The Advisor

July 2019 Edition

web: www.siag.com.au phone enquires Australia wide 1300 SIAGHR (1300 742447)

Employment Law Key Updates: 1 July 2019

A number of key thresholds will change from 1 July 2019.

National Minimum Wage & Modern Award Minimum Wage

On 30 May 2019, the Fair Work Commission (FWC) announced an increase of 3% to Modern Award rates of pay and the national minimum wage, effective from the *first full pay period on or after 1 July 2019*.

The full FWC decision can be accessed via this link: https://www.fwc.gov.au/documents/wage-reviews/2018-19/decisions/2019fwcb3500.pdf

FWC has issued determinations to give effect to the increase in Awards, and updated pay guides are now available on the Fair Work Ombudsman's website https://www.fairwork.gov.au/pay/minimum-wages/pay-guides

Unfair dismissal high-income threshold and compensation limit

The high-income threshold under the Fair Work Act 2009 will be increased to $148,700. This means that the maximum cap for unfair dismissal remedies (being 26 weeks' pay) will increase to $74,350.00.

Note that modern awards will not apply to any employee who earns more than the high-income threshold.

Superannuation

The maximum superannuation contribution base will increase from $54,030 to $55,270 per quarter. The superannuation guarantee remains at 9.5% of ordinary time earnings, and will not change until 1 July 2021, when it is scheduled to increase to 10%.

Portable Long Service Leave – Victoria – Community Service and Home Care

Further to our circulars we remind affected Victorian employers in the community services (and home care) industry that Victorian Portable Long Service scheme will commence operation on 1 July 2019.

Under the scheme, eligible Victorian community services workers (as defined by the legislation) will be entitled to long service leave after seven years of service to the industry, regardless of the number of employers that they have had during this period. After seven years of service, a covered employee can approach the Portable Long Service Benefits Authority for access to their long service leave entitlements.

The Authority's website is now live (https://www.vic.gov.au/portable-long-service) and provides relevant information for employers about Victoria's new portable long service scheme and includes FAQs. Employers of community service workers will be required to register themselves and their employees with the Authority. Registration begins from 1 July 2019 and all established businesses must be registered by 30 September 2019. Registration of new businesses established after 30 September, must be occur within 3 months.

Please refer to our previous circulars on this matter, and otherwise contact SIAG's advisory hotline to obtain further advice and information about the scheme and its obligations.

What does this mean for employers?

- Employers, including those with enterprise agreements, should check their wages against any underpinning Award rates that will take effect and apply any necessary increases to employee's base rates. Advice can be sought from SIAG on this matter.
- Employers of Award or Agreement-free employees should carefully review an employee's current rate of pay, before determining whether – if dismissed – an employee would be protected from unfair dismissal.
- Eligible Community Services and Home Care employers in Victoria must take steps to register.

Appeal struck down; two jobs under one employer still count as one

Lacson v Australian Postal Corporation [2019] FCA 51 (1 February 2019)

The Federal Court of Australia provides reassurance that engaging one employee in two separate roles can be viewed as distinct from one another for the purposes of determining the employee's entitlements. On appeal, the Court upheld the initial decision of the Federal Circuit Court in finding that:

- One employee can hold separate roles under a single enterprise agreement; and
- In this case work performed by the employee at two different locations, times, and with two different and distinct sets of duties should not be considered cumulatively for the purposes of calculating any overtime payment.

Mr Lacson's appeal was based on the argument that both of his roles within Australia Post fell under the scope of one enterprise agreement at the time of his employment, and as such his hours of work in both roles should be considered cumulatively for the purposes of that agreement. In his decision, Mortimer J confirmed that the Fair Work Act does not preclude an enterprise agreement from applying to separate employments of the one employee, by the one employer.

This case emphasises that in order to maintain the position that two roles are separate employments (at law), it is important for employers to organise matters so that the roles are truly distinct. The employer was able to establish this position in this particular case, as the employee worked at different sites, in different roles and employment commenced at different times.

For further clarification and information on the decision, please refer to SIAG's April 2018 Advisor edition, article entitled 'Reassurance two separate roles doesn't add up to one entitlement'.

What does this mean for employers?

