



FAIR WORK AND MODERN AWARDS... ARE YOU READY?

Workchoices is out, Fair Work is now in and the Modern Awards will be binding in just a matter of weeks (1 January 2010).

As a business you need to be complying with the new legislation, now! There isn't a grace period and you need to be acting now to implement the new legislation. Once you break it down the legislation isn't too scary, but you need to be aware of any changes to ensure that you are compliant and legally employing staff.

The area that will impact most upon small businesses is the new unfair dismissal laws. The unfair dismissal 'protection' for businesses with under 100 employees that existed under Workchoices has been removed and under Fair Work only businesses with less than 15 staff are protected against unfair dismissal.

The three pieces of legislation that you need to be aware of:

- **Fair Work Act 2009** – this replaces all of the old legislation including WorkChoices
- The ten new '**National Employment Standards**' – or NES as they are commonly referred to
- The new **Modern Awards** – which need to be implemented in your business by 1 January 2010

Another major change is in the area of **Flexible Working Conditions**. An employee with caring responsibilities now has the formal right to request work flexibility. The employer must respond to the employee's request in writing and must give genuine business reasons why the employer can't grant the flexible working hours.

New departments exist and these are:

- **Fair Work Australia (FWA)**
 - Replaces the Australian Industrial Relations Commission (AIRC)
 - AIRC will exist until Modern Awards are implemented
 - FWA is responsible for
 - Dispute Resolution, Mediation, Conciliation and Arbitration

FWA is an independent, non Government, non business, non union affiliated body

Office of the Fair Work Ombudsman

- Government Department
- Has a dual role of
 - Education, Assistance, Enforcement, Compliance and Inspection

For assistance on implementing the Fair Work NES and Modern Awards in your business, please click here to contact Rebecca Munro who will arrange a free consultation with a professional HR Dynamics consultant.

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