

Election 2007– Party Industrial Relations Policies

Coalition

The Coalition has reiterated that the current Workplace Relations legislation will remain unchanged and that they believe they have found the right balance. The unchanged legislation includes:

- The current range of workplace agreements remain available including AWAs.
- The application of the Fairness Test to workplace agreements to ensure compensation is provided for any protected Award conditions.
- Unfair dismissal relief not available to employers of less than 100 employees
- Restrictions on Union right of entry
- Restrictions on industrial action

Australian Labor Party

The Australian Labor Party have released a policy on industrial relations and employment including transitional arrangements and timeframes.

The key features of the ALP's policy are as follows:

- Any existing Australian Workplace Agreements will remain in force and can only be terminated in accordance with the current regulations.
- Where an employer was previously utilising AWAs, a similar agreement called an Individual Transitional

Employment Agreement (ITEA) will be available to engage new employees under. ITEAs will only be available until 31 December 2009.

- Commencing in 2010 there will be 10 National Employment Standards legislated and an additional 10 industry specific minimum conditions contained in Awards.
- Where a majority of employees wish to collectively bargain for a workplace agreement the employer will be required to bargain in good faith.
- Individual common law agreements will be available provided they maintain the minimum safety net provisions and do not disadvantage the employee with respect to any applicable collective agreement.
- Unfair dismissal relief will be available to employees of small business (less than 15 employees) after 12 months employment. For all other employees the relief will be available after 6 months.
- Industrial action will only be legally available in circumstances similar to the current legislation.
- Union right of entry legislation will remain similar.
- Current arrangements with the Australian Building and Construction Commission will remain, although no mention is made of the Code of Practice or the Industry Improvement Act.

Annual Shutdown Periods

Companies planning to shutdown all or part of their business over the Christmas period and have their employees take annual leave, should be providing their employees with reasonable notice of this soon.

The *Workplace Relations Act 1996* allows employers to enforce the taking of annual leave in these circumstances but only where the employee has accrued sufficient annual leave for the period of shutdown.

Public Holidays over Christmas 2007

Christmas Day- Tuesday 25 December

Boxing Day- Wednesday 26 December

Queensland Public Holidays 2008

New Years Day- Tuesday 1 January

Australia Day- Monday 28 January

Good Friday- Friday 21 March

Easter Saturday- Saturday 22 March

Easter Monday- Monday 24 March

Anzac Day- Friday 25 April

Labour Day- Monday 5 May

Queen's Birthday- Monday 9 June

Royal National Show (Brisbane area)-

Wednesday 13 August

Christmas Day- Thursday 25 December

Boxing Day- Friday 26 December

Construction Industry RDO Calendar 2008

Wednesday 2 January

Tuesday 29 January

Monday 18 February

Tuesday 25 March

Monday 28 April

Monday 19 May

Tuesday 10 June

Monday 14 July

Monday 4 August

Monday 15 September

Monday 13 October

Monday 3 November

The Fairness Test

The Fairness Test is an assessment applied to Workplace Agreements lodged with the Workplace Authority since 7 May 2007. More information has now come to light regarding the way that these assessments are approached.

Where any type of protected Award condition is altered or removed in an agreement such as overtime, allowances, leave loading etc, the Workplace Authority will request additional information from the employer to conduct a full assessment of every agreement.

It is important that employers provide all information requested especially regarding employee rosters and times of work.

Where insufficient information is provided the Workplace Authority appear to adopt a maximum remuneration outcome from the applicable Award in its

approach to the assessment.

For example the Workplace Authority may assume that an employee who works 40 hours a week, performs most of these hours on weekends unless the employer has indicated otherwise.

In such circumstances the agreement may be assessed as failing the Fairness Test and correspondence will go out indicating this failure. In the case of AWAs, correspondence will go directly to the employees advising them that they are entitled to additional compensation.

It is then available to correct the assumptions made by the Authority by way of additional information but it would be better to avoid this scenario altogether.

Please contact Drayton's for help in complying with the Fairness Test requirements for workplace agreements.

Final Reminder– Compulsory Workplace Relations Fact Sheet

All federal system employers are required to provide their employees with a copy of the Workplace Relations Fact Sheet by 20 October 2007. All proprietary limited and limited companies are considered federal system employers and are required to comply.

A copy of this fact sheet is attached along with this newsletter. If your company has not already distributed this document to all employees, only 2 more days remain before the deadline. Please contact Drayton's if you have any queries on this matter.

Unfair Dismissal– Cap Increases

The earnings limit for employees who may lodge unfair dismissal applications has increased to \$101,300 per annum from 1 July 2007. The other exemptions from dismissal are:

- Employed by an employer with less than 100 employees
- Employee is within a 6 month qualifying period of employment
- Employees was dismissed for genuine operational reasons

Wage Growth

There have been no wage growth statistics released since the March Quarter of 2007 by the Commonwealth Government. The average annual wage increase in the March Quarter was 4%. It is unlikely that this rate will have decreased.

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.



- Online Accounting Assistance
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For a personalised service to assist with any of your accounting needs contact Steve on:

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