

# Industrial Relations News



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## Welcome from the Executive Director

Welcome to the July 2015 edition of *Industrial Relations News*.

Term 3 promises to be an eventful time in schools, with salary adjustments effective from the first full pay period on or after 1 August for all employees covered by the [Victorian Catholic Education Multi Enterprise Agreement 2013](#) (VCEMEA).

Minimum wage increases are also effective from the first full pay period of July for award-based employees and those receiving the federal minimum wage.

This edition of *Industrial Relations News* also contains the next instalment in our Independent Contractor series.

At this time of the year, some schools may also be contemplating staffing restructure or other changes to staffing requirements, including redundancies, in preparation for 2016.

Guidance is provided on these issues along with a number of other important Industrial Relations issues.

In terms of Occupational Health and Safety (OHS) issues, this edition includes information on Dangerous Goods in school laboratories, which has been the subject of a number of WorkSafe visits recently.

The details of Industrial Relations and OHS training sessions for Term 3 and 4 are outlined in this newsletter, and bookings can be made via My PL (IPLS) on the CEVN website at <http://cevn.cecv.catholic.edu.au>.

If you have any questions about any of the articles in this newsletter, please contact the Industrial Relations (IR) Unit on 03 9267 0431 or via email [ceoir@ceomelb.catholic.edu.au](mailto:ceoir@ceomelb.catholic.edu.au).

Good wishes

Stephen Elder  
EXECUTIVE DIRECTOR

## National Wage Review

The Fair Work Commission has published the [National Minimum Wage Order 2015](#) increasing the federal minimum wage and the minimum rates in modern awards.

This pay increase affects those staff receiving the:

- federal minimum wage
- minimum rates in a modern award
- wages under a supported wage order.

### Federal Minimum Wage

The federal minimum wage increases to \$656.90 per week (\$17.29 per hour), an increase of \$16.00 per week. The increase is due from the first full pay period after 1 July 2015.

A loading of 25 per cent applies to all minimum-wage earners employed on a casual basis.

### Modern Awards

Workers who receive the minimum wage in accordance with a modern award are also due a 2.5 per cent increase from the first full pay period in July, as a result of the [recent award variations](#).

The rates for the [Educational Services \(Schools\) General Staff Award 2010](#) and the [Children's Services Award 2010](#) are also effective from the first full pay period commencing on or after 1 July 2015 and are provided in attachments to this newsletter.

Updated versions of consolidated modern awards relevant to Victorian Catholic schools are now available on the [Fair Work Commission's website](#).

The rates effective from the first pay period commencing on or after 1 July 2015 for before-and-after school staff are provided in attachments to this newsletter.

### Supported Wage Orders

Schools should review any wages paid under a supported wage order to employees with a disability affecting their productivity. The minimum amount payable to an employee covered by the Supported Wage System is now \$81 per week. This will also

take effect from the first full pay period on or after 1 July 2015.

### Non-compliance

Schools should note that non-compliance with the above changes may result in claims for underpayment of wages and breaches of the [Fair Work Act 2009](#) (Cth) of up to \$10,200 for an individual or \$51,000 for a corporation.

**The above changes have no effect for employees who are covered by the VCMEA or who earn in excess of the federal minimum wage or minimum award rates.**

## Redundancy Reminder

A reminder that, by the third week of Term 3, 2015 principals should have identified any potential redundancies taking effect from the start of the 2016 school year.

Staff, including staff on leave, should be notified that a potential redundancy situation has been identified for the 2016 school year. In addition, your Diocesan Director, the IR Unit and the Independent Education Union Victoria Tasmania (IEU) should also be notified. If the potential redundancy is in a school with secondary students, then the Principals' Association of Victorian Catholic Secondary Schools (PAVCSS) should also be notified.

Appendix 2 of the VCMEA contains the redundancy procedures that apply to all staff employed in Catholic schools.

To assist principals, *Redundancy Guidelines* are available on the [CECV website](#) under *Industrial Relations / Guidelines*.

The Guidelines detail the procedures to be followed in relation to a redundancy and include pro forma documentation that should be used for notifying staff.

## August 2015 Pay Increases

Salary increases for all employees covered by the VCMEA take effect from the first full pay period on or after 1 August 2015.

