

Our Ref: 236/85

Enquiries: Mr B Mortimore

## **CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 13 OF 1988**

### **ENGLISH IN THE WORKPLACE TUITION FOR STATE GOVERNMENT EMPLOYEES**

During recent months, negotiations have taken place with the Trades and Labor Council in relation to development of a policy, and implementation process, for English Language Tuition for employees with a deficiency in the various facets of English.

Those negotiations have now been successfully concluded. The State Government as a responsible employer, at a time when restructuring exercises and change have become pertinent, fully recognises its employees' need to all have the opportunity to be able to participate in the future on an equal footing.

Attached are three documents reflecting:-

1. Government Policy.
2. Trade Union Policy.
3. Implementation Processes.

The effective implementation date, subject to the requirements of the formal process, is immediate.

Where unions wish to seek incorporation of the standard award clause coverage in awards, they will make application in the normal manner.

Provided the application complies with the attached, Government Agencies will respond on a consent basis.

Should you have any queries, please do not hesitate to contact Mr Mortimore of this Office on 222 9710.

BRENDA ROBBINS  
EXECUTIVE DIRECTOR  
August 25, 1988 [gaez]

## **GOVERNMENT POLICY - ENGLISH IN THE WORKPLACE - TRAINING FOR PUBLIC SECTOR EMPLOYEES**

In late 1985 the Government committed to initiating and supporting appropriate English language training for non-English speaking employees in the Public Sector.

Recent months have seen initiatives from the union movement to implement such training in various areas of the Public Sector. Specific areas include the major public hospitals, the Water Authority, Westrail, and the Main Roads Department. A pilot course commenced at the Water Authority in February 1988. In March 1988 the Federated Miscellaneous Workers Union was successful in an application to the Western Australian Industrial Relations Commission to insert a clause covering English language tuition into its award with the Water Authority. In September 1988 the Full Bench of the Western Australian Industrial Relations Commission unanimously determined that English language training constitutes an industrial matter and, as such, it can be the subject of an industrial agreement or award variation. The AWU (in respect of Main Roads Department) and ARU (in respect of Westrail) have submitted an application for similar award coverage.

The Office of Industrial Relations has conducted a Public Sector Survey to define the scope and nature of the problem. This survey complements previous surveys conducted by both the Trades and Labour Council and the Adult Migrant Education Services (AMES) of TAFE.

It is difficult to be definitive in this rather complex area but the results of the survey indicate:-

1. Approximately 5000 employees loosely fit into the non-English speaking category.

Three key areas requiring attention emerge for these employees in terms of current Government policies and legislative requirements:-

a) safety in the workplace (Statutory and Common Law requirements);

b) productivity related issues; and

c) career pathing (includes promotional, redeployment, multiskilling, and equal employment opportunity aspects).

3. Of the 5000 employees it is estimated that at least 700 employees:-

do not currently have sufficient English language skills to adequately enable them to overcome the problem areas at a) - c) above in terms of their own workplace participation, employers' requirements, and legislative requirements; and

are likely to exercise their industrial right to attend English language training under industrial agreements and awards.

These 700 employees, in the main, are located in the metropolitan area.

It is clear that training is required in certain areas (eg. Westrail) and, provided it is properly devised and undertaken, it will provide tangible benefits to both employees and employers. Primarily it will raise employees' English levels to a position where they can actively participate, on an equal footing, in normal employer conducted training programmes in the various skills acquisition/renewal and occupational health areas.

The cost of an individual course with 12-15 attendees is budgeted by AMES at around \$3000. This includes the pre-course selection and curriculum setting process, the teaching resource, aids, and course evaluation. Thus the upper limit on a programme to cover courses for the 700 people could be in the vicinity of \$200,000. Initially it is anticipated this will be funded by the Commonwealth Department of Immigration, Local Government and Ethnic Affairs. AMES have sought a vote of around \$60,000 for 1989 to cover English language tuition for Western Australian Public Sector employees. This will cover 20 individual courses. AMES are confident the requested allocation will be approved. Broad planning indicates that this would be sufficient to cover courses that can be physically implemented in 1989. Funds are already earmarked by AMES for courses to be conducted during balance of 1988 calendar year.

