



EVERSOL'S weekly law

Contributed by Rebecca Greenland

Fair Work Australia – Workplace Reforms

Prime Minister Rudd's workplace reforms are finally starting to take shape. As the global economic downturn starts to hit closer to home, it is important that both employers and employees are aware of their rights under the new federal employment system (which applies mainly to trading corporations) to ensure that no-one is caught out when the amended legislation comes into force.

The Fair Work Act 2009 (Cth) is scheduled to commence operation from 1 July 2009.

Essentially the Fair Work Act has retained the basic framework of WorkChoices whilst ensuring that employees are covered by statutorily ingrained protections and the industrial relations system skews back to the benefit of employees. This will no doubt have serious ramifications for small business.

The system will in part be simplified by a reduction in the number of awards applying to workers, however an increased role for unions and collective bargaining is sure to cause more than a few headaches for employers.

Importantly for employees, as of 1 January 2010 the new "safety net" provisions will see employment standards enshrined in legislation. This means that basic employee entitlements (such as hours of work, leave entitlements, redundancy and notice of termination) cannot be "contracted out of" by employers. Whilst from an employer point of view this will appear somewhat onerous, legislating these factors at least makes employers' obligations clear.

Another crucial change concerns unfair dismissal - several of the WorkChoices exemptions preventing workers from making a claim for unfair dismissal have been slashed, most notably making employers with fewer than 100 employees open to claims. Only those employers with less than 15 employees remain protected from unfair dismissal claims under the Fair Work Act. Interestingly though, the period in which an employee can avail him/herself of the unfair dismissal provisions has been shortened from 21 to 14 days.

Whether you are an employer or employee, the experienced team at Everingham Solomons will be more than happy to assist you with any Fair Work Act queries Because Helping You is our Business.



EVERINGHAM SOLOMONS
SOLICITORS

Consultants:

Ted Heazlett

Directors:

John Boag
Terry Broomfield
Ken Sorrenson
Terry Robinson
Mark Grady
Jennifer Blissett

Associates:

Natalie Scanlon
Lesley McDonnell

Level 3, Ray Walsh House,
437 Peel Street, Tamworth NSW 2340
Ph: 6766 1066 Fax: 6766 4803
Email: solicitors@eversol.com.au

Previous articles available at
www.eversol.com.au



Liability limited by a scheme approved under Professional Standards Legislation