



Labour Relations Newsletter

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In this edition:

- 2009 federal minimum wage review
- 2009 state minimum wage review
- Inquiry into the Fair Work Bill 2008
- Extended retail trading - ANZAC day and rates of pay
- WA pay equity unit appears before a federal Parliamentary inquiry
- Upcoming work life balance seminar - flexibility in a tough environment
- Pay Equity Audits - an information session for the public sector
- Are you keeping proper records?
- New work life balance fact sheet: pregnancy and parental leave
- Subscribe to LR resources
- University orientation days

2009 federal minimum wage review

The Australian Fair Pay Commission (AFPC) is the independent body responsible for conducting the federal minimum wage review.

Last year the AFPC increased the federal minimum wage from \$522.12 per week to \$543.78. The decision applied to minimum wage reliant employees in the federal jurisdiction, including:

- junior employees;
- employees to whom training arrangements apply;
- employees with a disability;

- casuals; and
- employees receiving basic piece rates of pay.

The AFPC has called for written submissions from interested groups and individuals for the 2009 federal minimum wage review. The Department of Commerce intends to make a submission on behalf of the Western Australian Government.

Submissions close on 20 March 2009. Further details about the review can be found at www.fairpay.gov.au or by calling 1300 139 699.

2009 state minimum wage review

The Western Australian Industrial Relations Commission (WAIRC) will soon be calling for submissions to the 2009 State Wage Case.

The State Wage Case is held pursuant to section [50A](#) of the *Industrial Relations Act 1979*, which obliges the WAIRC to make a General Order setting the minimum wage under the *Minimum Conditions of Employment Act 1993* and State award before 1 July each year.

The General Order will apply to those employers and employees covered by the WA industrial relations system.

The Minister for Commerce, the Trades and Labor Council of WA, Australian Mines and Metals Association, Inc., and the Chamber of Commerce and Industry of WA, Inc. (and any persons who have registered their interest with the Registrar) will make oral submissions at this year's hearing.

The 2008 State Wage Case resulted in an increase of \$29 per week, bringing the weekly rate to \$557.40.

Further information about the State Wage Case can be obtained from WAIRC's [Wage Case Site](#).

Inquiry into the Fair Work Bill 2008

On 29 January 2009 the Hon Troy Buswell MLA, Minister for Commerce, represented the WA Government at a public hearing for the inquiry into the *Fair Work Bill 2008*.

Mr Buswell told the Senate Standing Committee on Education, Employment and Workplace Relations that Western

Australia would not refer their industrial relations powers to the Commonwealth and announced an independent review of the state industrial relations system.

He outlined that WA's new industrial relations system would be largely based on the *Fair Work Bill* but with differences in areas such as union power, unfair dismissal, transmission of business, hours of work and greenfields agreements.

A copy of the [Government's submission](#) and further information on the [Fair Work Bill](#) can be obtained from the [Parliament of Australia's website](#).

Extended retail trading - ANZAC day and rates of pay

On 20 February 2009 the Department of Commerce announced that general retail shops can apply for special permits to allow them to trade on the ANZAC Day public holiday.

While ANZAC Day falls on Saturday 25 April 2009, both the Saturday and following Monday (27 April 2009) are to be observed as the statutory public holidays.

There are a number of ways a public holiday may impact on employees' rates of pay. The *Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977* contains provisions which will require a general retail shop owners, who has obtained a special permit to trade, to pay their employees the following rates of pay on the ANZAC Day public holidays:

- ordinary rates on Saturday 25 April; and
- double time and one half on Monday 27 April.

Where a general retail shop owners choses to remain closed the Award will

require each employee who would normally be rostered to work on Monday 27 April to be paid for the day off.

Not all employees working in retail outlets have their pay rates set by the *Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977*. Furthermore there are various categories of retail outlets.

To determine the rates of pay for the ANZAC Day public holidays contact Wageline on 1300 655 266.

