

WorkSight Focus

August 2003

News, opinions, events and more from the WorkSight team

National Wage Case 2003

In May 2003 the Australian Industrial Relations Commission decided to award a \$17 per week increase in award rates of pay up to and including \$731.80 per week and a \$15 per week increase in award rates above \$731.80 per week. A new federal minimum wage for adults was also set at \$448.40 a week.

Since that decision unions have been applying for federal awards to be varied to have the increases applied. Awards cannot have these increases applied less than 12 months since the last national wage case increase was applied. This means that some federal award rates of pay are increased in May 2003 and some may not be increased until February 2004 – it just depends on when the last national wage case increases were applied.

Since this decision the Industrial Relations Commissions in NSW, WA, SA and Tasmania have followed the federal commission. It is expected that Queensland will follow suit soon. In NSW and South Australia awards will be varied as they are in the federal commission ie when an application is made for the increases to apply and no earlier than 12 months after the last wage increase. In Western



Australia state awards have been varied to take account of the increases as of 5 June 2003 whilst in Tasmania the increases apply from the first pay period following 1 August 2003.

The AIRC has now decided that Victorias minimum wage orders will also be increased in line with the national wage case decision. All minimum wage order rates of pay will be increased from the first pay period on or after 1 August 2003. Minimum wage orders apply to all Victorian businesses that are not covered by a federal award.

If you are not sure whether your employees should be getting these pay increases call WorkSight for advice.

Balancing Work and Family

The ACTU has launched a test case in the federal commission to give federal award employees more flexibility in their working lives so they can better balance their family

responsibilities. The ACTU is aiming to gain the right:

- for women to work part time after they return to work from a period on maternity leave;
- to request flexible working hours;
- to have additional unpaid leave of up to 6 weeks;
- to take emergency family leave; and
- to have unpaid parental leave of 24 months (up from 12 months).

The Industrial Relations Commission is currently hearing the case. A decision is not expected for some time.



The ability to take additional unpaid leave has been available for many public sector employees for years. This allows parents to take additional leave to cope with school holidays for instance. The leave is unpaid but instead of having no income for those periods of unpaid leave the employee has a reduced annual income (reduced by the number of weeks of additional leave they are taking) and then have their

annual pay averaged over the entire year so they receive pay in each pay period. If the ACTU's claim is successful working parents would then be able to take 4 weeks paid leave and 6 weeks unpaid leave which would cover almost all the school holidays.

If you are interested in discussing how to introduce "family friendly" employment conditions for your employees contact WorkSight for advice on how to do it.

If your business operates in New South Wales the NSW Office of Industrial Relations has a detailed practical guide on how to introduce family friendly employment conditions for your employees. It sets out the benefits, options and legal requirements for a variety of employment conditions. This can be downloaded from their website at www.dir.nsw.gov.au/action/policy/w&f/guidebook_home.html

Please note that the legal requirements set out in this guide apply to businesses operating in NSW.

Focus looks at

The Fine Print



Limits on Unfair Dismissal Claims

Employees who are not covered by a federal award and who earn more than \$85,400 a year are not able to proceed with claims of unfair dismissal in the Australian Industrial Relations Commission from 1 July 2003.

Other groups of workers who cannot lodge claims of unfair dismissal in the federal commission are:

- **Employees on probation. It is important that the period of probation is agreed with the employee prior to them starting work. A period of up to 12 weeks is usually considered to be reasonable**
- **Employees employed on a fixed term contract or on a contract to complete a specific task**
- **Casual employees with less than 12 months service**
- **Trainees**



Workplace Relations Specialists

Here are some examples of our recent work:

- advice on unfair dismissal claims;
- advice on redundancies;
- drafting employment agreements;
- certifying employment agreements in the AIRC;
- advice on the use of performance appraisal systems;
- advice on disciplinary matters;
- reviewing the staffing and work practices of businesses;
- advice on salaries.

Next time you have a staffing problem call WorkSight and see what we can do for you.

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For on-line advice and assistance visit:
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This newsletter is intended to provide a general outline and is not intended to be and is not a complete or definitive statement of the law on the subject matter. Further advice should be sought before any action is taken in relation to the matters described in this newsletter.