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WORKPLACE RELATIONS UNDER LABOR

Many employers are uncertain about what has changed in workplace relations with the election of the new Federal Labor government. Some of the major concerns are:

- are we still covered by “WorkChoices” / the Federal system?
- have unfair dismissal claims become available to all employees again?
- What has happened to AWAs?

The answer is that nothing has changed- yet. THE ARRANGEMENTS AND AWARDS OR AGREEMENTS (INCLUDING AWAS) THAT APPLIED TO YOUR BUSINESS BEFORE THE CHANGE IN GOVERNMENT STILL APPLY.

The Rudd Government intends to introduce legislation into the federal Parliament in early 2008 that will start implementation of its Workplace Relations policies. That legislation will stop any new AWAs being made and may well broaden access to unfair dismissals.

Those changes will not take effect until the legislation is passed. Given that the Coalition has control of the Senate until July 2008, it could take some time for the legislation to get through. Even after July, Labor may well have to negotiate with minor parties on its proposed changes.

I suggest that employers reassure their staff that nothing has changed as yet and things will continue as they are now at least for the time being while we all wait and see what changes will be made. Labor is planning a lengthy consultation process with full implementation of its policies not occurring until 2010.

Any employer who needs to renew AWAs or wishes to enter into new AWAs with their employees needs to act quickly. AWAs can still be made and, even after Labor’s changes, current AWAs will continue in force until their nominal expiry date (which can be up to 5 years).

Employers must be very careful to avoid anything that could be interpreted as putting pressure on employees to enter into AWAs. This is (and always has been) an offence and the Workplace Ombudsman has warned that they are on the lookout for any such conduct. Several employers have been heavily fined during 2007 for this.

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Like to know more?

If any of you would like to know more about what Labor proposes I would be happy to put on a briefing session in January for you and any of your colleagues, employer acquaintances or clients who are concerned and want to know more so that you can plan accordingly.

If you would be interested, please send fill in the attached form and return it to me by email as soon as you can.

*May I also wish all of you and your families a
Happy, Safe and Peaceful Christmas
and a
Peace-filled and prosperous New Year.*

A handwritten signature in black ink that reads "Greg Kerr".

For further information, contact **Greg Kerr Consultancies**

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