On this basis, it is recommended the Government adopt the following policy guidelines in relation to English in the workplace tuition in the public sector.

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## **POLICY**

Participation in training by appropriate employees be on the basis of a 100 hours per employee per year, subject to appropriate needs assessment, and also subject to conditions specified in industrial agreements, award variations, and impinging requirements of Occupational Health and Safety or Equal Opportunity legislation.

The training will require equal commitment by employers and employees, ie. the amount of training conducted in work time by the employer should approximate the amount undertaken outside of work time by the employees in reiterative and revisionary work.

The training will be conducted by the Adult Migrant Education Service of TAFE or any other appropriate recognised and authorised education Authority.

\* There will be a tripartite (Employer, Union, AMES or other recognised and authorised Authority) approach to the selection of attendees and implementation of training in

individual employer agencies. Development of curricula will take cognisance of the needs of the employer, and employees, in addition to the charter of AMES or other recognised and authorised Authority delivering the service.

\* A standard award clause will be developed to clarify employee's rights to training consistent with this policy paper.

\*Additional FTE positions will not be created to cover absences of employees from their normal workplace to attend training. Employers and unions will cooperate in achieving this objective.

\* Training conducted will be limited to resources and funding available to AMES or other recognised and authorised Authority at any given time, will be subject to the conditions specified in industrial agreements or award provisions which have to do with productivity, Occupational Health and Safety, or Equal Employment Opportunity issues.

## **APPENDIX A**

### ENGLISH IN THE WORK PLACE TRAINING

#### PUBLIC SECTOR EMPLOYEES

#### IMPLEMENTATION PROCESS

#### PREFACE

It is Federal Government policy to allow and encourage, under certain conditions, migration of nationals of overseas countries to Australia.

Allied to this policy the Government recognises it's responsibilities to assist with the elimination of structured barriers which prevents workers from non English speaking backgrounds from gaining equal access to, and participation in, labour market policies and programmes.

Much of the migration which has taken (and is taking) place is from countries which possess a non English speaking population. Consequently a very significant number of migrants from a non English speaking background, with very little, if any, understanding in spoken or written English, have found their way into the Australian workplace, in particular the Public Sector.

Equal Employment Opportunity principles and legislation have highlighted real problems encountered by employees who do not possess ability in English as a first language. These employee problems are usually encountered in the specific areas of occupational health and safety, employer/employee day to day work related communications, personal

welfare, and consideration for career progression. Conversely employers can encounter productivity drawbacks due to the aforementioned factors.

To assist in overcoming these problems it is recognised that forms of English language tuition at the workplace may be desirable and necessary for employees.

While workplace orientated, such training would also produce benefits to the Western economy.

The Western Australian Government has committed to supporting initiatives for appropriate English tuition for it's non English Speaking Background employees in the Public Sector in Western Australia.

In conjunction with the Union Movement in Western Australia the following policy and procedures have been developed in respect of Government, and Government Agency, employees in this State.

## 1. SCOPE

1.1 This policy shall apply to all Employer agencies in the Western Australian Public Sector, and their non English speaking background employees.

1.2 The policy will become effective on July 1, 1988 and will remain in force in accordance with productivity and labour market related issues in relation to training, retraining and multiskilling, award restructuring industrial safety provisions and equal employment opportunity legislation.

1.3 The policy is committed to, and will be adhered to, by:

\* THE GOVERNMENT OF WESTERN AUSTRALIA IN RESPECT OF ALL ITS AGENCIES AND THEIR QUALIFYING EMPLOYEES.

\* THE TRADES AND LABOUR COUNCIL OF WESTERN AUSTRALIA IN RESPECT OF ITSELF AND AFFILIATED UNIONS.

## 2. IMPLEMENTATION

2.1 All training undertaken in terms of this policy shall be on the basis of 100 hours per employee per year. There shall be regard for appropriate needs assessment, and also to conditions specified in industrial agreements, award variations, and impinging requirements of Occupational Health and Safety or Equal Employment Opportunity legislation.