The following table provides information in relation to the pay period and the date the increase is to be applied:

Pay Period	Date increase is applied
3 August 2015 to 16 August 2015	3 August 2015
10 August 2015 to 23 August 2015	10 August 2015

### Emergency Teachers

Emergency teachers are also subject to a pay increase, with their daily rate increasing to \$293.30 and their hourly rate increasing to \$48.88. These rates apply from 1 August 2015.

### Education Support Level 4–5

Under the VCMEA Education Support employees at salary level 4–5 must be translated to the appropriate salary point.

From the first full pay period on or after 1 August 2015, all employees at this level will translate to ES 4–4.

Further information can be found under [Special Arrangements](#) – Education Support Level 4–5 (August 2015).

### More Information

Information on salary levels, translations and allowances is available in the 2013 Agreement Implementation Guide [Part 3A – Salary and Allowances](#) (2015 school year), the [spreadsheet of tables](#) and [August 2015 salary increases](#) on the [CECV website](#) under *Industrial Relations / 2013 Agreement Implementation*

## More Pay, More Tax, Maybe

The financial year ending 30 June 2016 has 27 pay fortnights. This is one pay more than the usual 26 fortnights in a year.

Due to this additional pay in the 2016 leap year, the tax withheld from your fortnightly salary may not be adequate to cover the tax liability at the end of the year.

The Australian Taxation Office (ATO) has published the figures below as a guide for the additional amounts to be withheld based on the gross salary, if the employee agrees. This extra tax withheld is not mandatory and therefore is a voluntary choice to be exercised if an employee chooses to do so.

Fortnightly earnings	Additional withholding
\$1,400 to 3,049	\$12
\$3,050 to 6,799	\$17

If an employee does elect to withhold an additional amount of tax, they have the option to either go with the amount recommended by the ATO or make other arrangements.

Further information can be found on the ATO website at [www.ato.gov.au](http://www.ato.gov.au).

## Public Holidays 2015/2016

### Grand Final Friday?

The Victorian Government has a long-standing commitment to make the Friday before the AFL Grand Final a public holiday. The economic impact of the new public holiday is currently subject to a rigorous Regulatory Impact Statement process to analyse the benefits and costs to businesses and the community. The IR Unit will continue to keep you abreast of any developments.

## 2016 Public Holidays

To help schools prepare for the next school year, the following list of public holidays in 2016 is provided courtesy of [Business Victoria](#) (subject, but unlikely, to change):

Holiday	2016
New Year's Day	Fri 1 January
Australia Day	Tue 26 January
Labour Day	Mon 14 March
Good Friday	Fri 25 March
Saturday before Easter Sunday	Sat 26 March
Easter Monday	Mon 28 March
ANZAC Day	Mon 25 April
Queen's Birthday	Mon 13 June
Melbourne Cup*	Tue 1 November
Christmas Day	Sun 25 December (Tue 27 Dec)
Boxing Day	Mon 26 Dec

\*(all of Victoria unless alternate local holiday arranged by non-metro council)

## Four-Yearly Review of Modern Awards – Annual Leave

The Full Bench of the Fair Work Commission (FWC) has made a decision on paid annual leave as part of the first Four-Yearly Review of modern awards.

The following annual leave issues were considered:

- cashing out of annual leave
- granting of annual leave in advance
- electronic funds transfer (EFT) and paid annual leave
- excessive annual leave
- purchased leave
- annual close-down
- payment of annual leave entitlements on termination.

### Standard Clauses

The Full Bench decided that standard clauses for the following matters will be inserted into all modern awards (draft determinations for these clauses will be prepared and published on the FWC website for comment):

- Cashing out of annual leave:

The standard annual leave cashing-out clause will have the following safeguards:

- the cashing out must not result in an annual leave accrual of less than four weeks
- a maximum of two weeks annual leave able to be cashed out (for full-time employees; a pro rata equivalent for part-time employees)
- record keeping requirements apply regarding any cashing out agreement
- any cashing-out agreement with a minor must be signed by the parent/guardian
- notes are inserted at the end of the clause drawing attention to the general protections against employer influence and misrepresentation contained in the *Fair Work Act 2009*.

