

# WorkSight Focus

December 2004

News, opinions, events and more from the WorkSight team

## Count Down to Common Rule Awards in Victoria

As we discussed in our last newsletter in September 2004, common rule awards will begin to apply in Victoria from 1 January 2005. This will have a major impact on all Victorian businesses that are currently employing staff under the minimum wage orders and on the minimum employment conditions. Those businesses that are already covered by an award or a certified agreement will not be affected.

What should you do if you are going to be covered by a common rule award? You need to find out what common rule award you will be covered by and what the employment conditions will be. WorkSight can advise you on this.

In most cases this will mean that you will be required to pay annual leave loading, severance pay, if you make employees redundant, and possibly penalty and overtime rates (depending on your industry). You cannot afford to ignore these changes as that may result in you becoming liable to claims for backpay.

Some employer representative organisations are encouraging small businesses to get their employees to sign Australian Workplace Agreements (AWA) before the introduction of common rule awards. An AWA is an individual contract that an employer agrees with an employee. It is then sent to the Employment Advocate who checks whether the employee is being disadvantaged by the agreement in comparison with the award conditions that would apply to the employee. In Victoria, if no award applies the contract is compared with the minimum employment conditions that currently exist for non-award employees.

These employer organisations are recommending that AWA's be made prior to 1 January 2005 so that the Employment Advocate will compare the employment conditions with the minimum employment conditions currently applying and not against the common rule award that would apply from 1 January 2005. This may result in employees missing out on the extended range of employment conditions that will apply from 1 January 2005.



WorkSight does not support this approach for two reasons. First, we believe it will not lead to good workplace relations to have some employees on AWA's without conditions such as annual leave loading, the right to severance pay and paid overtime, when any new staff employed after 1 January 2005 will have access to such conditions. After 1 January 2005, if an employer wants to place employees on an AWA the Employment Advocate will be required to compare their employment conditions with those in the relevant common rule award which will include the more extensive range of conditions than the current minimum employment conditions. This will mean that post 1 January 2005 employees will have better employment conditions than those employed prior to 1 January 2005. This is not the way to get the best out of your staff.

Secondly, the employer organisations are recommending this when they know full well the employment conditions that will apply from 1 January 2005. The Australian Industrial Relations Commission has done an extraordinary job of preparing for this change and has developed a huge range of awards ready for implementation on 1 January 2005. We believe it is unethical to knowingly prevent employees accessing these employment conditions.

If you want practical and ethical industrial relations advice about how your business is going to be affected by these changes ring WorkSight as soon as possible.

## Child-minding in the workplace

A NSW hair and beauty salon has recently introduced a free on-site child minding service to staff returning to



work from maternity leave in a workplace development that brings the family right into the workplace. Apparently this salon has provided a child minding service to their clients for years but now it has been extended to their own employees.

The owner recognised the difficulties facing hairdressers wanting to return to work after maternity leave and was fully aware of the difficulties she faced replacing staff when they resigned. In an effort to ensure she retain her staff she has renovated one of the salon's rooms into a nursery complete with a room for babies to sleep! In addition to employing hairdressers she also employs a child minder! This shows that innovative ideas to balance work and family life are not restricted to large companies.



**Workplace  
Relations  
Specialists**

### Practical and personal employee relations advice

If you need information or advice about any employee relations issues affecting you or your employees contact Siân Owen or Janet Nicolson at WorkSight.

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**For on-line advice and assistance visit:**

**[www.worksight.com.au](http://www.worksight.com.au)**

Focus looks at

## The Fine Print



### Prevention is a click away



The National Occupational Health and Safety Commission (NOHSC) leads and coordinates national efforts to prevent workplace death, injury and disease in Australia. They have reported on a series of frightening statistics. For instance did you know that:

- A worker is injured badly enough to put in a worker's compensation claim every 2.4 minutes;
- Over the next year, one in every 20 workers will suffer either a workplace injury or disease;
- Every day, 50 young workers are injured seriously enough to be compensated; and finally,
- 2,200 workers die every year in Australia – 1,700 die on the roads.

For further information on their work and how to try to prevent and reduce such a shocking toll go to their website -

<http://www.nohsc.gov.au>

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.