

The Fair Work System

As an employer do you know how this affects you and your employees?

If you are unsure, you're not alone. *InDaily* recently published an article stating that an email poll resulted in 96.5% of businesses wanting more information on the Fair Work system.

The Australian employment system has changed greatly over the past few years, with the most recent changes effective from 1 January 2010. To keep you informed, we have provided below a brief outline on some of the changes. Ultimately, the best source of information is the Fair Work Online website (www.fairwork.gov.au).

The National Employment Standards (NES) came into operation on 1 January 2010 and these now stipulate the minimum standards of employment relating to:

1. Maximum weekly hours of work;
2. Requests for Flexible Working Arrangements;
3. Parental Leave and related entitlements;
4. Annual Leave;
5. Personal/Carer's Leave and Compassionate leave;
6. Community Service Leave;
7. Long Service Leave;
8. Public Holidays;
9. Notice of Termination and Redundancy Pay; &
10. Provision of a Fair Work Information Statement.

Modernised Awards have been created, and will eventually apply to all employees.

However during the transition period, these standards and modernised awards do not apply to all employers and employees. For example, for most employees the State Awards no longer apply, however, where you are an unconstitutional employer (sole trader, partnership etc) the State Awards don't cease to apply until 31 December 2010. There are also different treatments for employees working in Victoria and Western Australia.

Another important change is that the Unfair Dismissal Laws have been brought back in, but to satisfy these requirements there are employee number thresholds.

As an employer you should consider the business and employee structures you hold and carefully determine if and how these standards apply to you now or later. For assistance on how your business fits inside the new changes, please contact our office on 8272 5620 to discuss.

Further Information

The Fair Work website covers a wide variety of topics but if you just wish to access further information regarding these specific areas please click on these links:

- The NES: <http://www.fairwork.gov.au/Pay-leave-and-conditions/Conditions-of-employment/Pages/National-Employment-Standards.aspx?role=employees>
- Modern Awards: <http://www.fairwork.gov.au/Pay-leave-and-conditions/Awards/Pages/Modern-awards.aspx?role=employees>
- Fair Work Information Statement: <http://www.fairwork.gov.au/Pay-leave-and-conditions/Conditions-of-employment/Pages/Fair-Work-Information-Statement.aspx?role=employees>