- Granting of annual leave in advance:

The standard clause for taking annual leave prior to its accrual includes a specific provision regarding the content and form of any agreement regarding such arrangements and record-keeping in relation to that agreement.

- EFT and paid annual leave:

The standard clause in relation to EFT and paid annual leave allows annual leave to be paid in accordance with the regular pay cycle, rather than prior to the employee taking the leave, as the majority of employees are now paid electronically.

### Further Submissions

The Full Bench is now providing parties with an opportunity to make further submissions on the following issues:

- excessive annual leave
- purchased leave.

### Deferral of Consideration of Issues

The Full Bench deferred consideration of the following issues:

- Annual close-down:

The Full Bench found that it was preferable that close-down provisions be considered on an award-by-award basis because of the different arrangements across industries.

- Payment of annual leave entitlements on termination:

The Full Bench adjourned consideration of payment of annual leave upon termination, given there is currently an appeal before the Full Court of the Federal Court, and a proposed amendment to the *Fair Work Act 2009* concerning this issue.

**The proposed changes will have no effect on employees who are covered by the VCCEMA, but could affect employees whose employment is subject to a modern award.**

The IR Unit will provide further updates when the standard clauses are inserted into the modern awards.

## Independent Contractor Series Part 4: Casual Employees

As part of the newsletter series on *Engaging External Labour Providers and Casuals: A Guide for Schools*, this article summarises the third of the four options: engaging a worker as a casual employee.

### What is a casual employee?

A casual employee:

- is engaged to perform work on an 'as needs' basis
- is paid by the hour
- has no guarantee of ongoing employment
- receives a casual loading to compensate for other entitlements
- is not entitled to paid annual leave/school holidays or paid personal/carer's leave.

### When might a school engage a casual employee?

Casual employment is useful when a school wants flexibility in relation to when and how often they require the employee, e.g. if services are required on an ad hoc or temporary basis.

It is more appropriate to employ an individual as a casual rather than engage them as a contractor where the school needs to be able to direct, control and supervise the individual.

### What industrial instrument applies?

It is important to establish what, if any, industrial instrument applies to a casual employee.

The VCCEMA applies to casual employees who are covered by the classifications of that agreement, e.g. casuals employed in teaching, administration, student support, information technology, gardening, maintenance. The terms and conditions of casual employment for these employees are clearly set out in the VCCEMA.

However, there are a range of other jobs that schools may require on a casual basis that are not covered by the VCCEMA.

The *Educational Services (Schools) General Staff Award 2010* (Award) will apply to any casual employees engaged as instrumental music tutors, sports coaches, choir masters, conductors or school nurses. If your school is employing any casuals in these categories, you should ensure you are familiar with the terms and conditions of the Award and the relevant pay rates.

In some situations a casual employee may be covered by a different award or may not be covered by any industrial instrument at all. In this situation, we recommend that you contact the IR Unit for advice.

We recommend schools use the template contracts for casual employees available from the [CECV website](#) under *Industrial Relations / Template Letters*.

### Risks in employing casuals

Courts and tribunals have identified that casual employees fall into one of two categories:

- a true casual employee, or
- a regular and systematic casual employee.

Regularly and systematically engaged casual employees with a reasonable expectation of continuing employment by the employer will have entitlements to access:

- the unfair dismissal regime – *Fair Work Act 2009*
- unpaid parental leave – *Fair Work Act 2009*.

There also is a risk that, if a casual employee is engaged on a regular and systematic basis, he or she may be found by a court or tribunal to be a part-time or full-time employee and therefore will be entitled to payment of entitlements afforded to ongoing employees (regardless of whether the employee has received a casual loading).

Schools should seek advice if they are not sure whether a casual is a 'true casual employee'.

### What else should schools consider?

- Long-term casual employees may have an entitlement to long service leave.
- Casual employees have entitlements to unpaid carer's leave and unpaid compassionate leave.
- The school may require the casual employee to have a Working with Children Check.
- The school should ensure the casual employee undergoes appropriate induction including in relation to OHS.

## VIT Registration Due Soon

Invoices will be mailed to all teachers during August, and all registration tasks must be completed by **30 September 2015** to maintain Victorian Institute of Teaching (VIT) registration.

The registration task(s) must be completed online, via the MyVIT account [www.vit.vic.edu.au](http://www.vit.vic.edu.au).

