

FAIR WORK ACT – What you need to know

Jacinta Weir, JHA Recruitment

The Federal Government will enact legislation later this year to implement changes to industrial relations laws. The Fair Work Act has been passed by both houses of Parliament and elements of it will become effective 1 July, 2009. Fair Work Australia will become the new 'industrial umpire' and replaces the function of the Australian Industrial Relations Commission.

There are implications for Human Resource Management and this relates to compliant and proactive planning. If you are planning any terminations or a restructure you will need to consider whether to do it pre or post 1 July, 2009. From this date claims will be heard by Fair Work Australia rather than the Industrial Relations Commission.

Now may be a prudent time to review your current employment arrangements and be familiar with what you currently offer.

For further information call: 1300 800 301.



Recommendations of where to start include:

- Review your Contracts of Employment and ensure you have valid contractual documentation for all staff. These are not just the 'physical' documents signed by your employee. They are a combination of written material (e.g. a letter outlining a new assignment/project), verbal (at the beginning or during the life of the working relationship), Implied at Law (in honesty and good faith), custom and practice (based on your processes and procedures), representations made by a recruitment firm, and your policies and procedures.
- Ensure contractual documentation is up-to-date – as this documentation may be your only defence if you are faced with an unfair dismissal claim.
- Take care with verbal representations – these can also act as part of a 'contract'. Try to keep notes in a diary or within other dated records.
- Assess your Performance Management & Termination policies – these will need to be compliant with the Fair Dismissal Code (as yet not finalised).
- Review Employee Entitlements – compliance with any changes to award entitlements (they will need to be compared with the National Employment Standards when finalised, as these will become the minimum entitlements for all employees).
- Ensure management/staff dealing with disputes and right of entry and access to employee records are up to date with the changes.



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JHA • 7 days a week • 24 hours a day • Ph: 1300 800 301
Offices@Byron Bay, Ballina, Lismore, Grafton, Cofs Harbour, Port Macquarie
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