

Your employment law responsibilities
 Neighbourhood Houses Victoria
 Friday, March 6 2020
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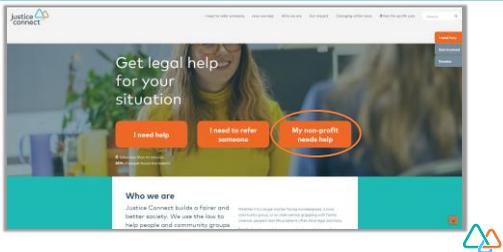
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Introduction



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Introduction

What we will cover

- Sources of your employment law responsibilities
- Three key issues:
 - Modern award changes
 - Portable long service leave scheme
 - Notice
- Activity
- Summary and questions

* Today's session is legal information and not legal advice



Sources of responsibilities



The main piece of law governing the employee/employer relationship in Australia



An independent tribunal that hears employment disputes and approves/sets minimum work conditions



An independent statutory agency that provides free public legal information and investigates wrongdoing employers



Sources of responsibilities



National Employment Standards



Modern Awards

Modern Awards

- Minimum requirements for certain industries/occupations
- Examples of Modern Awards:
 - Social, Community, Home Care and Disability Services Industry Award 2010
 - Educational Services (Post-Secondary Education) Award 2010
 - Registered and Licensed Clubs Award 2010
 - Children Services Award 2010



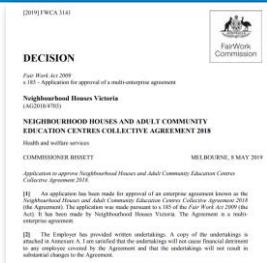
Enterprise agreements



Enterprise agreements

Enterprise agreements

- Process for a collective agreement
- The Fair Work Commission approves the enterprise agreement in accordance with the **BOOT test**
- There is an intersection with NES and Modern Awards



Employment contract



Employment contract

Employment contract

- Contracts can be written or verbal
- The employment contract should contain the key employment conditions
- Employment contracts may intersect with the other sources of employment law responsibilities
- Contracts should be reviewed and/or varied if necessary



Workplace policies



Workplace policies

Workplace policies

- The purpose of policies are to ensure an organisation is complying with its regulatory obligations and adopting best practice
- Policies should be publicly available and accessible by workers



Activity 1: Fiona's employment

- Fiona works as a full-time English tutor
- She signed an employment contract when she started in her position
- The contract referred to her employment being covered by the relevant Modern Award
- After 6 years in this position, Fiona was promoted into a management position
- She did not receive a new or varied contract



Where would Fiona's employment conditions be contained?

Activity 1: Fiona's employment

- Terms in the original employment contract may no longer apply
- The original classification under the Modern Award may also be outdated
- Minimum working conditions would be contained in appropriate level classification in the Modern Award (if applicable)
- Her working conditions could also never be worse than the NES



National Employment Standards

Not-for-profit Law resources	Other resources
https://www.nfplaw.org.au/employees	https://www.fairwork.gov.au/
<ul style="list-style-type: none">• The Fair Work system• The NES• Modern Awards• Enterprise agreements• Employment contracts	<ul style="list-style-type: none">• The NES• Awards and agreements https://www.fwc.gov.au/ <ul style="list-style-type: none">• Enterprise agreement• Modern awards



Key employment issues

Key employment issues

1. Changes to the modern awards

- Following a four-year review, the Fair Work Commission is rolling out revised modern awards:
 - **From February 4 2020**, the first changes apply to 31 modern awards
 - **From March 1 2020**, new annualised salary arrangements will be included in certain modern award categories



Key employment issues

1. Changes to the modern awards

- For most awards, the rules and entitlements are unlikely to change significantly
- Neighbourhood houses should stay up to date of modern award changes
- Employers can register with the Fair Work Ombudsman for free legal help, or should consider seeking legal advice



Key employment issues

2. Portable long service leave scheme

- A new Victorian portable long service leave scheme was introduced in 2018
- The scheme is designed to enable workers moving within certain sectors to accrue entitlements
- Employers are responsible for registering its workers with the scheme, and for paying for it



Key employment issues

2. Portable long service leave scheme

The confusion has related to:

- the scope of the **community services sector**
- the **workers that are covered** by the scheme
- how the PLSL scheme works with **existing mechanisms**



Key employment issues

2. Portable long service leave scheme

- Guidance from the PLSL Authority has made it clear that **neighbourhood houses** fall within the scheme
- Neighbourhood houses need to register with the PLSL Authority
- The PLSL Authority can assist employers determine which workers need to be registered



Key employment issues

3. Notice

- Notice of termination means the amount of time that an employer must give to an employee to notify them of the end of the employment relationship.
- The **minimum notice period** that an organisation must give an employee is outlined in the NES.



Key employment issues

3. Notice

Notice under National Employment Standards

- Notice must be in writing and can be served or paid in lieu
- Notice depends on period of continuous service:
 - Not more than 1 year – **1 week**
 - More than 1 year but less than 3 years – **2 weeks**
 - More than 3 years but less than 5 years – **3 weeks**
 - More than 5 years – **4 weeks**
- 1 week extra notice if employee is over 45 years and 2 years continuous service



Activity 2: Mark's employment

With the person next to you:

- Mark is employed full-time at a large Victorian community legal centre
- Mark directly assists a Criminal Lawyer with her client files



Would Mark's employer need to register him with the portable long service leave authority?

Activity 2: Mark's employment

Registration with the PLSL Authority

- Community services work for the purposes of the Scheme is work that provides *community legal services*
- Mark provides direct assist to someone provides front-line services



Top tips

Stay up to date with changes to the modern awards

Register with the PLSL Authority & follow their guidance

Engage with the Fair Work Ombudsman's free legal help service

Seek legal advice if you are unclear of your employment responsibilities





Further resources

Not-for-profit Law resources
<https://www.nfplaw.org.au/employees>

- The Fair Work system
- The NES
- Modern Awards
- Enterprise agreements
- Employment contracts

Other resources
<https://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award/>

- Award finder tool

<https://calculate.fairwork.gov.au/findyouraward>

- Pay and condition tool (PACT)

<https://www.vic.gov.au/portable-long-service>

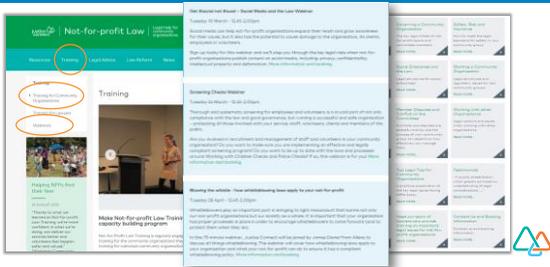
- New PLSL Authority
- Guidance and information



www.nfplaw.org.au



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Summary and questions

Summary

- Thank you to **Neighbour Houses Victoria** for inviting us to deliver today's training
- Thank you for your participation
- Q&A



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