- If your organisation employs one individual in separate roles, it is necessary to clearly distinguish the roles of, and responsibilities under, the respective 'employments' (eg. via separate employment contracts).
- Where there is no clear distinction between when an employee finishes one role and starts another it will prove difficult for an employer to demonstrate that the roles should not be regarded as one continuous period of employment.

Employer's Disciplinary Procedure Not Considered Bullying

Tanka Jang Karki [2019] FWC 3147

Mr Karki had been employed as a Bellman for The Star City Casino ('Star City') since June 2016. On 27 September 2018 following a workplace incident Mr Karki filed an application for a stop bullying order; seeking an interim order to protect himself from termination.

On 27 September 2018 a Front Office Manager Ms Sykes, spotted Mr Karki using his phone while on duty. Mr Karki was directed to attend a meeting to discuss the use of his personal phone without managerial permission. In the course of dealing with the matter Mr Karki claimed that, upon sighting him, Ms Sykes had proceeded to publicly abuse, embarrass and harass him for using his phone.

Several months after the disciplinary meeting, another incident occurred where Mr Karki was observed spitting into a rubbish bin in a public area of the Casino. Mr Karki claimed that because Star City had no policy/signage against spitting into the bin, providing him with a written final warning was harsh and unreasonable. Mr Karki believed he was specifically targeted by Ms Sykes and the management of Star City, and that their disciplinary procedures were not reasonable management actions.

Evidence submitted by Star City provided a different version of events. Ms Sykes, as well as other representatives from Star City claimed that during a disciplinary meeting Mr Karki admitted to using his phone, and that he was aware that it was contrary to Star City policy. Ms Sykes and other witnesses also attest that Mr Karki was very agitated throughout the meeting; raising his voice several times and banging his hands on the table. Moreover, when attending a separate disciplinary meeting for spitting in a bin, Mr Karki again acted in an agitated manner; banging the table with his hands and seeking to deflect discussion away from his misconduct.

Deputy Commissioner Sams found that throughout Star City's disciplinary process Mr Karki effectively admitted that he had been using his phone, and that he knew it was against company policy to do so. The Deputy Commissioner preferred the evidence of Ms Sykes and Star City, stating that Mr Karki's conduct during his disciplinary meeting is consistent with meeting notes, as well as the experience of Mr Naim, who conducted a separate disciplinary meeting with Mr Karki to address his action of spitting in a bin. In relation to that incident, Deputy Commissioner Sams sided with Star City; concluding that a company does not need to provide a policy, or a direction that their employees do not spit in a public area at venue like The Star City Casino.

After undertaking an objective assessment, Deputy President Sams concluded that the actions taken by Star City and Ms Sykes were reasonable management actions. Star City had a comprehensive regime for dealing with matters like Mr Karki's and followed those procedures in the appropriate manner. As such, Mr Karki could not have been 'bullied at work'.

Further, Deputy President Sams labelled Mr Karki's claims and evidence as 'fanciful or implausible' for the most part; rejecting his claim that Ms Sykes had aggressively yelled at him, that she was loud and aggressive during his disciplinary meeting or that she bullied him by telling him of a meeting organised to review CCTV footage of his actions.

Consequently, Mr Karki's application for a stop bullying order was dismissed.

What does this mean for employers?

- The decision confirms that when determining whether conduct constitutes workplace bullying:
    - an objective reasonableness assessment is to be applied and NOT employee's subjective assessment, or perception, of the conduct, no matter how firm their conviction.
    - reasonable management action carried out in a reasonable manner, will not constitute workplace bullying.
- When undertaking disciplinary action, employers should be mindful of and adhere to procedures set out in any policy, contract or agreement, to address employee misconduct and/or inadequate performance, so as to support the reasonableness of the action undertaken.

In-sourced worker cleared to pursue dismissal claim

Ricky Taulapapa v Toll Personnel Pty Limited [2018] FWC 6242 (16 October 2018)

The Fair Work Commission ("**FWC**") has held that an employee's service with a labour hire company will count as service with his new employer following a transfer of business. This accumulated service met the minimum employment period of six months to bring an unfair dismissal claim against the new employer.

