

New Workplace Relations Laws Introduced- Forward with Fairness

The Federal Government has taken the first major step in introducing workplace relations legislative amendments as part of the new "Forward with Fairness" laws.

As from 28 March 2008 Australian Workplace Agreements (AWAs) will be banned, a new interim system for making Individual Transitional Employment Agreements (ITEAs) will be introduced, the new "no disadvantage test" will become operative, the Australian Industrial Relations Commission will begin the award modernization process and the requirement to provide new employees with a Workplace Relations Fact Sheet will be abandoned.

If an employer wishes to make an ITEA with an employee then certain requirements must be met. An ITEA can only be made if the employer had employed at least one employee on an individual agreement as of 1 December 2007 and had an existing employee on an AWA or is employing a new employee.

The "Fairness Test" will no longer apply to the making of new agreements. Instead, when a new collective agreement

is lodged it will be subject to the "No Disadvantage Test" (NDT). A collective agreement will pass the NDT if the Workplace Authority is satisfied that the agreement does not, on balance, result in a reduction of the overall terms and conditions contained in an award that applies to the employee's employment.

No longer will all workplace agreements automatically commence when lodged with the Workplace Authority. An Employee Collective agreement will only commence after it passes the NDT and the employer is advised by the Workplace Authority.

The Workplace Relations Fact Sheet will be replaced by a new information sheet to be known as a "Fair Work Information Sheet" which must be provided to all new employees.

Other workplace relations changes will be introduced including new minimum employment standards, new termination of employment laws and new rules for resolution of industrial disputes. However, these are still being considered and are not scheduled to commence until January 2010.

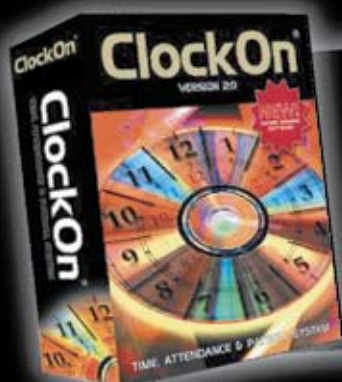
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