



**Employer
Services**



RELATIONS

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NEWSLETTER

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Contents:

Federal Government's Fair Work Bill Introduced; Federal Coalition's Position on Elements of the Bill; Information Sessions in 2009; Gazetted Queensland Public Holidays 2009; ES's Hours of Operation over Christmas/ New Year Period; Season's Greetings.

Federal Government's Fair Work Bill Introduced

Julia Gillard, the Deputy Prime Minister and Workplace Relations Minister, has introduced into Federal Parliament the "Fair Work Bill" to give effect to its 2007 Election commitments announced under the banner of "Forward with Fairness". Not all that is contained in the Bill was previously announced such as compulsory arbitration; increased access rights of Unions to businesses and access to non-member employee records.

Criticisms made of the enhanced access rights for Unions include the fact that Union density in the Private Sector is less than 14% and the Bill will make Unions the default bargaining agent for members in collective agreements even if there is only 1 member in the business.

The Bill will seek to legislate "good faith bargaining" with recourse to the Fair Work Australia (FWA) (which replaces the Australian Industrial Relations Commission [AIRC]) where bargaining has stalled. The Deputy PM has attempted to assure employers that if brought before FWA they will not be forced to make concessions or sign unacceptable agreements. The Deputy PM has stated that the recourse to FWA would not reintroduce pattern bargaining and strikes in support of common industry claims would be outlawed. Arbitration in very limited circumstances would be allowed for groups of low paid workers banding together. All members of the AIRC will be appointed to FWA.

It does seem very unlikely that employers with limited union members (or none at all) will be pressured by union officials given the resources necessary to visit thousands of employers in the first place with very little likelihood of increasing union membership anyway.

In March this year the Federal Government introduced a Transitional Bill which introduced a new test for approval of agreements; abolished the making of new AWA's; and enabled the AIRC to begin the process of creating modern awards to be in place and effective from 1 January 2010. Significantly, the Bill will reintroduce unfair dismissal laws largely overturning John Howard's changes to previous Laws which excluded many dismissed employees. These laws are intended to come into effect from 1 July 2009, 6 months earlier than previously announced. Despite strong union pressure the Bill will continue-on current collective agreements; AWA's and ITEA's but any employer with such an agreement which contains conditions less than the National Employment Standards (NES) will be required to make immediate improvements from 1 January 2010. For example, an agreement only recognizing 8 days sick leave per year will have to be increased to 10 days.

The NES will cover –

- Maximum weekly hours of work;
- Requests for flexible work arrangements;
- Parental leave;
- Annual leave;
- Personal/carer's leave and compassionate leave;
- Community service leave;
- Long service leave;
- Public holidays;
- Notice of termination and redundancy pay; and
- The requirement to provide the Fair Work Information Statement.

We will provide the NES to all Award subscribers together with the appropriate modern award in time to adjust to any new or improved conditions.

Please note modern awards are being dealt with in 4 stages with the last stage being released on 4 December 2009.

From 2010, no Individual Transitional Employment Agreements (ITEA's) will be able to be lodged, the only formal agreements will be collective, either with Unions or directly with employees. Common law contracts remain available.

A further Bill will be introduced in 2009 to give effect to transitional issues.

A Senate Committee will hold hearings around the country to receive submissions on the terms of the Bill. A hearing is planned for Brisbane on 27 January 2009.

Federal Coalition's Position on Elements of the Bill

Shadow Workplace Relations Minister, Michael Keenan, has pledged the Opposition will not unnecessarily frustrate passage of the Bill but reserved the right to suggest constructive amendments and seek to improve the legislate operation.

In a speech given on 9 December, Michael Keenan identified – "reintroduction of compulsory arbitration"; expansion of Union power; and potential "reemergence of pattern bargaining" as main issues of concern.

Media reports suggest the Federal Government wants the Bill passed by the Senate in March 2009 and the attitude of the Green's and the 2 independent Senators may prove pivotal to its passage.

ES's Information Sessions in 2009

In keeping with our tradition of explaining new industrial laws we will conduct information sessions in Brisbane and Regional areas in February/ March 2009.

Please see our program which will be made available with our January newsletter and on our website.

If required we can provide sessions for Clients on site. Please contact us on (07) 3220 3500 to discuss.



2009 Gazetted Public Holidays – Queensland

Date	Day	Holiday
2008		
25 December 2008	Thursday	Christmas Day
26 December 2008	Friday	Boxing Day
2009		
1 January 2009	Thursday	New Year's Day
26 January 2009	Monday	Australia Day
10 April 2009	Friday	Good Friday
11 April 2009	Saturday	Easter Saturday
13 April 2009	Monday	Easter Monday
25 April 2009	Saturday	Anzac Day
4 May 2009	Monday	Labour Day
8 June 2009	Monday	Queen's Birthday
12 August 2009	Wednesday	RNA Show Day
25 December 2009	Friday	Christmas Day
28 December 2009	Monday	Boxing Day
2010		
1 January 2010	Friday	New Year's Day
26 January 2010	Tuesday	Australia Day

ES's Hours of Operation over Christmas/ New Year Period

1. The **Employer Services** office will close at 3.00pm, Wednesday, 24th December, 2008 and will re-open at 9.30am, Monday, 5th January, 2009.
2. Clients who have urgent queries during this time may contact our 24-hour paging service (messages are initially sent to our Director, Gil Muir) on (07) 3830 5537. If leaving a message with the service please specify your name, company name and contact number and your call will be returned at the earliest possible convenience. Subscribers may also email queries during this time to es@employerservices.com.au.
3. Subscribers should further be aware that the office will be operating with reduced staff from Monday, 5th January 2009, to Friday, 9th January 2009. During this time the office will be open from 9.30am – 3.30pm daily. For assistance with urgent queries outside of these times, please use the contact details specified in point '2' above.
4. Clients needing to lodge agreements with the Workplace Authority during the holiday period should keep in mind that 'ES' will not be able to lodge agreements on behalf of clients from Wednesday, 24th December 2008, until Monday, 12th January 2009. If you believe this affects your business, please contact us to discuss other options.
5. The office will be open for regular business from Monday, 12th January 2009.

Season's Greetings

The Staff at Employer Services would like to thank our valued Clients for another fantastic year.

We wish all of our Clients a happy and safe festive period as we look ahead to an interesting (and busy) 2009!

