

### Changes to Workplace Relations Act– Now Law

The 'Forward with Fairness' amendments to the *Workplace Relations Act 1996* (the Act) have been proclaimed effective from **28 March 2008**.

#### What are the changes?

- Abolish the Fairness Test and replace it with a new No Disadvantage Test
- Prohibit new Australian Workplace Agreements from being made, and introduce new Individual transitional Employment Agreements (ITEAs),
- Commence the Award Modernisation process by the AIRC
- Workplace agreements will only operate after they receive approval from the Workplace Authority Director (in lieu of lodgement date)
- Remove the current restrictions on incorporating or referring to other industrial instruments in workplace agreements
- Remove the ability to unilaterally terminate a workplace agreement
- Allow parties, in certain circumstances, to extend and vary pre-reform certified agreements on application to the Commission
- Extend the operation of NAPSA's (State Awards) to at least 31 December 2009
- Enable old IR agreements (agreements made prior to 1996) to continue in operation
- Remove the requirement for employers to provide new employees with a Workplace Relations Fact Sheet

#### What is the difference between the 'Fairness test' and the 'No disadvantage Test'?

The No Disadvantage Test (NDT) assesses the workplace agreement against the award as a whole. In contrast the Fairness test assessed the wage outcome from a workplace agreement against specific payments from the relevant award.

The specific payments were in brief terms, wages, allowances, penalty payments, overtime, public holidays and loadings ( Annual and Sick leave protected by the Act)

In general terms the difference between the Fairness Test and the NDT will be the prescription for redundancy / severance payments.

#### If you have been using AWAs , what can you do?

It will be available to an employer to continue to make individual agreements with new employees and certain existing employees in terms of the Act.

The amended Act provides for *Individual Transitional Employment Arrangements* (ITEA) to apply as a substitute for AWAs. The ITEA is available to an employer who at 1 December 2007 had employees regulated by AWAs.

The ITEA is only available to employees who commenced work within 14 days of making the ITEA or were already employed and subject to an AWA with the employer, and/ or were previously employed by the employer and subject to an AWA.

If there are any existing employees outside of these qualifications then an ITEA is not available to such employees.

## The Future?

The award modernisation exercise commenced by the 'forward with fairness' amendments is likely to conclude on 31 December 2009 in the making of a smaller number of broad industry awards that apply nationally.

These awards, particularly in Queensland, may not suit your operations. The future is Collective Agreements. Drayton's can assist in the planning, drafting and negotiation of a collective agreement.

## Wage Growth

The September 2007 quarter wage trends for collective agreements have been released. It can be seen from these figures that wage growth continues at approximately 4% per annum.

Growth in construction industry rates continues at a average rate of 4.8% per year throughout Australia.

	June quarter 2007	Sept. quarter 2007
<b>All current wage agreements</b>		
All sectors	4.0 %	4.0 %
Private sector	3.8 %	3.8%
Public sector	4.2 %	4.3%

## Recruiting?

**Attracting more recruitment agencies than genuine applicants?**

**Drayton's can help!**

Drayton's offers a recruitment service that can advertise, attend to all enquires, screen and profile all applicants. Enquiries from parties other than genuine applicants can be avoided.

This service can be performed for a flat administrative fee in addition to advertising costs.

2008 CONSTRUCTION INDUSTRY RDOs	
Monday	28 April
Monday	19 May
Tuesday	10 June
Monday	14 July
Monday	4 August
Monday	15 September
Monday	13 October
Monday	3 November
Monday	8 December

**Send the bookkeeper home...**

REMAINING PUBLIC HOLIDAYS 2008	
<b>ANZAC DAY</b>	Friday 25 April
<b>LABOUR DAY</b>	Monday 5 May
<b>QUEEN'S BIRTHDAY</b>	Monday 9 June
<b>ROYAL QUEENSLAND SHOW (BRISBANE AREA ONLY)</b>	Wednesday 13 August
<b>CHRISTMAS DAY</b>	Thursday 25 December
<b>BOXING DAY</b>	Friday 26 December



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## Improve Your Workplace– Contact Drayton's

Drayton's provides assistance to small and large companies in human resources and workplace relations. The services we can offer are as follows:

- Workplace Agreements– This includes drafting, research on wage rates, negotiation and lodging agreements
- Salary and employment contracts
- Recruitment assistance in advertising, compiling and reference screening applicants
- Project management for human resource and industrial relations exercises.
- Assistance with compliance for the National Code of Practice for the Construction Industry
- In house training on workplace issues. Training is tailored specific to a client's needs.

## To Contact Us:

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