

Making employees redundant

It is always difficult to tell an employee that their job is to be made redundant. However there are some simple practical steps that can help the process go a little more smoothly:

- Ensure that individual staff are told of the decision that their position is redundant in a private meeting and before news spreads about possible redundancies.
- When breaking the news to the employee, clearly explain the reasons for the decision and ask the employee if they have any questions or would like further information before the meeting ends.
- Make sure that you explain to the employee that they have rights under their employment contract (such as notice periods and redundancy pay).
- Emphasise to the employee that you are available to them to discuss the decision if they would like to think it over for a few days and come back with further questions. Be patient, the time you put in to



ensuring they understand the reasons for the decision and the implications for them the better the end result will be.

- Do not break news about redundancies on a Friday as they may then be left all weekend feeling devastated but with no recourse to anyone who can provide them with further information about the decision or their rights.
- Whenever possible give employees as much warning of the decision prior to its implementation as possible. Time is a great healer.
- Don't tell an employee to clear their desk and leave immediately. There are very few examples of where this is either fair or justified and such action usually indicates a complete lack of regard for the

feelings of the employee.

- Engage the services of a qualified career transition counsellor to assist the employee with both the psychological shock of losing their job and getting another job.

Employers should be aware that an employee can lodge a claim of unfair dismissal if they feel that the redundancy was unfair. By treating the employee with respect and ensuring the procedure was fair and reasonable an employer can go a long way to ensuring that such actions are not successful.

Part time work after parental leave



Employers are often reluctant to agree to requests from employees to work on a part time basis when they return from parental leave. It can sometimes be inconvenient to

arrange the appropriate staffing mix when an employee wants to work on a part time basis but a recent decision from the Federal Magistrates Court has put pressure on employers to seriously consider such requests.

In this case the employer refused the employee's request on the basis that her existing position required the employee to work on a full time basis. The Court did not dispute this. However the company also refused to consider her working in a part time capacity in any position. The Federal Magistrates Court found that there was work available that could be performed on a part time basis and that it was unreasonable not to offer the employee this opportunity. The employer was ordered to pay \$39,400 in compensation for their refusal to provide part time work.

This decision shows the importance of employers seriously considering a request to work part time after a return to work from parental leave. Whilst it may initially seem inconvenient to have an employee reduce their hours it is vital that employers consider the options for the employee to work part time. This does not mean that employers are obliged to approve every request but, if they do refuse a request, they must be able to show that they have been reasonable in considering the request.

New industrial relations system for Victoria

Victoria remains on track to have a new industrial relations system after the federal government has accepted the state government's request to introduce a common rule award system. This is the

WorkSight on the move!

In Melbourne Janet Nicolson & Siân Owen are moving to a new office at 5 Everage Street, Moonee Ponds, 3039 from Monday 15 December 2003. Our new phone number will be 8371 0071. We will have fantastic meeting facilities and look forward to welcoming clients there.



Rae-Anne Medforth, who has been running our Sydney office for the last 7 years, has relocated to London for the next 12 months. She will be further developing WorkSight's international client base in the UK and in Europe. She is still working with her Australian based clients and will be back in February 2004 to meet with clients over on-going projects.

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system that is currently in place in the ACT and Northern Territory. It means that the Australian Industrial Relations Commission can make awards that cover all businesses in an industry in the state. The minimum wage orders and minimum employment conditions that currently apply to all those

Victorian workers not covered by an award will be abolished and common rule awards will be made to cover their industries. The details of how the new system will operate will become clearer in 2004 but employers who currently give their employees just the minimum employment conditions should expect to provide a wider range of employment conditions next year.

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.