



Labour Relations Newsletter

Issue 263 - 30 June 2009

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Influenza and employment considerations

The Labour Relations Division has published general employment information to assist you in dealing with influenza-related workplace issues this winter.

Answers to the following commonly asked questions are available from the [Department of Commerce's website](http://www.commerce.wa.gov.au) (www.commerce.wa.gov.au):

- When can an employee take paid sick leave?
- When can an ill employee take unpaid sick leave?
- What is meant by "proof of illness" to satisfy a reasonable person?
- Can an employer direct an ill employee to take sick leave?
- Can an ill employee be terminated if they are absent from work and have no sick leave available?
- When can an employee take carer's leave?
- Can an employer require employees to stay away from the workplace?
- Can employees be directed to work in different ways?
- What happens if the workplace is still operating and employees are not reporting for work?
- Can employees choose to take annual leave during an influenza pandemic?

- Can an employer require an employee to take annual leave during an influenza pandemic?
- Do employers have to continue to pay wages if the workplace is closed?

If you have any specific questions relating to your workplace, employment or business, call Wageline on 1300 655 266.

Review of Western Australian industrial relations system

The Western Australian Government has committed to an independent review of the State industrial relations system.

The primary purpose of the review is to ensure that the State system provides flexibility and productivity and is competitive with elements of the new federal system.

The terms of reference for the review were released on 1 June 2009 and require consideration of the federal Government's *Fair Work Act 2009* (FW Act), in particular:

- which elements of the FW Act should form part of a reformed State industrial relations system; and
- potential areas for harmonisation of State and federal industrial relations legislation.

The review will specifically identify areas of legislative reform for:

- unfair dismissal;
- employment agreements;
- State awards;
- union right of entry;
- minimum wages;

- dispute resolution; and
- statutory minimum conditions of employment.

The current structure of the system (including the Western Australian Industrial Relations Commission and Coal Industry Tribunal) and the likely impact brought about by proposed changes will also be considered.

Commerce Minister Troy Buswell announced that Steven Amendola, Blake Dawson partner, would head the four-month review which is set to commence in July 2009.

Stakeholders have been given the opportunity to make submissions and Mr Amedola may also consult with such parties as he considers appropriate.

2009 State Minimum Wage Decision

On 11 June 2009 the Western Australian Industrial Relations Commission (WAIRC) handed down the 2009 State Wage decision, ordering a \$12.30 per week increase to the State minimum wage and adult award rates of pay.

This will increase the State minimum wage to \$569.70 per week - effective on and from the commencement of the first pay period on or after 1 October 2009.

Previous wage decisions have commenced in July each year. However, the 2009 increase has been delayed by three months in recognition of the:

- Commonwealth's one-off fiscal stimulus payments;
- large State minimum wage increase awarded in 2008; and
- timing of Commonwealth and other state minimum wage decisions.

The reasons for decision can be found on the [WAIRC website \(www.wairc.wa.gov.au\)](http://www.wairc.wa.gov.au).

Updated Wageline award summaries reflecting the decision will be available closer to October.

WAIRC orders a general location allowance increase

The WAIRC has also issued a general order increasing location allowances contained within a number of State awards and industrial agreements.

This allowance is paid to certain employees who work in regional towns in Western Australia – compensating for increased prices, climate and isolation.

The increase is based on a 1.31 per cent increase in the Consumer Price Index (excluding housing) for Perth to the end of the March quarter 2009.

The general order takes effect from the beginning of the first pay period to commence on or after 1 July 2009.

A full copy of the order will be made available via the [WAIRC website \(www.wairc.wa.gov.au\)](http://www.wairc.wa.gov.au).

Wageline can be contacted on 1300 655 266 to determine the impact and effects of this decision.

Labour Mobility in WA

In June the Australian Bureau of Statistics (ABS) released a new WA publication, *Labour Mobility and Intentions*¹, which explored labour mobility as well as the education and work intentions of employees.

Interesting facts include:

- In the three years prior to the survey, 148,900 people moved to WA from overseas and interstate, of which 46 per cent moved to WA for work opportunities;
- Of the 34,000 employees who lived in Perth, but worked outside the Perth metropolitan area, more than half (54 per cent) worked in the mining industry;
- Even though only 5 per cent of WA's workforce were employed directly in the mining industry, a further 15 per cent were working in industries supporting mining activities or were contracted to the mining industry; and
- Almost two-thirds (65 per cent) of employees were working in the field of their highest qualification.

The publication can be downloaded for free from the [ABS website \(www.abs.gov.au\)](http://www.abs.gov.au).

¹ ABS, *Labour Mobility and Intentions*, WA, October 2008, 6209.5.