In April 2016, Staff Australia Pty Ltd deployed Mr Taulapapa to work at a warehouse of Asahi Beverages (Australia) Pty Ltd. In early 2017, Toll Transport was contracted to operate the warehouse. At the time, Mr Taulapapa continued to work for Staff Australia. However, in April 2018 he was directly employed by Toll to perform the same work in the warehouse. Employment paperwork provided by Toll to Mr Taulapapa did not specify that his prior service would Staff Australia would not be recognised by Toll. Less than two months later, in June 2018, Mr Taulapapa was dismissed by Toll due to alleged breaches of timekeeping requirements. He subsequently filed an unfair dismissal claim.

The main issue for determination before the FWC was whether Mr Taulapapa's period of employment with Staff Australia should be recognised for the purposes of calculating the minimum employment period under the *Fair Work Act 2009* (Cth) (in this case 6 months) to provide protection from unfair dismissal.

Toll argued against counting Mr Taulapapa's period of employment with Staff Australia towards his period of employment with Toll as no transfer of business had occurred between the two entities, given the lack of 'connection' between the employers.

Commissioner Cambridge rejected Toll's claims stating that, in determining whether there is a relevant connection between employers for the purpose of transfer of business rules under the Act, there should be a focus on the work done by the employee, rather than any contemplation of outsourcing any business activity or function. Therefore, the fact that Toll may not have in-sourced all its work was irrelevant as the test to be applied was whether the particular work of the transferring employee had become in-sourced. In this case the only identifiable change to Mr Taulapapa's employment circumstances was that he was paid by Toll rather than Staff Australia. On this basis, the Commissioner held that:

- On 13 March 2017, when Toll commenced to undertake the Asahi warehouse operations, it initially outsourced the labour requirements to Staff Australia but subsequently, on 3 April 2018, when Mr Taulapapa commenced employment with Toll, it ceased to outsource the work to Staff Australia.
- By virtue of the above, there was a relevant connection between both employers for the purposes of s 311 of the Act.
- In the absence of written advice to Mr Taulapapa to the contrary, Toll was obligated to recognise his prior service with Staff Australia as if it were service with Toll, including for unfair dismissal purposes.

What does this mean for employers?

- Employers should seek specific transfer of business advice in circumstances where they look to directly employ workers who are currently performing work, which will be carried out by the employer, but those persons are currently employed by a third party.
- There may be a connection for the purposes of the transfer of business rules, despite there being no direct contract between the old and new employer. This could occur if the employee undertakes the same/similar work with their new employer.
- Where the old and new employers are not 'associated entities' the new employer may avoid recognition of prior service for specific purposes – limited to calculating annual leave, redundancy pay and unfair dismissal qualification – if it advises the employee of this prior to engagement.

Part-time employee's 'annual rate of earnings' place her below high-income threshold

Person 1 v Industrial Foundation for Accident Prevention T/A IFAP (U2018/9067)

This decision considered whether a part-time employee, Person 1, was precluded from making an unfair dismissal application in circumstances where her full-time equivalent ('**FTE**') salary exceeded the high income threshold.

Immediately prior to termination, Person 1 was employed part time with the Industrial Foundation for Accident Prevention ('**IFAP**') as the Executive Manager of Corporate Services, performing 60 hours of work per fortnight and paid – for those hours worked - a salary of $118,560 gross. Whilst accepting that the applicant met the minimum employment period, IFAP contended that Person 1 was precluded from protection against unfair dismissal as her gross FTE salary ($148,200) exceeded the high-income threshold ($145,500 gross at time of termination), noting that her employment was not otherwise covered by a Modern Award or Enterprise Agreement.

In making its decision, the Fair Work Commission considered the meaning of 'annual rate of earnings' set out at section 382b(iii) of Fair Work Act 2009. Having considered relevant case law and commentary, Deputy President Beaumont found that, for the purpose eligibility for protection against unfair dismissal:

- 'Earnings' are an employee's 'fruit of labour', that is, whatever the employee receives as remuneration for the provision of service.
- 'Annual rate' in respect of earnings is to be assessed by reference to the 12 month period immediately preceding the dismissal.
- She could not read into the Act a requirement that 'earnings' be calculated from what Person 1 would have earned, according to her FTE salary.