To obtain information on trading hours and permit requirements contact the Retail and Service Industries Branch on 1300 30 40 54 (then option 3).

WA Pay Equity Unit appears before a federal Parliamentary inquiry

The House of Representatives Standing Committee on Employment and Workplace Relations is currently conducting an inquiry into pay equity and associated issues related to increasing female participation in the workforce.

In November 2008 the Pay Equity Unit in the former Department of Consumer and Employment Protection (now Commerce) provided a submission to the inquiry.

A copy of the submission can be found at www.payequity.wa.gov.au.

On the 26 February 2009 the Western Australian Pay Equity Unit appeared before the Standing Committee in Canberra urging the federal Government to make pay equity a priority and fund a federal Pay Equity Unit. The objectives of the Unit should be to raise awareness about pay equity through education and training within business and the community

and to work with public and private sector employers to implement pay equity audits and other strategies to remove barriers to workforce participation and career progression for female employees.

The transcript of the hearing can be found by [clicking here](#).

Upcoming work life balance seminar - flexibility in a tough environment

The Department of Commerce is pleased to be hosting the first 2009 Work Life Balance Seminar – Flexibility in a Tough Environment.

The morning seminar will focus on why and how WA organisations should continue workplace flexibility strategies during a time of economic downturn. It will showcase two Western Australian organisations that view work life strategies as a major long term imperative to maintain productivity, retain core staff and meet client demands. There will be three eminent speakers.

Professor Barbara Pocock, Director Centre for Work + Life University of South Australia.

Professor Pocock is one of Australia's leading academics in the field of work life strategies. She will discuss why flexible work strategies will continue to be essential business practice for Australian employers and how long term demographic change is affecting workforce participation. Professor Pocock will also discuss the Australian Work and Life Index developed by South Australia's Centre for Work + Life and how this is being used in her current research on flexible work in the Western Australian health sector.

Ms Elizabeth Cook, Coordinator
Work Life Balance + Equity Unit
Department of Health

Health's work life strategy aims to offer all categories of staff greater flexibility in the way they work, and to educate front line managers on the importance of workplace flexibility in meeting the Department's long term recruitment and retention strategy. Elizabeth Cook will discuss the imperative and the implementation of work life programs in Health and the role of the dedicated Work Life Balance + Equity unit in making them happen.

Mr John Poulsen, Managing Partner
Minter Ellison Lawyers

John Poulsen is the Managing Partner of Minter Ellison's Perth office. In that role he has led the Perth office through a change process which has resulted in significant increases in staff engagement, reduction in staff turnover and revenue growth in excess of 35% in the 2007/08 financial year. He is also State President of the Committee for Economic Development of Australia (CEDA). During his presentation, John will share his firm's people strategy, including the flexible work practices that have been implemented with great success at Minter Ellison. He will also share his views on how one can maintain this strategy in the current climate.

Details of the seminar

The seminar will be held on Thursday 2 April 2009 between 9:15am and 11:30am (8:45am registration) at the Alexander Library Theatre Perth.

Cost of attendance is \$25. Registration forms can be obtained from www.worklife.wa.gov.au.

Pay equity audits - an information session for the public sector

A public sector information session is being held on conducting a pay equity audit using the new WA Pay Equity Audit Tool.

WA's large public sector agencies have just received their third annual pay equity reports, prepared by the Pay Equity Unit at the Department of Commerce. Many agencies have significant gender pay gaps, and undertaking a pay equity audit allows agencies to analyse their payroll data and better understand where and why gender pay gaps are occurring.

The information session will cover how and why to do a pay equity audit and discuss potential strategies that agencies can use to reduce their gender pay gap. The WA Pay Equity Audit Tool will be demonstrated, and participants will receive a copy of the audit resources developed by the Pay Equity Unit.

The information session will be held on Thursday 19 March 2009 between 3.00pm and 4.30pm at Dumas House L3/2 Havelock Street West Perth.

