

FAIR WORK Act - Now fully applies

To assist Members to become familiar with the Fair Work Act and its more general application, we have included some links to government sites. The sites below were provided in the November – December newsletter:

National Employment Standards:

www.fairwork.gov.au click on “Employers” tag and search for issues you need to know.

Modern Awards:

To identify which Award your employees are covered under - Go To:

www.fairwork.gov.au , click on “Awards and award modernisation” in the drop down menu on the left column, or Go To:

<http://www.airc.gov.au/awardmod/fullbench/awards.htm> and from here you will get a full list of all of the Modern Awards and be able to download a copy, or contact AMCA SA.

Fair Work – FACT SHEETS:

There are some concise Fact Sheets relating to a whole range of subjects surrounding Human Resources and Industrial Relations (see list below). To get these Fact Sheets go to our web site www.amcasa.com.au and on the front page you will see the list of subjects and how to download them.

About the Fair Work Authority

- Freedom of Information
- Infringement Notices
- Power of Fair Work Inspectors

Conditions Of Employment

- Modern Awards
- Termination of Employment

Employer Obligations

- Employer Obligations in Relation to Employee Records and Pay Slips
- Right of Entry

Workplace Rights

- Enterprise Bargaining
- General Workplace Protections
- Independent Contractors & Employees
- Industrial Action
- Unlawful Workplace Discrimination

National Employment Standards

- Annual Leave
- Community Service Leave
- Long Service Leave
- Maximum Weekly Hours
- Notice of Termination and Redundancy Pay
- Parental Leave and Related Entitlements
- Personal / Carer’s Leave and Compassionate Leave
- Public Holidays
- Requests for Flexible Working Arrangements

Welcome to 2010 – a year of challenge for Australian Employers

(Extract drawn from the - ACCI Workplace Policy Director, David Gregory, Modern Awards: Thursday, 7 January 2010)

The beginning of 2010 marks another milestone in the process of implementation of the Fair Work changes. And the Government is already out there as part of it’s so called “Fair Work Week” promoting the alleged benefits.

It is a timely reminder that it is far from the end of the journey along the path of workplace change and reform as the focus now shifts to the operation and outcomes of the new laws. And current indications suggest we could be in for a bumpy ride as they begin to be road tested.

From 1 January the new **National Employment Standards begin to apply.**

Ten legislated employment conditions with broad application for the overwhelming majority of Australian employees, whether covered by an award or not.

Australian employers need in turn to understand what these new obligations require, particularly the new **“right to request”** entitlements which allow employees with caring responsibilities to seek **changes to their existing working arrangements** - maybe to work from home, or to change start/finish times, or to move from full time to part time work, or to make a host of other requests.

Employers need to give genuine consideration to these requests and only refuse if there are **“reasonable business grounds”** for doing so. Formal policies will need to be put in place in individual workplaces to provide guidance about how these requests are to be dealt with. It will require processes to be followed that are clear, consistent and considered.

Extended parental leave entitlements enabling both parents to be off work for up to twelve months, or for one parent to be away from the workplace for up to two years, are also part of the NES. And for the first time we have **redundancy entitlements - a scale of payments based on length of service that kick in when redundancy occurs - extending across the entire workforce**, instead of being confined to award or agreement covered employees as has often been the case in the past.

The **State Government referrals of power** also mean that from the start of the New Year many SME's that previously sat outside Federal regulation move from coverage by State IR systems to the Federal framework - an important next step toward the development of a truly national framework of workplace relations regulation.

But there are still important transitional arrangements to be put in place during 2010 as part of this process of change.

The new modern awards also begin to apply, although a number of outstanding applications to further vary those awards remain unresolved and will now be dealt with in the first three months of 2010. Many employers will also be in a process of **transition to the new modern award conditions** as in important areas like retail, the restaurant industry, and in hospitality they are required to accept increased rates and conditions.

For thousands of other businesses the task will be to work with their employer and industry organisations to understand which modern award now replaces previous State or Federal award coverage.

The process of creating these modern awards has been significant with much input from unions, the tribunal and employers. A thousand plus awards have been reduced to 122. Businesses used to having to deal with two, three or perhaps in some cases even more awards might now find instead that only one applies.

The operation of the **unfair dismissal laws** will also need to be closely monitored. Just under 3,000 unfair dismissal claims were lodged in the first three months of operation of the new laws pointing to an ongoing challenge to keep a sense of focus and balance to their operation and to prevent them becoming a “free for all” mechanism for aggrieved employees to extract more money from their employer on their way out the door as has often been the case in the past.

