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## Contact

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## WorkChoices commenced today – matters employers need to consider

The WorkChoices amendments to the *Commonwealth Workplace Relations Act 1996* come into effect from today.

The amendments are substantial, involving approximately 2,000 pages of amendments to the Act, explanatory memoranda and new Regulations.

Employers should consider whether they need legal advice in relation to the following:

### Employment contracts

The wording of your employment contracts/letters of appointment should be amended to ensure that they are compliant with the altered minimum personal leave provisions introduced under WorkChoices.

Amendments to these documents will also be necessary if you wish to take advantage of the potential to lengthen probationary periods for new employees to six months, without their having access to unfair dismissal.

### Renewal of your certified agreement

When renewing your existing agreement, you should obtain advice as to what clauses in your current agreement can no longer be included on the basis that they constitute prohibited content or are not matters pertaining to the employment relationship.

### Changing current employment terms and conditions

If you wish to alter the current terms and conditions of employment to terms that better suit your business plans, such as introducing greater flexibility in your workplace arrangements, you should obtain advice.

### Industrial action

If your certified agreement is due to expire during 2006, you should be aware under what circumstances the relevant union(s)/employees can take industrial action against your business and what is the procedure that must be followed.

### What terms and conditions cover my employees?

If you are unsure what the minimum terms and conditions are that you are required to offer your employees, including whether an Award covers their terms and conditions, you should obtain advice.

### Recent agreements with union

If you have signed a common law Deed or Memorandum of Understanding with a union in addition to rolling over your certified agreement in recent months, you should consider obtaining advice on the nature of the agreement signed and its enforceability.

### Business acquisition/sale

If you are buying or selling a business, the laws relating to transmission of business have altered. It is important that you are aware of the new provisions, in order to obtain maximum benefit from any changes available to you.

### Right of entry

If a union is seeking to enter your workplace or you believe that unions may seek to do this in the future, you should obtain advice on the new right of entry provisions, to enable you to take advantage of the stricter requirements placed on unions seeking to enter premises.

### Record keeping

WorkChoices places new, more onerous requirements on employers to keep relevant employment records. Your human resources systems should be reviewed to ensure that your business complies with these new requirements.

### Unfair dismissal

It is important that you are aware whether your employees continue to have access to unfair dismissal claims, should they be dismissed. For example, even if your business employs more than 100 employees, they have no access to unfair dismissal claims if you dismiss for genuine operational reasons. You should also be aware of the alternative legal actions they might be advised to consider, if they no longer have access to unfair dismissal.

If you have a disciplinary policy and employ 100 or less people, should this policy be altered in the light of the WorkChoices amendments? This is an issue of significance you should consider.