

# Industrial Relations Update

## Fair Work Australia

From **1 July 2009**, Australia's workplace relations system will change. From this date the Fair Work Act 2009 replaces Work Choices and the Workplace Relations Act 1996.

### MAIN FEATURES OF THE FAIR WORK ACT

- | A fair and comprehensive safety net of minimum employment conditions
- | A system that has at its heart bargaining in good faith at the enterprise level
- | Protections from unfair dismissal for all employees
- | Protection for the lower-paid employees
- | A balance between work and family life, and
- | The right to be represented in the workplace.

In the Government's new workplace relations system all employees will have a clear set of minimum protections that cannot be removed.

The safety net will comprise two parts:

1. **NEW NATIONAL EMPLOYMENT STANDARDS** - The National Employment Standard (NES) sets minimum conditions for all national system employees from 1 January 2010.
2. **MODERN AWARDS** - Modern Awards will replace current awards. Modern Awards will be industry or occupation based, streamlining and simplifying the thousands of existing awards.

### IMPLICATIONS FOR EMPLOYERS

The new system begins on **1 July 2009** and the NES and Modern Awards come into effect **1 January 2010**.

The consolidation of conditions may mean wages and conditions may increase for some employees. The new minimum wage rates in Modern Awards will apply to employers with existing agreements. Employers will need to check wage rates in their agreements against the Modern Awards to make sure there is no underpayment.

One of the most immediate effects after 1 July 2009 will be redundancy and restructuring of a business. Employers will need to ensure a consultative approach and redeployment consideration as well as genuine operational redundancy reasons to avoid successful unfair termination claims.

Employers will also need to consider flexible working requests from parents/guardians of school aged children. Employers can only refuse a request for a change in working arrangements to assist with the childcare on reasonable grounds. A written response must be given within 21 days.

### CONTACT US

If you would like to discuss how some of these changes may impact your business, please contact your consultant or **Irene Leung**, Human Resources Manager for the Bayside Group, on (03) 9864 6000 or email [ileung@baysidegrp.com.au](mailto:ileung@baysidegrp.com.au)

Further information can be found on the Australia Government website, [www.deewr.gov.au/WorkplaceRelations](http://www.deewr.gov.au/WorkplaceRelations) or for a list of the new Modern Awards go to [www.airc.gov.au](http://www.airc.gov.au)



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