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PROPOSED CHANGES TO WORKCHOICES

On 13th November the Australian Government announced some proposed amendments to Workplace legislation and regulations. We have highlighted some of the major changes that you may need to be aware of – and where to find more information.

As a reminder.....

- In NSW WorkChoices covers 'constitutional corporations' ie. Pty Ltd companies who sell goods or services.
- In VIC, the ACT and the Northern Territory WorkChoices only covers all private sector employees.
- If your business operates as a sole trader, partnership, unincorporated or family trust - you are not affected by these changes.

> Record Keeping Requirements - Hours worked

- The proposed changes will require employers to record only those hours for which an employee is entitled to overtime or other penalty rates, rather than all hours worked, and
- Employers will still need to keep records of hours worked by casuals and irregular part-time employees, when they are paid on an hourly basis.

Employers will still need to:

- Keep records relating to superannuation contributions;
- Keep any agreement authorised under the standard (e.g. copies of any elections to cash out leave; averaging of hours arrangements);
- Issue payslips – the content of which would reflect the new record-keeping requirements.

> Cashing Out Personal/Carer's Leave

Changes will mean that employees and employers can agree to cash out personal leave (ie. sick leave) entitlements, provided that for full-time employees at least 15 days remain available after cashing out. An employee would need to request cashing out of leave in writing.

> Right to stand down Employees

A stand down provision will be included in the Workplace Relations Act and would apply where an employer does not otherwise have (through an award, agreement or contract) an automatic right to stand an employee down where work is unavailable due to factors outside the employer's control eg. natural disaster.

> Cap the accrual of Annual Leave and change the payment rule for Personal Leave and Compassionate Leave

There are proposed amendments to the Workplace Relations Act that would:

- Cap the accrual of annual and personal/carer's leave so that leave would not accrue in respect of hours worked above 38 hours per week; and
- Make the payment rules for personal/carer's leave, compassionate leave and leave for pregnant employees who cannot be transferred to a safe job consistent with the payment rule for annual leave (i.e. the employee's basic periodic rate of pay).

For more information please go to the WorkChoices News website at www.workchoices.gov.au/ourplan/news/News.htm or call the WorkChoices Infoline on 1300 363 264.

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