Contact Jan Currie 9222 7765 or jan.currie@commerce.wa.gov.au to RSVP or for more information.

Are you keeping proper records?

Failure to keep correct time and wages records is a breach of industrial law and employers can be fined by the Industrial Magistrate's Court for keeping inadequate records.

To assist employers in adhering to their record keeping obligations, Labour Relations has recently produced five new templates for time and wages record keeping. These are free tools, designed to make record keeping as simple and effective as possible. Please click on the links below to access the templates:

- [Annual And Long Service Leave Record Worksheet - Template 3A](#) (18.1 KB)
- [Employment Details- Template 1](#) (17.3 KB)
- [Fortnightly Time And Wages Records Worksheet - Template 2](#) (18.7 KB)
- [Payslip - Template 4](#) (14.2 KB)
- [Personal And Other Leave Record Worksheet - Template 3B](#) (16.8 KB)

Further information about record keeping obligations can be obtained by [clicking here](#) or by calling Wageline on 1300 655 266.

New work life balance fact sheet: *pregnancy and parental leave*

Pregnancy and Parental Leave is a new fact sheet in the popular Work Life Balance series and is available at www.worklife.wa.gov.au.

The fact sheet covers matters such as rights and workplace safety issues for pregnant employees, entitlement to unpaid parental leave for employed mothers and fathers/partners, access to reduced and flexible hours when returning to work, breastfeeding in the workplace, and discrimination relating to pregnancy or parental status.

This fact sheet is intended as a general guide for employers and employees. More comprehensive information about

pregnancy and parental leave can be obtained from Wageline on 1300 655 266.

Subscribe to LR Resources

On 1 January 2009 the Department of Consumer and Employment Protection (DOCEP) became the Department of Commerce.

The Department of Commerce will continue to provide the following services to stakeholders and the general community:

1. Monthly editions of the *Labour Relations Newsletter*.
2. Quarterly editions of the *Labour Market Bulletin*.
3. Copies of the *Award Newsletter*.
4. Copies of the *Wageline Newsletter*.
5. Advertisements of upcoming Departmental *seminars* and *campaigns*.
6. *Information on:*
 - award variation and employment conditions;
 - labour market statistics
 - resources for public sector agencies;
 - work life balance/ flexible workplace practices;
 - pay equity;
 - mature age employment; and
 - small business advice and initiatives.

The *Labour Market Bulletin* provides an overview of the key measures of WA's labour market performance. It includes information relating to wages, employment growth, inflation, unemployment, labour market participation, industrial disputes and agreements. The *Award Newsletter*

informs subscribers about changes to pay and conditions for the most common State awards while the *Wageline Newsletter* provides practical information for employees and employers on developments in labour relations that may impact on employment right and obligations.

To continue your subscription or subscribe to these services please email your preferences to:

Samantha.Holmes@commerce.wa.gov.au.

University orientation days

Each year educational institutions hold orientation days to familiarise students with the services available to them – both on and off campus.

This month Compliance and Education Officers from the Department of Commerce attended the orientation days of Challenger TAFE Murdoch, Challenger TAFE Fremantle, Edith Cowan University Joondalup, Curtin University, Edith Cowan University Mt Lawley, Notre Dame and the University of Western Australia.

The aims of attendance was to highlight the minimum conditions of employment for students who work on a casual or part-time basis and raise awareness and promote the Labour Relations Directorate of the Department of Commerce.

Each day, after adorning their booths with banners and posters, Compliance and Education Officers told students about the role of Labour Relations and answered questions on rates of pay, basic entitlements, casual and part time employment and award coverage. They distributed approximately 1300 showbags containing contact information, publications and promotional material.

As a result of the Departments presence at the orientation days Wageline has received numerous calls from students and the Education unit has been invited to return to Edith Cowan University Joondalup to run a seminar on Western Australian industrial relations for Business and Law students.



Above: Labour Relations Adviser Nicole Naeser at the Challenger TAFE Murdoch orientation day.