In the absence of evidence that Person 1 had worked (and been paid for) hours other than the 60 hours per fortnight stipulated in her contract in the 12 months before her dismissal, the Commission found the relevant 'annual rate of earnings' to be accurately reflected by the pro rata salary of $118,560 – and accordingly, in circumstances where this annual rate of earnings fell below the high-income threshold, Person 1 was entitled to pursue her unfair dismissal application.

What does this mean for employers?

- It is the total dollar amount of an employee's annual rate of pay that matters when determining if they are eligible for protection from unfair dismissal, not the salary obtained had they worked full-time.
- Employers must not assume that part-time employees who receive pro-rata remuneration, which on an annualised FTE basis would exceed the high income threshold, will be excluded from pursuing an unfair dismissal claim.

Reasonable adjustments to accomodate mental illness

Tropoulos v Journey Lawyers Pty Ltd [2019] FCA 436

A recent Federal Court decision provides guidance to employers when managing mental illnesses in determining the extent of 'reasonable adjustments' and 'unjustifiable hardship' contemplated under the *Disability Discrimination Act 1992* (Cth) ('**DDA**'). The decision further highlights the importance of considering all circumstances when making decisions regarding adjustments to an employee's working arrangements.

Around July 2015, Mr Tropoulos, a Senior Associate of a small family law firm, experienced a deterioration of his depressive disorder. Following discussion with his psychiatrist, Mr Tropoulos took sick leave for approximately 6 months, which included a brief unsuccessful attempt to return to work in September 2015. During his absence, extensive correspondence was exchanged between Mr Tropoulos and the firm, which ultimately led to a proposal for Mr Tropoulos' return to work. The proposal included an gradual return at three days per week increasing to five days over time, a reduction to Mr Tropoulos' salary, change in title from 'Senior Associate' to 'Family Lawyer' and him being reallocated to a more open workspace.

Mr Tropoulos rejected this proposal, initially filing a complaint with the Australian Human Rights Commission and subsequently initiating proceedings in the Federal Court of Australia. Mr Tropoulos argued that the firm had discriminated against him, by failing to make reasonable adjustments (as required by the DDA) for his return to work, and in doing so treating him less favourably than a person without his disability.

Ultimately, the Court found in favour of the employer, finding that:

- 'Adjustments' relates to what is made 'for' the person with a disability rather than made 'to' the position the person occupies;
- 'Reasonable adjustment' under the DDA contemplates that any adjustment, which is identifiable and available, is a reasonable adjustment unless the making of the adjustment would impose an unjustifiable hardship on the employer;
- The proposal constituted reasonable adjustments for Mr Tropoulos and the firm did not treat him less favourably than a person without his disability, in circumstances that were not materially different.

Central to the Court's findings was the size of the employer and nature of the work to be undertaken in the employment. Regarding his 'demotion' and subsequent reduction in salary, the Court found that to accommodate Mr Tropoulos' substantial salary for an extended (unknown) period, until such time as Mr Tropoulos returned to the standards he had previously achieved, imposed unjustifiable hardship on a small firm with tight budgets.

Justice Collier further stated that in the present circumstances, bearing in mind the dependence and level of support required to be provided to the firm's clients, an alternate proposal that Mr Tropoulos work five half days a week rather than three days would – in the absence of medical evidence establishing that the employee was not capable of performing a full day's work - be too great, constituting an unjustifiable hardship to the employer. Had the firm been larger, with greater resources, the circumstances may have been different.

What does this mean for employers?

- Whether a proposed adjustment is suitable will be subject to consideration of the duties and responsibilities of the specific employment relationship.
- The size and financial situation of the employer will be highly relevant to whether an adjustment is reasonable, or cause unjustifiable hardship to the employer.
- Employers who can demonstrate that they have taken into account the views of the affected employee and the advice of treating practitioners when proposing suitable working arrangements will be in a strong position to defend these arrangements, even if these are not the specific arrangements sought by the employee.

Refusal to provide sensitive information for attendance not a valid grounds for dismissal

Jeremy Lee v Superior Wood Pty Ltd [2019] FWCFB 2946 (1 May 2019)

The Full Bench of the Fair Work Commission ("**FWC**") has found that an employee's refusal to comply with the employer's new attendance system (which required him to provide biometric data) did not provide valid grounds for his dismissal.