The example in the following diagram shows a teacher who has three tasks: completing their online Registration Renewal Form, paying their fee and updating their criminal record check. **Not all teachers will have three tasks to complete.** The invoice will indicate what is required.

To complete registration tasks, teachers will need to log in to their MyVIT account, where they will see the same registration tasks displayed on their invoice. Click on the buttons and complete the tasks in the order they are presented.

### What are the key steps involved?

1. Check MyVIT account **now**. Make sure it has a current email address.
2. Wait until August when invoices are being mailed to teachers. Log in to the MyVIT account and complete the registration task(s)

3. Complete all registration tasks (including posting certified documents if a criminal record check needs to be updated) before **30 September 2015**.

### What happens if my VIT registration lapses?

Teachers who allow their VIT registration to lapse, or do not renew, cannot teach.

A lapsed VIT registration also voids a teacher's Working with Children Check (WWCC).

In the absence of a WWCC, an employee cannot be on the school site.

Clause 14 of the [VCEMEA](#) applies to employees who require professional registration in order to perform their role and the Clause provides remedies including the standing down of the employee without pay until they have obtained VIT registration.

For further information contact the IR Unit on 03 9267 0431 or via email [ceoir@ceomelb.catholic.edu.au](mailto:ceoir@ceomelb.catholic.edu.au).

**30 SEPTEMBER IS THE DUE DATE FOR ALL REGISTRATION TASKS.**

Go to [www.vit.vic.edu.au](http://www.vit.vic.edu.au), click on the 'MyVIT' tab and follow the prompts.

**You will need to complete one or more of the following tasks:**

<b>1</b> Criminal Record Check Consent Form Incomplete Consent Form	<b>2</b> Registration Renewal Form Incomplete Renewal Form	<b>3</b> Payment Amount Due Outstanding Payment
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**If you have changed your contact details you need to let us know.**

It's easy to do - just log in to your MyVIT account and change your details.

[www.vit.vic.edu.au](http://www.vit.vic.edu.au)

victorian institute of teaching

## Dangerous goods in school laboratories

WorkSafe have visited a number of secondary schools and identified issues with the management of dangerous goods in laboratories that need to be improved.

In order to improve the legal compliance of dangerous goods in laboratories, schools should complete the following tasks:

1. Inspect laboratories to identify all the chemicals that are stored there. Dangerous goods can be identified by checking their labels and their Material Safety Data Sheets (MSDS).
2. Compile a list of dangerous goods, the quantities on hand and which class they belong to by checking their labels or MSDSs.
3. Arrange for a chemical waste disposal company to remove:
  - obsolete chemicals that are no longer used
  - chemicals that are deteriorating, leaking, crystallising, etc.
  - damaged containers and those that do not have labels or lids
  - excess stock levels of chemicals that are not going to be used in the foreseeable future.
4. Improve the safe storage and handling of dangerous goods by ensuring that:
  - incompatible substances are segregated or stored separately
  - all chemicals are listed in a Hazardous Substances and Dangerous Goods Register
  - MSDSs are readily available for all chemical substances
  - all containers are clearly labelled.
5. Ensure that a suitably trained person has been appointed to coordinate the management of chemicals. A suitably trained person should have knowledge of segregation methods, dangerous good classes (hazards and risk control methods) and the degree of danger they present. If they do not have this knowledge, ensure that appropriate training is provided.

Additional information on managing chemicals can be found from the following sources:

### CECV

- CECV circular dated [12 June 2015](#)
- OHS guideline which provides an overview of [Hazardous Substances and Dangerous Goods](#)
- Template for a [Hazardous Substances and Dangerous Goods Register](#)
- Five minute [Chemicals in Schools](#) OHS awareness training video. *Note: There are nine OHS videos on this webpage and you will need to scroll down to locate the relevant video.*
- The [Chemicals in Schools](#) training manual which supports the video with more in-depth material.

### WorkSafe

- [Code of Practice for the Storage and Handling of Dangerous Goods.](#)
- [Recognising Dangerous Goods Segregation Chart](#)
- Information and guidance materials on [Dangerous Goods.](#)

### Department of Education and Training

- Information for government schools on [Chemical Management.](#)

### Contact/Enquiries

- For all enquiries, please contact Matthew Dunstan, OHS and WorkCover Coordinator, on 03 9267 0431 or via email [mdunstan@ceomelb.catholic.edu.au](mailto:mdunstan@ceomelb.catholic.edu.au).