In a separate area of Government initiated change the ongoing development of its paid maternity leave scheme will come under scrutiny in 2010. There is growing concern amongst employers about the intended structure of that scheme, particularly the proposed intention for the payments to employees to be channelled through their employer.

Abbott Called for Moratorium on Workplace Penalties

Tony Abbott called for a 6-month moratorium on penalties for businesses which fail to comply with the new workplace laws which came into effect last week. The Federal Opposition leader said that - “Few outside the government’s union friends and the industrial relations in-crowd know much about the changes to the awards system. A moratorium is the only fair way to support small businesses to do the right thing but have been let down by the Rudd

Labor Government's failure to provide practical information." In response Deputy Prime Minister Julia Gillard said that the changes will simplify working practices and offer greater protection to employees. Fair Work Australia inspectors will visit almost 50,000 small businesses across Australia to help them understand and comply with the new workplace laws.

Survey Showed Improvement in Business Conditions

The January 2010 ACCI Survey of Investor Confidence showed that trading conditions and business confidence have improved further over the December 2009 quarter based on signs of global and domestic economic recovery. Investment indicators, however, suggested that the business sector remains pessimistic about its capital expenditure plans in the first half of 2010. The 916 survey respondents were also asked to state their preferred mechanism to reduce greenhouse gas emissions. 88.4% opted for an increase in energy efficiency. 8.5% expressed support for an emissions trading scheme. Only 3.1% supported a carbon tax.

Training Update:

NEBB Supervisor's Course:

The new course starts in early February and we have four people doing the course. Anyone else who wants to register had better do it soon.

Fire Dampers Courses:

So far we have 19 persons registered for the Fire and Smoke Dampers Installers half day course on the 2 February 2010.

The Certificate Course in Fire Damper Installation, which is a full day course plus an assignment before the course and an exam at the end of the training currently has 15 persons registered and will take place on the 3 February 2010.

Green Star Accredited Professional Courses:

These courses are offered only a couple of times a year in Adelaide, if you would like to do this training, contact Maureen on 8234 2899.

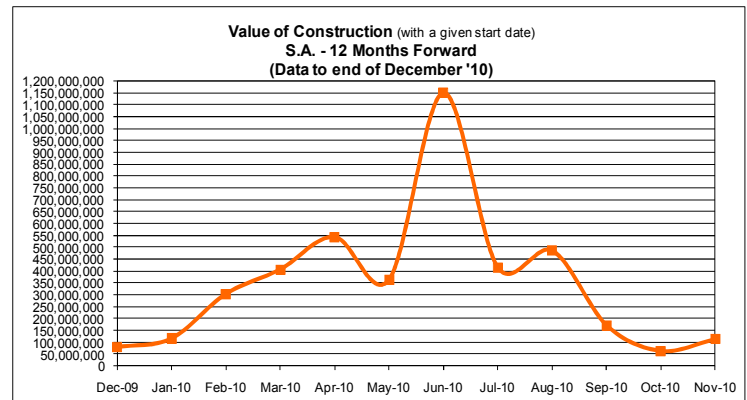
Short Courses:

Again this year (in conjunction with TAFE Regency) AMCASA will be offering 10 week short courses in Applied Psychometrics, HVAC&R Control Systems, Refrigeration System Analysis and HVAC Air Systems (design & drafting). Dates and costings for these courses will be announced as soon as they are confirmed with TAFE.

NABERS Rating Training:

AMCASA will be informing members as soon as training days for this important course are finalised. Once again the training in Adelaide only takes a couple of times a year. For more information contact Maureen on 8234 2899.

Construction Activity Report – to end of December 2009:



Over the last two months forecasted construction activity volumes continued to record lower levels of activity than for the same months in 2008.

Forecast activity shows a substantial increase from January 2010 through to June 2010. In part the high point indicated in June is in part a result of projects being delayed and typically the jobs are delayed to start dates around the middle of the year.

In the registrations for December 2009, 63% were notifications of jobs previously registered being delayed, usually by three to six months.

There are a number of jobs that were due to commence in 2008 that are only now coming back with starts dates from January through to June 2010.

The Federal Government's – "Building the Education Revolution" Stimulus Package school construction projects are now moving into the private school sector, which is assisting with stronger construction volumes in the first half of 2010.

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