

Your workplace relations





A complicated workplace relations



The Fair Work
Act 2009



Over
120 Modern
Awards



State based
health
& safety



What Award applies to you?

Some trades have coverage under more than one Award

Building and
Construction
General On-site
Award 2010

Joinery and
Building Trades
Award 2010

Enterprise agreements

- What are they?
- Do you have Enterprise Agreements in place?
- Would you benefit from an Enterprise Agreement?



They operate **indefinitely** (unless they are deliberately terminated or replaced)



Unions

Highly unionised workforce

Unions act as the
representative of the
employees

Rights of entry

- Representation in consultation

- Representation in disciplinary and performance matters

Pay and conditions

Wages: Award rates, all-inclusive rates or salary?



Are you paying correct
minimum rates?



1 July each year usually signals
an increase in the national
minimum wage



Types of employment



Full-time
Part-time



Casual
hire



Weekly &
daily hire



Apprentices

Registered Training Organisation agreements

Fixed term employment contract

Specific rates and conditions in awards

Apprentices cannot be casuals or contractors

Termination requires consent



Independent contractors

Why is it difficult to distinguish an employment relationship and an independent contractor

- What indicators might be relevant?



Risks of sham contracting

- Misrepresenting an employment relationship or a proposed employment arrangement as an independent contracting arrangement
 - Dismissing or threatening to dismiss an employee for the purpose of engaging them as an independent contractor
 - Making a knowingly false statement to persuade or influence an employee to become an independent contractor
-
- Maximum penalty on a business of **\$63,000**.
 - Maximum penalty on an individual of **\$12,600** per breach.

Risks

Risks you should be aware of:



Unfair
dismissal



Adverse action
and
discrimination



Bullying and
harassment

Contracts and policies

Why are they so important?



Manage risk

- Creates certainty
- Ensures compliance
- Protection against claims
- Protection for you



Manage employees

- Setting expectations
- Enforcing expectations
- Influence morale
- Improve productivity and efficiency

What's the difference?



Contracts

- Legally enforceable terms
- Enforcing expectations
- Confirms terms and conditions

Policies

- Dynamic and discretionary
- Can be amended without employee contract
- Employee is not required to sign