In late 2017 Superior Wood announced the introduction of a new attendance policy whereby employees register their biometric data, and then log their attendance at the beginning and end of their shift using a fingerprint scanner. This data would be stored electronically and could be accessed by managers through an app on their phone. The system aimed to provide greater integrity and efficiency to the payroll, as well as help managers account for staff in the event of an emergency.

The employee, Mr Lee, expressed concerns about registering his biometric data and its exposure to third parties once stored electronically and refrained from providing his fingerprint. Subsequent meetings were held to try and rectify the situation, but no resolution was found. Despite the formal implementation of the scanners in early January 2018, Mr Lee continued to sign the paper attendance sheet and refused to register his fingerprints in the system. Superior Wood issued Mr Lee with several warnings which stressed that termination would eventuate if the scanner was not used. Following a show cause letter, Mr Lee's employment was terminated for failing to follow a lawful and reasonable direction to comply with the new policy.

Of critical importance was the FWC's consideration of whether the requirements of the attendance policy were fair and reasonable and whether the policy breached the Privacy Act 1988 (Cth). At first instance FWC concluded that while Mr Lee was entitled to refuse to provide his biometric data, his failure to meet the reasonable attendance policy represented valid grounds for his dismissal. On appeal, the Full Bench reconsidered whether the dismissal was valid, subject to whether the policy - and directive to provide the biometric data - operated in breach of the Privacy Act.

Australian Privacy Principle 3 ("**APP**") outlines when an entity may collect personal information. The Full Bench's interpretation of APP 3 is that it applies to both the solicitation and the collection of personal information - and therefore operates at a time before the information is collected. In this case, while the employer did not collect Mr Lee's information, its direction for Mr Lee to provide his fingerprints (ie. the solicitation) was prohibited under the Privacy Act (in the absence of consent) and Mr Lee was therefore entitled to refuse this direction. Consequently, Mr Lee could not be validly dismissed purely for this refusal.

In respect of the 'employee records' exemption to the APPs, the Full Bench did not agree that this applied to the fingerprint scanners stating that a record is not held if it has not yet been created, or is not yet in the possession or control of the organisation and, consequently, the exemption will not apply to a thing that doesn't exist or to the creation of future records.

This decision raises some concern in regards to directing employees to attend Independant Medical Exams ("**IME**") or participate in drug and alcohol testing, as these examinations and tests involve the collection of sensitive information. However current precedent of the Federal Circuit Court of Australia makes it clear that employers are entitled to direct an employee to attend an IME, on a reasonable basis - arising from its OHS obligations under relevant state safety laws.

What does this mean for employers?

- A directive that employees provide sensitive information, can be prohibited under the Privacy Act.
- Employers looking to introduce biometric technology that collects sensitive information must first consider privacy obligations arising from the collection of such data, and ensure appropriate privacy policies and notices are in place.
- Employers must otherwise have contingencies in place where an employee exercises their right not to consent to the collection of their data.

Time to act after Whistleblower legislation enacted

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)

On 12 March 2019 the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2017* (Cth) ("**Bill**") received Royal Assent, bringing with it changes to several pieces of legislation. Of note, amendments to the *Corporations Act 2001* (Cth) ("**Act**") seek to strengthen the protection of whistleblowers and introduce the requirement for certain companies to have and distribute whistleblower polices.

The amendments will come into force on 1 July 2019 and apply not only to companies, but also to not-for-profit incorporated organisations that meet the definition of a "trading or financial corporation" under the Act.

Qualifying disclosure

Under the changes a whistleblower will be able to remain anonymous when making a protected disclosure and can be a former employee or officer, in addition to a current one. Under the amendments, a qualifying disclosure is one that is about:

- A danger to the financial system;
- A danger to the public;
- The contravention of a law administered by ASIC and/or APRA;
- Misconduct or improper affairs or circumstances in relation to a regulated entity; or
- A Commonwealth offence that has a minimum imprisonment period of 12 months.

Additionally, the list of eligible recipients of a protected disclosure has broadened to include ASIC and APRA, and also Members of Parliament and the media in the case of a disclosure that is made in the public interest or an emergency.

