



# **WA Sports Federation**

## **Changes under Fair Work**

### **December 2009**



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# Minimum entitlements for Employees

From January 1, 2010:

- NES (National Employment Standards)
- Modern Award (if applicable)
  - Some employees will remain award free



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# The National Employment Standards (NES)

- Annual Leave
- Compassionate Leave
- Personal Carer's Leave
- Maximum Weekly Hours
- Flexible Working Arrangements
- Parental Leave
- Long Service Leave
- Community Service Leave
- Public Holidays
- Notice of Termination & Redundancy
- Information Sheet



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# NES

- Hours – 38 per week plus reasonable additional;
- Annual leave – 4 weeks per year plus 1 week for some shift workers
- Personal leave – 10 days paid personal/carer's plus 2 days compassionate leave



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# NES

- Community Service Leave-  
voluntary emergency activities  
& jury service
- Long Service Leave – current  
entitlements pending new Isl
- Public Holidays – paid day off  
on a public holiday except  
where reasonably expected to  
work



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# NES

- Notice of Termination & Redundancy – based on length of service
- Provision of the FW statement – for new employees
- Parental leave – up to 12 months unpaid plus the right to request an additional 12 months



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# NES

- Requests for flexible working arrangements – parents of a child under school age or with a disability under 18 may request a change in arrangements to care for the child.



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# Sporting Organisations Award Coverage & Commencement

- National, State and Territory Sporting Organisations
- National System Employers  
– i.e. Constitutional Corporations

Commences 1 January 2010



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# Access for Employees

- Provide access to the award and to the NES
- Either on noticeboard or through electronic means
- “conveniently located” or “more accessible”



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# Award flexibility

- An employer and employee may agree to vary the application of certain terms of the award to meet the genuine individual needs of the parties.
- These terms include:
  - Arrangements for when work is performed;
  - Overtime rates;
  - Penalty rates;
  - Allowances;
  - Leave loading.



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# Award flexibility

- Cannot be a condition of employment
- May be terminated by either party giving four weeks notice of termination.
- Or may be terminated at any time if mutually agreed.



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# Consultation

- Employer to notify
  - If made a definite decision to introduce major changes
    - production
    - Program
    - organisation
    - Structure
    - Technology

And these are likely to have significant effect on employees.



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# Consultation

- Employer to discuss with employees effected (and reps) the introduction of the changes and the likely effects.
- Outline measures to mitigate adverse effects.
- Give consideration to matters raised by employees in relation to the changes.



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# Dispute Resolution

- In the event of a dispute about the award or NES
  - Attempt to resolve in the workplace
  - Escalation of matter from supervisor to senior management
  - If not resolved, may refer to FWA



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# Types of employment

## Full time

- Must provide in writing:
  - Classification,
  - Relevant minimum wage
  - Terms of engagement



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# Types of employment

## Part-time

- Agree in writing on a regular pattern of work;
  - Hours worked each day;
  - Start and finishing times;
  - Days of the week.
- May vary the above by consent
- Hours in excess of the above will be overtime



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# Types of employment

## Casual

- Employer to inform at time of engagement
  - Casual
  - Hours of work
  - Classification
  - Relevant wage
- Loading of 25% in lieu of leave, public holidays not worked
- Paid at the termination of engagement but may agree to weekly or fortnightly.



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# Termination of Employment

- Notice is provided for in the NES
- Employee is to provide the same notice as the employer (except for additional week if over 45)
- If employee fails to provide notice may withhold from any monies owing on termination



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# Redundancy

- Redundancy is provided for in the NES.
- Transfer to lower paid duties the same notice period applies as if terminated;
- If employee leaves during notice, still entitled to full severance payment
- One day time off with pay each week to find alternative employment



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# Classifications

- Two streams
  - Coaching and related staff
  - Clerical and administrative staff



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# Minimum Wages Coaching & related staff

- Grade 1                    \$37,927 p/a  
                                      \$727.40 p/w
- Grade 2                    \$42,724 p/a  
                                      \$819.40 p/w
- Grade 3                    \$51,619 p/a  
                                      \$990.00 p/w
- Grade 4                    \$58,710 p/a  
                                      \$1126.00 p/w



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# Minimum Wages Clerical and Admin. Staff

- Grade 1 \$ 592.50 \$15.59
- Grade 2 \$613.00 \$16.13
- Grade 3 \$ 637.60 \$16.78
- Grade 4 \$665.40 \$17.51
- Grade 5 \$698.40 \$18.38
- Grade 6 \$733.40 \$19.30



Junior rates apply



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# Allowances

- Out of pocket expenses
- Travelling
- Living Away from home
- Overtime meal allowance
- Meal allowance travelling
- Training programs – coaches
- Vehicle allowance
- District allowance



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# Hours of Work Clerical & Admin staff

- Average of 38 per week
- Ordinary hours may be
  - Monday to Sunday
  - 6 am to 6 pm
  - Maximum of 11 hours on one day
  - May bank up to 5 days off



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# Overtime & Penalties Clerical & Admin staff

- Calculated daily:
  - Up to and including first hour
    - Either be given time in lieu at a rate of time and one half within the following fortnight or
    - Paid at time and one half
  - After the first hour
    - Time and a half for the first 2 hrs
    - Double time thereafter



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# Hours of Work Coaching Staff

- Provided for in the NES
  - Maximum of 38 ordinary hours
  - Reasonable additional hours
  - No overtime provisions



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# Annual Leave

- Provided for in the NES
- In addition to NES, part-time and full-time coaches are entitled to additional leave depending on the number of days worked on weekends.
- Leave loading 17.5% (for NES annual leave)
- Take leave within 18 months of accrual



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# Public Holidays

- Provided for in the NES
- By agreement may substitute another day for the public holiday
- Double time and a half payment for work on a public holiday or
- Agree in writing to be paid time and a half and an additional day of annual leave or allowed a day off work within 28 days of public holiday (no deduction of pay)



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# Transitional Provisions

- Model transitional provisions will be inserted into Award.
- Award commences 1 January 2010 but
  - Increases to minimum wages do not commence until the first pay period on or after 1 July 2010



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# Transitional Provisions

- Phase in of minimum wages and loadings in five equal instalments concluding on July 2014
- *“monetary obligations imposed on employers by this award may be absorbed into overaward payments”*



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# Unfair Dismissal

- Changes commenced 1 July 2009
- Removal of the under 100 employee exemption
- Laws vary for employers with
  - under 15 employees
  - 15 employees and over



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# Unfair Dismissal

- Under 15 employees:
  - First 12 months of employment the employee is exempt from unfair dismissal
  - Follow the small business dismissal code
    - Valid reason
    - Warning
    - Opportunity to Improve



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# Unfair Dismissal

- 15 or more employees
  - First 12 months of employment an employee is exempt.
- Need for:
  - Valid reason
  - Procedural Fairness



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# Further Information:

- Members:
  - The Employee Relations Advice Centre
    - Telephone: (08)9365 7660
    - Email: [advice@cciwa.com](mailto:advice@cciwa.com)

Information on Membership  
(08) 9365 7555



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