## Avoiding manual handling injuries

Manual handling injuries are a common problem in schools.

Manual handling includes a variety of tasks such as typing, using a mouse, sitting for long periods, lifting, pushing, pulling, holding, lowering, throwing, carrying, packing, cleaning and using tools.

There are a number of factors that can cause manual handling injuries. The greater the number of hazardous risk factors that you are exposed to over time, the greater the chance that you will be injured and the worse that it will be. The fewer risk factors you are exposed to, the less likely you are to be affected and the less discomfort you will suffer over the long term.

Some examples of hazardous activities that can cause manual handling injuries in schools include:

- moving heavy items – the heavier something is the riskier it is
- repeating tasks or maintaining postures for long periods of time without variation or breaks
- carrying items over long distances
- shifting large but lightweight objects which are difficult to control especially on windy days
- bending your back instead of your knees when picking up objects
- twisting your spine instead of turning sideways with your feet
- lifting objects above shoulder height
- not warming up or stretching before moving items
- making sudden tugging motions to move heavy items
- the use of faulty equipment such as trolleys with flat tyres.

Ways of reducing the risk of manual handling injuries include:

- eliminating the risk by not carrying out hazardous tasks such as lifting heavy archive boxes or awkward sports equipment
- altering the workplace layout so that heavy items can be stored between waist and shoulder height
- improving housekeeping and warming up before moving items on cold mornings

- changing the system of work by arranging for deliveries of photocopy paper to be taken to the actual location where they will be used rather than leaving them at reception
- changing the objects being used by buying smaller sized archive boxes or by removing some of the items out of a tub before lifting it
- using mechanical aids such as trolleys to move heavy or awkward items
- providing information, instruction and training using resources such as the CECV manual handling video and training manual.

It is good practice to use a combination of the methods listed above.

Schools can carry out manual handling training by accessing the Manual Handling video on the [CECV website](#).

The [Manual Handling](#) video is accompanied by a questionnaire and a training manual. There are another eight OHS videos on this webpage including Computer Ergonomics.

## Discounts for the early payment of WorkSafe insurance premiums

Schools can receive discounts of up to 5% by the early payment of their annual WorkSafe insurance premiums. To receive a discount:

- Check the premium notice (invoice) from your WorkSafe Agent in order to determine the discount that you are entitled to
- Make your payment within the required timeframe:
  - 1 August 2015 for a 5% discount
  - 1 October 2015 for a 3% discount

Note: You are not entitled to receive a discount if you make your payment after the 1 October 2015.

- [www.worksafe.vic.gov.au/insurance-and-premiums](http://www.worksafe.vic.gov.au/insurance-and-premiums)
- The WorkSafe publication [A guide for employers: Your WorkSafe Insurance](#) has detailed information on WorkSafe premiums.

## New OHS and WorkCover resources

The following resources have recently been uploaded onto the CECV website:

### *Return to Work Information Template*

Under workers' compensation legislation, employers are required to provide return to work information to staff members. The CECV has developed a [Return to Work Information Template](#) to assist schools in this process. The template has been updated to reflect changes in legislation and can be easily customised.

It is recommended that you provide a copy of the template to any staff claiming workers' compensation and place copies where staff can access them, such as on OHS noticeboards or the school intranet. For further assistance on this or any worker compensation matter, please contact Ms Natalia Kajkic, OHS Officer, on 03 9267 0431 or via email [nkajkic@ceomelb.catholic.edu.au](mailto:nkajkic@ceomelb.catholic.edu.au).

### *Asbestos*

Three new OHS fact sheets on asbestos have recently been uploaded onto the CECV website:

- [Managing Asbestos](#)
- [Managing Asbestos Emergencies](#)
- [Managing the Removal of Asbestos.](#)

## OHS FAQ

### *Is it compulsory for a school to have a Health and Safety Representatives?*

A Health and Safety Representative (HSR) is a person who has been elected by the members of his or her workgroup to represent them on OHS issues. Any employee can request that an HSR be elected if a workplace does not have one.