Civil and criminal penalties may be imposed for breaching a whistleblower's anonymity and engaging in detrimental conduct towards a whistleblower.

Whistleblower policy

The amendments introduce a requirement for public companies, "large proprietary companies" and registerable superannuation entities to develop, make available and implement whistleblower policies. Existing qualifying entities have until 1 January 2020 to do so.

From 1 July 2019 a large proprietary company will be defined as one which has two of the following three characteristics:

- $50 million or more in consolidated revenue;
- $25 million or more in consolidate gross assets; or
- 100 or more employees.

Once a company qualifies as large proprietary company, they must implement a compliant whistleblower policy within 6 months.

To be compliant, a company's whistleblower policy will need to include details about:

- The correct process for making a disclosure;
- Who a disclosure can be made to;
- How the company will provide support and protection to whistleblowers;
- The process of investigating a disclosure;
- The fair treatment of employees who are included in a disclosure;
- How to access the policy; and
- Additional matters as prescribed by regulations.

Non-compliance with these policy requirements will be enforced by ASIC as a strict liability offence.

What does this mean for employers?

- Employers should check whether the whistle-blower obligations apply to them, and whether they are required to implement a compliant whistleblower policy under the Act.
- Employers must ensure that their employees and officers know how to access the policy and understand how to manage whistleblower complaints.

Workcover employee unfairly dismissed after misconduct allegations

Cody Glenane v Tag Turfing Pty Ltd [2019] FWC 3817

Confirming the need by employers to deal with matters of misconduct appropriately in first instance, the Fair Work Commission has ordered a small business employer to compensate a former employee who it summarily dismissed via text message some 8 months after an incident of misconduct.

Mr Glenane was employed by Tag Turfing ("**Tag**") as a full-time supervisor. On 9 February 2018, he received a warning letter in relation to misconduct on duty, urging immediate improvement and advising that failure to improve his conduct by May would result in termination. The letter detailed an incident where the employee slandered both Tag and its Managing Director, Mr Taggart, to a customer. Despite requests from the customer that he stop, Mr Glenane continued to use profane language until the customer told him to leave the site.

Prior to receiving the warning letter, Mr Glenane sustained a knee injury for which he underwent an operation in February 2018. The employee was on WorkCover and provided updates to Tag in relation to his rehabilitation progress throughout these months.

In October 2018, Mr Glenane inquired with his employer in relation to work opportunities, having been approved for light duties by his surgeon. Mr Taggart responded with a text terminating Mr Glenane's employment, as a result of the employee's serious misconduct prior to his surgery. The text stated that advice from the Fair Work Ombudsman ("**FWO**") indicated that Mr Glenane's conduct warranted instant dismissal, but that Mr Taggart did not follow through given the employee was on leave for rehab. Further, Mr Taggart wrote that Mr Glenane's "lack of responsibility to Tag during rehab" also contributed to reasons for his dismissal.

The dismissal was held to be unfair based on a number of factors, most notably in regard to whether there was a valid reason for the termination at the time it was effected. In respect of the employer's rationale for termination, Commissioner Simpson:

- Did not accept that Mr Taggart believed on reasonable grounds that the employee's conduct was sufficiently serious to justify immediate dismissal – given, on his own evidence, he did not hold this belief immediately following the incident.
- Was not satisfied that the FWO advice provided to Mr Taggart led to the formation of a reasonable belief, 8 months later, that Mr Glenane's conduct justified immediate dismissal.
- Held that there was no specific evidence to support Tag's assertion that Mr Glenane failed to update his employer on the progress of his injury, and this was therefore not valid reason for dismissal.

While the text message sufficed as an indication of the reasons for his dismissal, those reasons were not valid on the basis that the misconduct had been dealt with in the form of a warning, and Mr Glenane did not engage in further misconduct following the letter.

In relation to the question of remedy, Commissioner Simpson held that there had been an irrevocable breakdown in the working relationship which would render reinstatement inappropriate. As such, in determining an appropriate level of compensation to be awarded, Commissioner Simpson acknowledged that as a small business, Tag had limited means to employ HR specialists – but that if it had have done so - it was likely that the process of dismissing Mr Glenane would have been "less flawed."