2.2 Priority areas for commencement of implementation of future English Language

Tuition have been identified by a Public Sector Survey, and subsequent consultation between Government, and the Trades and Labour Council representing the Union movement.

2.3 English Language Tuition courses will normally be developed and conducted under the auspices of TAFE's Adult Migrant Education Service, or other recognised and authorised education Authority.

2.4 Bearing in mind the requirements of specific and individual work places the aims of English Language Tuition Courses should include the following, but not necessarily be limited thereto:

2.4.1 To improve job specific speaking, reading, writing, and understanding skills.

2.4.2 To develop English literary levels to a position where employees can actively participate, on an equal footing, in normal employer conducted courses aimed at fulfilling legislative requirements in the fields of Occupational Health and Safety, and Equal Employment Opportunity. This includes productivity issues related to training, retraining, multiskilling, redeployment and award restructuring, and career development.

2.4.3 To further develop interactional skills in the work place.

2.5 Specific Industrial Agreements between Union and Employer, or specific Award Clause coverage will be struck to cover English Language Tuition Training. The coverage will take the following format:

#### SUB CLAUSE 1

Leave during normal working hours without loss of pay shall be granted to employees from a non English Speaking Background, who are unable to meet standards of communication to advance career prospects, or who constitute a safety hazard or risk to themselves and/or fellow workers, or are not able to meet the accepted production requirements of that particular occupation or industry, to attend English training conducted by an approved and authorised Authority. The selection of employees for training will be determined by consultation between the employer and the appropriate union(s).

#### SUB CLAUSE 2

Leave will be granted to enable employees selected to achieve an acceptable level of vocational English proficiency. In this respect the tuition content with specific aims and objectives incorporating the pertinent factors at Sub Clause 3 hereof shall be agreed between the Employer, the Union(s), and the Adult Migrant Education Service or other approved Authority conducting the training.

### SUB CLAUSE 3

Subject to appropriate needs assessment participation in training will be on the basis of minimum 100 hours per employee per year.

The agreed desired proficiency level will take account of the vocational needs of an employee in respect of communication, safety, welfare, and productivity within his/her current position as well as those positions to which he/she may be considered for promotion or redeployment. It will also take account of issues in relation to training, retraining and multiskilling, award restructuring, industrial relations and safety provisions, and equal opportunity employment legislation.

2.6 The abovementioned clauses will be reviewed by the tri-partite committee in individual enterprises taking into account all relevant factors.

2.7 Individual course content will be developed by the Adult Migrant Education Service, or other approved Authority, in consultation with the specific Employer agency, and the appropriate union(s), in accordance with the particular needs of the Employer agency and its employees.

2.8 Prior to training of employees commencing, an ongoing cultural awareness training programme will be conducted for appropriate Managers and Supervisors of the employer agency. Cultural differences between men and women within a culture should not be overlooked.

2.9 Individual course attendees shall be selected by consultation between the specific Employer agency, and the appropriate Union(s), with advice from Adult Migrant Education Service or other approved Authority conducting the training.

2.10 Financing of individual training courses will be covered as follows:

2.10.1 All costs to Departments and Agencies associated with releasing employees for training, and for providing facilities and ancillary aids, shall be provided for and met from their normal budgetary provisions.

2.10.2 Costs associated with providing a teaching resource and necessary teaching aids, shall be met by the Adult Migrant Education Service, or other recognised and approved training Authority, from their allocated budget provisions for this specific service.

'Face to face' instruction should be conducted in the employer's time.

Any disputes in respect of the Award clause shall be referred to the Board of Reference of the Western Australian Industrial Relations Commission.

## PROCEDURES

3.1 When the need for training is established a Tripartite Committee comprising representatives from the relevant Employer, the appropriate Union(s), and the Adult Migrant Education Service, or other approved education authority, will be formed in each employer Agency. The Committee will overview:

3.1.1 Identification of language needs of employees in particular work places in accordance with issues outlined in award subclause 3. Needs will be identified in terms of number of employees interested, levels of need, and background of employees.

3.1.2 Development of satisfactory English Language Training programmes on the basis of full consultation within the tripartite committee.