Keeping up to date with change



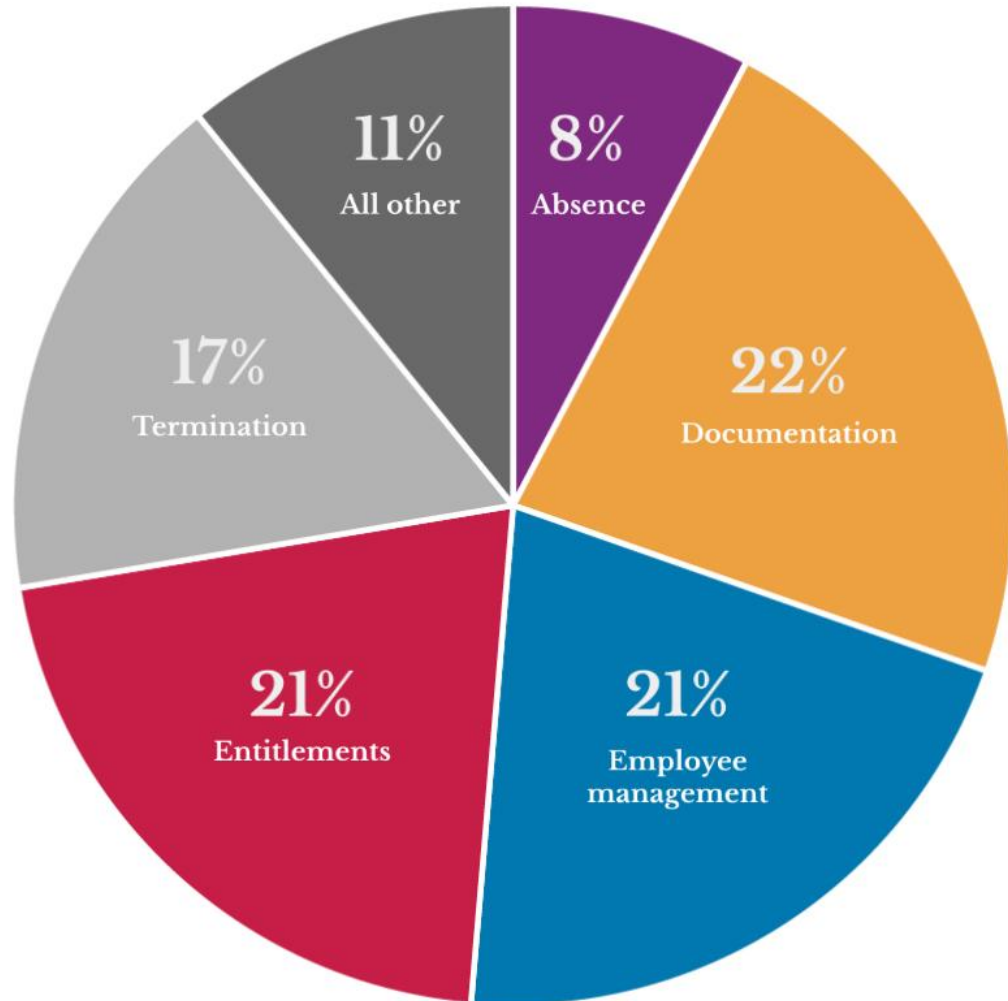
Fair Work Act 2009



Trade Awards

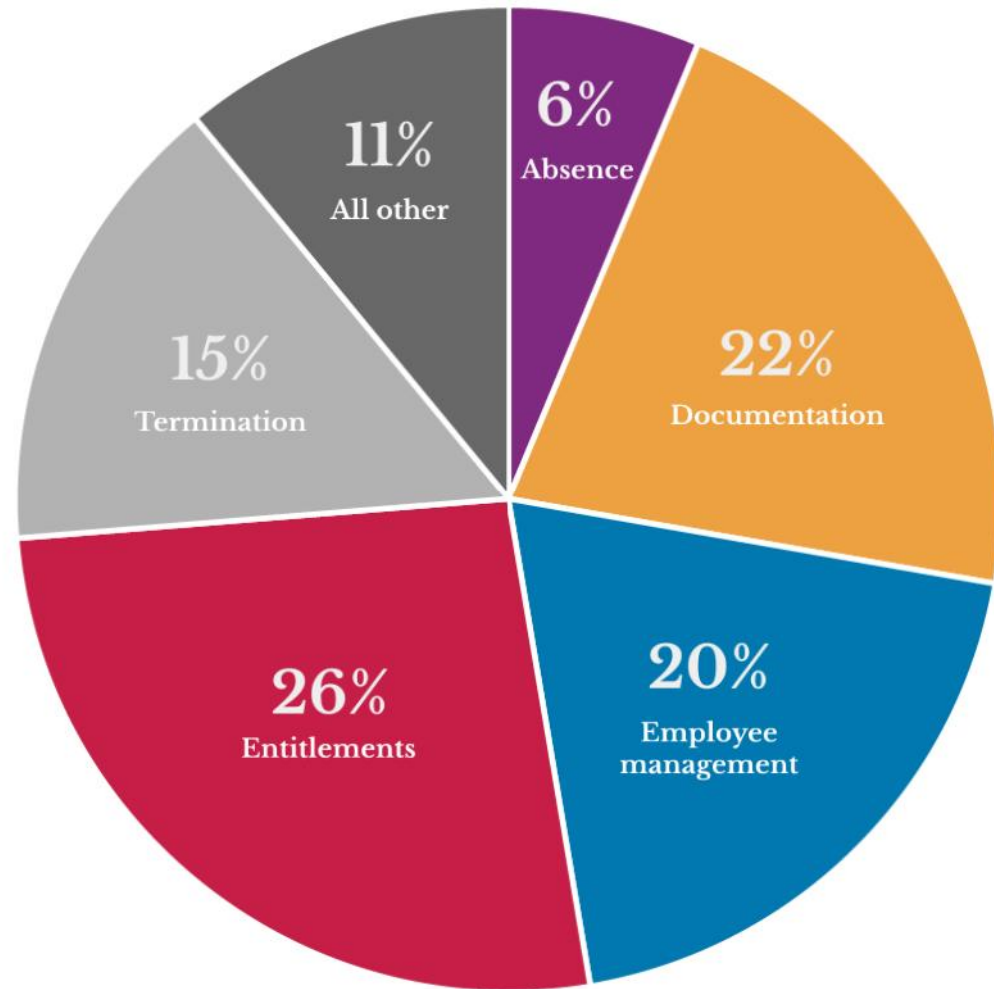
We understand your business

Construction Services



We understand your business

Trades



Complying with the Fair Work Act

Compliance

A complete review of workplace documentation and processes.



Advice

Unlimited professional advice and materials on employment relations and health and safety.



Insurance

Comprehensive insurance cover (with zero excess) if faced with a claim.



Representation

Legal representation in courts and tribunals.





Get in touch

Rachel Brus

E Rachel.brus@employsure.com.au

M 0475 475 045