

## Compassionate Leave: What is it and who gets it?

The Fair Pay and Conditions Standard now sets the minimum employment conditions for employees covered by the federal industrial relations system. All businesses in Victoria, the ACT and NT are covered by the federal system. In NSW, WA, Queensland, SA and Tasmania the only businesses that are still covered by the state industrial relations system are partnerships, sole traders and unincorporated businesses. (It should be noted that there is a case currently before the High Court which is looking at what type of businesses are pulled into the federal industrial relations system and what businesses remain in the state jurisdictions. WorkSight will keep you informed of developments in this area.)

The Fair Pay and Conditions Standard has introduced an entitlement to compassionate leave which replaces bereavement leave (this was only available to an employee when a family member died). By contrast, compassionate leave is available when a member of the employee's immediate family or a member of the employee's household dies or "has a personal illness, or injury, that poses a serious threat to his or her life". The definition of an employee's immediate family is:

- Spouse, child, parent, grandparent, grandchild or sibling of the employee, or a



- Child, parent, grandparent, grandchild or sibling of the employee's spouse.

The entitlement to compassionate leave is 2 days' paid leave for full time employees (and pro rata for part time employees) on each occasion (i.e. on each death or personal illness that meets the definition). An employer can require an employee to provide evidence of the illness or death.

Employers should be aware that even if the award that applies to their business does not provide compassionate leave the Australian Fair Pay and Conditions Standard now sets that as a minimum entitlement and overrides the award (unless the award provides for a more generous entitlement of compassionate leave). For further information on this contact WorkSight on [information@worksight.com.au](mailto:information@worksight.com.au)

### Will award rates of pay go up or not?

The Australian Industrial Relations Commission no longer has a role in setting the rates of pay in federal awards. The new WorkChoices system has passed that job over to the Australian Fair Pay Commission which is made up of 5 Commissioners. Instead of holding hearings on whether there should be increases to the award rates of pay (as the Australian Industrial Relations Commission did), the Commission has invited organisations and the public to make submissions to it and is currently undertaking a series of consultative meetings around the country to try to gauge the community's views on:



- The issues the public thinks the Australian Fair Pay Commission should take into

# focus The Fine Print

## State Wage Cases

Whilst the federal Industrial Relations Commission has been stripped of its role to decide on award rates of pay, the remaining State Industrial Relations Commissions have been busy over the last few months increasing the rates of pay for those businesses still operating under their jurisdictions.



Award rates of pay in NSW, WA and Tasmania have been increased by \$20 a week, lifting the adult minimum wage in those states to \$504.40 a week or \$13.27 an hour (casual employees are entitled to a casual loading on top of this). The federal minimum wage is currently \$484.50 a week.

The Queensland Industrial Relations Commission increased their state award rates of pay by \$19.40 a week with the Queensland minimum adult rate of pay now being \$503.80 a week.

The SA Industrial Relations Commission decided to increase its award rates by \$17.00 a week for those earning up to \$570.00 a week and \$18.00 a week for those earning above that. The SA minimum adult wage is now \$501.40.

Whilst this is creating a confusing range of rates of pay, it is important to remember that these decisions do not affect those businesses now operating in the federal industrial relations system. These rates only apply to state awards that still operate within the state systems.

account when it sets and adjusts wages.

- How employees cope with low wages and what other factors impact on their income levels.
- What influences people entering the workforce (for instance, level of pay, benefits or other assistance, family responsibilities, long term career prospects).
- The public's view of the provision of a safety net for the low paid.
- How the Commission can ensure that the wage rates for juniors, trainees and people with disabilities are competitive in the labour market.

WorkSight has attended one of these sessions. At this meeting the Chair of the Fair Pay Commission, Professor Ian Harper, stated that he expected that the Commission would hand down its decision in late November 2006.

It is not clear at this stage whether this decision will be to increase all award rates of pay or only the minimum rate of pay. However, employers should be aware that this decision could change the existing rates of pay. WorkSight will keep you informed of developments.

## WorkSight Expansion

We are pleased to announce that Peter Raymond has joined the WorkSight team as a Consultant. Peter has had extensive experience as an industrial relations practitioner specialising in the education and training sector.

Peter's areas of expertise include drafting workplace agreements, interpretation and advice on agreements and awards, the development and implementation of employment policies and workplace investigation

and mediation. Peter's extensive experience in negotiating workplace agreements will be invaluable to WorkSight clients given the emphasis on agreement making under the WorkChoices legislation. Peter is based at WorkSight's Melbourne office.

## WorkChoices confusion



The new WorkChoices system has left many businesses more confused over employee entitlements. If you need information or advice about how these changes will affect your business or any other employee relations issues affecting you or your employees contact Siân Owen, Janet Nicolson, Rae-Anne Medforth or Peter Raymond at WorkSight. Janet Nicolson



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

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