HSRs can assist to address OHS issues in a school and can help achieve better health and safety outcomes. They have the potential to provide an organic approach to safety and reduce some of the burden placed on school leaders and principals.

It is not compulsory to have an HSR unless a staff member has requested one.

### *Is it compulsory for a HSR to attend a five-day OHS Rep training course?*

HSRs are entitled to attend a five-day OHS Representative training course if they wish to do so. They are also entitled to attend an annual one day refresher course. The school is required to pay the cost of this training. Although it is advisable for an HSR to attend a WorkSafe approved five day OHS Representative training course, it is not compulsory if the HSR does not wish to attend it.

### *Who can deliver HSR training?*

HSR training can only be delivered by a WorkSafe approved training provider. To check whether a provider is registered with WorkSafe, please contact WorkSafe on 1800 136 089 or use the following link:

[WorkSafe approved training providers](#) can be found on the WorkSafe website.

### *Do school leaders or principals need to attend a five-day OHS Rep training course?*

It is not compulsory for school leaders or principals to attend a five-day OHS Rep training course. The CECV delivers free OHS courses for school leaders that can be booked on IPLS. The current OHS for school leader's course is one day in length and it is advisable for a school leader from your school to attend a session.

## Industrial Relations and OHS Courses: Terms 3 and 4 2015

The following Industrial Relations and OHS professional learning sessions are available for Terms 3 and 4, 2015:

Training Session:	Date:
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### July 2015

OHS Chemical Management	23 July
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### August 2015

OHS Hazard Management	5 August
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OHS For School Leaders	11 August
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OHS Incident Investigation	13 August
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Return to Work Coordinator Training	19–20 August
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Know Your Agreement – Educational Support	25 August
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### September 2015

Basic Claims Management	3 September
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### October 2015

OHS Incident Investigation	13 October
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Know Your Agreement – Education Support	21 October
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OHS Hazard Management	28 October
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### November 2015

Return to Work Coordinator Training	11–12 November
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OHS Chemical Management	18 November
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Details of Industrial Relations and OHS training sessions can be found, and bookings made through the [CEVN website](#) under *Professional Learning / My PL (IPLS)*.

An explanation of each session can be found below or by going to the information on the [CEVN website](#) under Professional Learning / My PL (IPLS).

### OHS CHEMICAL MANAGEMENT

Reduce the risk. This workshop provides knowledge on how to systematically store and manage all chemicals kept or used on the school site, including how to develop a chemical (hazardous substance and dangerous goods) register, what types of chemicals to include and the requirements for Material Safety Data Sheets (MSDS).

### OHS HAZARD MANAGEMENT

Avoid an OHS incident. This course provides knowledge and guidance on how to systematically identify and control hazards in the school environment, including asbestos, manual handling, slips/trips and falls, contractors and other relevant hazards.

### OHS FOR SCHOOL LEADERS

Create a safety culture in your school. This one-day course provides an overview of the legal responsibilities for managing OHS within the school environment, including employer and employee responsibilities, strategies to address the most common OHS issues in schools, and how to make safety a priority in your school.

### OHS INCIDENT INVESTIGATION

Had an OHS incident? This workshop provides knowledge and guidance on the process involved in managing/investigating workplace incidents including incident reporting, the incident investigation process and the Victorian WorkCover Authority Incident Notification requirements.

### **RETURN TO WORK COORDINATOR TRAINING**

Be compliant with the Act. Under current legislation, schools with \$2.169 million or more rateable remuneration (indexed annually) must appoint a suitably trained Return to Work (RTW) coordinator. This two-day WorkSafe approved course provides the underpinning knowledge required for RTW coordinators.

### **BASIC CLAIMS MANAGEMENT**

Do you know what to do if one of your workers lodges a WorkCover claim? This workshop provides an overview of the claims management process, including employer obligations and RTW requirements.

### **KNOW YOUR AGREEMENT – EDUCATION SUPPORT**

Know your stuff. This session focuses on the most commonly used sections of the VCEMEA by Education Support staff. Some of the key provisions covered are:

- categories and types of employment
- leave generally including Parental Leave
- Personal Leave deduction.

## **Summary of Communications: June 2015**

### **June 2015**

[CECV Circular](#) – Dangerous Goods in Science Laboratories

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