3.1.3 Establishment of procedures to ensure maximum access to the programmes for interested members of the workforce.

3.1.4 Production of proper informational publicity material relating to the programmes. Well before training programmes are due to commence information, including aims and objectives, about English language training programmes will be made available to all members of the workforce, in appropriate languages. 3.2 The selection process, and number of participants on any programme, will be determined by the Tripartite Committee.

3.3 The employer will provide, or arrange for, appropriate course accommodation facilities and ancillary resources to create and maintain an effective learning environment in line with the decisions of the Tripartite Committee. 3.4 All face to face training sessions will be conducted during working hours and not during normal crib or rest periods. The Tripartite Committee will determine the most appropriate time for training to be undertaken. The spread of hours shall be determined by the Tripartite Committee, having due regard to normal work schedules and to the aims and objectives of the particular course.

3.5 No employee shall be discriminated against, or disadvantaged in any way, by attending English language training courses.

3.5.1 Appropriate arrangements will be determined by the Committee to ensure interruptions to normal work procedures are minimal, and other workers on the job are not disadvantaged through the absence of a particular employee.

3.7 The adult Migrant Education Service has developed an Evaluation package. The package provides for:

3.7.1 Evaluation of individual courses both at regular intervals during the course, and at

the conclusion. The in course evaluation can facilitate the ability to change direction and content of individual courses if considered necessary. Apart from actual course evaluation it provides for progress evaluation of the course impact at the attendee's normal work place.

3.7.2 Regular evaluation feedback to course attendees, employers, and unions.

3.7.3 Post course evaluation once an attendee has been back in he workplace on a permanent basis for a period of time.

## **APPENDIX B**

### **TRADE UNION POLICY**

#### **ENGLISH LANGUAGE TRAINING**

In accordance with the decision of the Full Bench of the Western Australian Industrial Relations Commission made in September 1987:

The trade union movement reaffirms that the provisions of English Language Training in the workplace is not a peripheral, but a central element to be included in all awards for the reasons set out below:

- Labour market strategies and industry re-structuring plans;
- Occupational Health, Safety and Welfare legislation; and
- Equal Employment Opportunity legislation.

#### **LABOUR MARKET STRATEGIES**

The relevance of English language tuition training in respect to the Federal and State Government labour market strategies and industry restructuring that have to do with training, re-training, multiskilling award restructuring and other forms of skills formation - is of crucial importance for a successful outcome of these policies.

The National Board of Employment, Education and Training (Employment and Skills Formation Council) and the State Employment and Skills Development Authority must ensure the setting up of a coordinated, integrated Occupational English Assessment Unit in TAFE. Such a unit would coordinate the levels of vocational English language training required in those industries currently undergoing restructuring under the Labour Adjustment Plan (eg. Textiles, Footwear and Clothing), and award restructuring (eg Metal Trades and Railways) as part of the new award restructuring system which links wages with training.

## **\* Occupational Health and Safety and Welfare Act 1987**

The key elements of the Act are:-

- (i) The establishment of a tripartite Commission with responsibility to rationalise the administration of the provisions under the Act and to enforce those standards via the Inspectorate.
- (ii) To set safety standards in relation to the provisions established under the Act and to ensure that such standards comply with the general duty of care required under Common Law to provide and maintain a healthy work environment for employees.
- (iii) The obligation of manufacturers, importers and substance suppliers to provide information on hazards and safe use of those substances.
- (iv) The employees duty to protect themselves from industrial injury and disease.

The three main underlying principles are:-

- (i) The employee's Right to Know about hazards;
- (ii) The employee's Right to PARTICIPATE in setting safe standards; and
- (iii) The employee's RIGHT TO REFUSE unsafe working conditions.

## **\* Equal Employment Opportunity Legislation**

The EEO Act 1984 requires employers to submit EEO Management Plans on an annual basis outlining management practices such as recruitment and selection of employees, training, promotion and work practices which may or may not infringe the rights of employees in relation to the provisions contained under the EEO Act 1984.

The trade union movement believes that the provisions of English language tuition training is not a peripheral, but a central element to be included in all of the areas mentioned above.

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