What does this mean for employers?

- Relying upon (mis)conduct for which a warning has been issued to the employee as the basis for termination at a later date, will not constitute a valid reason under unfair dismissal laws.
- Unduly delaying termination arising from purported serious misconduct will weigh against a finding that such conduct warranted summary dismissal.
- Employers should seek timely advice in respect of disciplining (including terminating) an ill or injured employee, particularly in respect of potential complications that may arise from a concurrent Workcover absence.

siag training : development

Approved Training Course

WorkSafe VICTORIA

Health and Safety Representative Initial OHS Training Course

To exercise powers as an HSR effectively, it is essential HSRs (and Deputy HSRs) receive training. This training course aims to provide the HSR with the appropriate skills, knowledge and confidence to represent the people they work with and to help make their workplace safer.

Throughout the year SIAG offers the HSR Initial OHS Training Course (5 days). This is a WorkSafe approved course, and can be run in groups at your organisation or for individuals as part of our public program held at SIAG's head office.

The learning objectives of the course are:

- Interpreting the occupational health and safety legislative framework and its relationship to the HSR
- Identifying key parties and their legislative obligations and duties
- Establishing representation in the workplace
- Participating in consulting and issue resolution
- Represent designated work group members in any OHS risk management process undertaken by appropriate duty holder/s
- Issuing a Provisional Improvement Notice (PIN) and directing the cessation of work

Entitlement

Under the OHS Act 2004 (section 67) all elected HSRs and deputy HSRs are entitled to undertake WorkSafe Victoria approved OHS training for HSRs and choose their training course in consultation with their employer. SIAG is approved to deliver the HSR Initial OHS Training Course.

Venue: 7/75 Lorimer Street, SOUTHBANK. VIC 3006

Time: 9am - 5pm

HSR Initial OHS Training Course (5 days) 2019					
	$940 per person (plus gst)				
	day 1	**day 2**	**day 3**	**day 4**	**day 5**
February Course	Thursday 28 February	Thursday 7 March	Thursday 14 March	Thursday 21 March	Thursday 28 March
May Course	Tuesday 28 May	Tuesday 4 June	Tuesday 11 June	Tuesday 18 June	Tuesday 25 June
August Course	Tuesday 27 August	Tuesday 3 September	Tuesday 10 September	Tuesday 17 September	Tuesday 24 September
November Course	Wednesday 13 November	Wednesday 20 November	Wednesday 27 November	Wednesday 4 December	Wednesday 11 December

SIAG also offers the HSR Refresher OHS Training Course (1 Day)
Please contact SIAG on 1300 SIAGHR (1300 742447)
for a registration form or more information.

Refund policy
**Cancellations 21 days or more from commencement date receive full refund
**Cancellations 14 days from commencement date receive 50% refund
**Cancellations 7 days or less from commencement date receive no refund

siag training : development

Approved Training Course

WorkSafe VICTORIA

Health and Safety Representative Refresher OHS Training Course

The HSR refresher OHS training course is an opportunity to revisit aspects of the initial training course and refresh their knowledge on the learning outcomes. This training course will assist HSRs' and Deputy HSRs' understanding of how they can effectively use their powers when participating in the identification, prevention and control of the risks associated with work related incidents.

Throughout the year SIAG offers the HSR Refresher OHS Training Course (1 Day). This is a WorkSafe approved course, and can be run in groups at your organisation or for individuals as part of our public program held at SIAG's head office.

Entitlement

Under the OHS Act (section 67) all elected HSRs and deputy HSRs after completing an initial course of training, have an entitlement (for each year they hold office) to attend Refresher training and choose the course in consultation with their employer.

Venue: 7/75 Lorimer Street, SOUTHBANK. VIC 3006

HSR Refresher OHS Training Course (1 day) 2019	
	$410 per person (plus gst)
May Class	Wednesday 15 May
September Class	Thursday 19 September

It is a requirement to complete the HSR Initial OHS Training Course before embarking on the HSR Refresher OHS Training Course.

Please contact SIAG for more information.

Refund policy

**Cancellations 21 days or more from commencement date receive full refund

**Cancellations 14 days from commencement date receive 50% refund

**Cancellations 7 days or less from commencement date receive no refund