



Joint Communiqué to staff of Anglican Schools in Queensland – Workplace Relations Fact Sheet



[No. 2/ 2007]

As you are aware, Anglican School employers and the Queensland Independent Education Union (QIEU) have entered into an interim deed of settlement arrangement to meet the needs of all stakeholders, while securing and enhancing employees' conditions and providing some increased benefit to schools, until the uncertainty surrounding the application of the *Workplace Relations Act 1996* (WorkChoices) is resolved.

The interim Deed of Settlement has enabled the question of state versus federal industrial relations jurisdiction to be set aside for one (1) year. The decision has provided the Diocese and QIEU with more time to collaboratively consider the complexities and uncertainties created by the introduction of the federal government's industrial relations legislation and its application.

In the meantime, the Diocese has recommended that Anglican School employers implement measures to comply, wherever possible, with requirements imposed under WorkChoices. This is so that, if it is ultimately accepted that Anglican School employers are subject to the WorkChoices requirements, the risk of exposure to penalty for failure to comply with these requirements is minimised. Should ongoing developments come into existence which affect or change this advice, employees shall be advised accordingly.

Accordingly, the purpose of this joint communiqué is to advise employees that recent amendments to the WorkChoices legislation introduce a **Workplace Relations Fact Sheet (Fact Sheet)**. Under these amendments, from 20 July 2007, the Fact Sheet must be given by employers to new employees within 7 days of the start of their employment, and to all existing employees within 3 months of that date (ie by 20 October 2007).

You will find a copy of the Fact Sheet **attached** to this joint communiqué. This Fact Sheet has been developed by the Commonwealth Workplace Authority. Under WorkChoices, failure by employers to provide a copy of the Fact Sheet to each employee as required could result in a penalty of \$110 in respect of each employee who fails to receive such a statement.

The distribution of this fact sheet does not reflect an intention on the part of Anglican School employers or QIEU not to honour the Deed of Settlement arrangement. Anglican School employers remain committed to the Deed of Settlement arrangement as an interim measure. As outlined above, the fact sheet is being distributed to employees to enable Anglican School employers to comply with requirements recently imposed under the WorkChoices legislation, with which Anglican School employers may need to comply while the Deed of Settlement is in place.

If you have any queries or concerns in relation to the matters raised in this joint communiqué or the Fact Sheet, please do not hesitate to contact your employer or union organiser on 1800 177 937.

Peta Smith
Executive Director
Anglican Schools Commission

Ros McLennan
Assistant General Secretary
QIEU

Workplace Relations Fact Sheet

Your rights and obligations

Know your rights

Australia's federal workplace relations system has a set of rules and obligations that all employers in the system are required to follow.

As an employee, you should know where you stand.

All full-time employees are protected by a key set of pay and conditions which cover:

- Guaranteed minimum wage rates
- Maximum working hours
- Four weeks paid annual leave
- Two weeks personal/carer's leave
- One year unpaid maternity or paternity leave

Part-time employees get similar entitlements based on their hours of work. Casual employees are guaranteed minimum wage rates, casual loadings and unpaid carer's leave.

Employees cannot be sacked because of their race, gender, age, disability, religion, pregnancy, family responsibilities or trade union membership.

Employees have the right to join, or not join, a union.

Employees must be issued pay slips and have accurate and complete time and wage records kept by their employer.

There is a Workplace Ombudsman to assist employees and ensure that employers meet their obligations and has the power to take legal action on such issues as:

- Whether an employee has been forced to sign a workplace agreement
- Whether employees have been underpaid
- Keeping records of employee entitlements
- Whether employers have provided pay slips.

Know where you stand

The Workplace Authority provides independent advice to employees and employers about the workplace relations system. It has a particular focus on helping young employees understand their workplace entitlements and agreements. Whether you're an employee or an employer, there's one place you can go for information, help and advice.

workplace.gov.au
Workplace Infoline
1300 363 264



Australian Government
Workplace Authority

Know your agreement

Under the workplace relations system there are a variety of working arrangements available, including Australian workplace agreements, collective agreements, union collective agreements and awards. There are protections in place for all these arrangements.

The Workplace Authority checks workplace agreements against a Fairness Test to make sure employees get fair compensation if they agree to change key award conditions. It means that if you trade existing protected award conditions, such as penalty rates, you must get fair compensation in return. Usually, the fair compensation will be a higher rate of pay.

The Fairness Test applies to employees' agreements in industries or occupations where an award usually applies that have had certain conditions removed or changed. These are:

- Penalty rates, including working on public holidays and weekends
- Shift and overtime loadings
- Monetary allowances
- Annual leave loadings
- Public holidays
- Rest breaks
- Incentive-based payments and bonuses.

If an agreement doesn't pass the Fairness Test it will have to be changed so that it gives fair compensation, and the employer will have to make up any back pay.

The Fairness Test applies to Australian workplace agreements for employees earning under \$75,000 and all collective agreements.

There is a range of support available to help you when negotiating your Australian workplace agreement:

- Employees can have someone with them when negotiating an agreement. It could be your spouse, a union representative or a friend
- Employees have 7 days to consider their workplace agreement, although this can be waived if the employee agrees
- A current employee cannot be sacked for refusing to sign a workplace agreement
- Employees cannot be sacked because an agreement doesn't pass the Fairness Test
- People under the age of 18 must have a responsible adult, such as a parent, co-sign their workplace agreement.

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