your people and knowing what to and what not to include is very important as is the method of delivery bearing in mind the adult learning principles. Subjects that may be mandatory depending on your needs can include be are certainly not limited to:

- Health and Safety
- Evacuation Procedures
- Code of Conduct
- Training in specific policies and procedures
- Diversity equity and inclusion
- Sexual Harassment
- Workplace Bullying
- Discrimination
- Conflict Resolution
- Grievance Procedure
- Customer Service
- Security
- First Aid.

What is important regarding mandatory training is how it is undertaken and evaluated to ensure employee retention of information.

On the job training is also important perhaps with a nominated experienced employee or an employee who is departing the organisation or a buddy system to ensure that a person is aware of what is required for them to be efficient and competent in the inherent requirements of their role.

Once again some do not have a formal process for this to occur or an haphazard approach without consistency but it is very important that a new employee is not only personally welcome into an organisation but whose concerns are alleviated by giving them the best possible chance to be successful in their new role. A confident employee is a content and productive employee.

Learning and Development is a key cornerstone of striving to become an employee of choice.

A proper well thought out responsible learning and development plan is imperative for talent attraction and retention; it fuels the career of your people and also has the dual impact of enabling your organisation to reach desired outcomes.

It should form a vital component of your mission and values statement, be present in your strategic plan and have the resources to be properly implemented into all facets of your operations and service delivery model.

The work landscape is changing, it is becoming more complex, and it is premium to have people who are reskilled, cross skilled and upskilled to meet the demands of your business and as part of your succession planning within your workforce planning model.

Firstly, we must concentrate and support both employer and employee buy in to such a plan, it must have a clear direction and an effective communication strategy.

A learning plan should have some basic common denominators which can include but certainly not limited to:

- Assist in the development of employee and organisational culture aligned to meet mission and values
- Create a valued based proposition
- Designed to motivate and engage our people
- Increase the capability and understanding of current employees
- Use as an attraction marketing tool for new potential employees
- To fix productivity and alignment gaps.

The plan should be based on what you can resource, what will have the most impact for your people, how you can measure return on investment and how you will put the plan into an implementation phase.

A plan is imperative to keep current employees motivated to stay within the business as you are meeting their career aspirations and showing that you are genuinely interested and invested in their professional and personal growth.

If your plan is to have an affluent growth for your organisation then you need to concentrate on providing your people with the tools to both enhance their current skills and to develop new ones.

It is the employer's responsibility to listen very carefully to the needs and requests of their employees and then to determine how this training would align with current business outcomes.

At the very basic core let's look at an employee's role:

- Determine the exact requirement of the role and what is needed for a person to achieve success in that role, the skills must be defined and clear,
- Source what is required for a person to learn to become exemplary in this role. Ensure that the training that you implement supports what your organisation is trying to achieve at this particular time. Provide clear communication with your people as what learning and development opportunities are available and a specific timeline.

Mandatory Training is a must for all your people to cover off on all the absolute basics that are required for your people to be effective, safe and understand the behavioral requirements of your organisation.

Your overall learning and development strategy is linked directly to your current and perhaps most importantly future needs, so it is different for anyone.

It is important to conduct a training needs analysis of your people to ensure that your training is in alignment with your business objectives.

Training may encompass but certainly not limited to:

- | | |
|---|--|
| • Mandatory Training | • Training to deliver knowledge |
| • Training to comply with legislative requirements | • Electronic, Face to Face, Mentoring and Coaching |
| • Training to achieve specific qualifications | • Health and Safety |
| • Training on new changes to legislation, policies and procedures | • Performance and Time Management |
| • Code of Conduct | • To meet skill shortages and skill gaps |
| • On the job training – buddy system | • Training of business development |
| | • Leadership and Management Training |

If you would like to view our Learning and Development Webinar, [Click Here](#).

Here at Community Management Solutions we can meet all your training needs, if you would like to know more about how we can help, email us at info@cmsolutions.org.au or contact Kevin on 07 3852 5177.

Update Your Committee Details Here
To Ensure You Don't Miss Our Correspondence

Click Here or email us at info@cmsolutions.org.au

Employee Assistance Programs and Support Resources

The Importance of Psychological Wellbeing in the Workplace

CMSolutions are advocates for Mental Health and have partnered with Acacia EAP to ensure our members can access a service they can subscribe to for support for their staff.

For more information, call 1300 364 273 and mention you are a CMSolutions Member.

Other Resources Available:

[Beyond Blue](#)

[QLD Health](#)

[National Department of Health](#)

[Department of Education and Early Childhood Education](#)

[Mental Health - QLD](#)

[Workplace Health and Safety QLD - Working from Home Safely](#)

[Centrelink - Community Organisations](#)



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