

## Need more information?

WorkChoices Infoline - Phone  
1300 363 264

**WorkChoices** - provides comprehensive information on the new national workplace relations reform, including information products you can download.

**Office of the Employment Advocate** - gives free support and information to employers and employees on agreement making.

**Office of Workplace Services** - provides advice and assistance to workers, employers and organisations about compliance under the Workplace Relations Act.

**Australian Fair Pay Commission** - sets and adjusts the federal minimum wage under the WorkChoices legislation.

**Workplace** - employment and workplace relations services for Australians.

## Unlawful Termination Assistance Scheme (UTAS)

Employees who believe they have been unlawfully terminated may now be eligible to receive assistance from the Government.

The Unlawful Termination Assistance Scheme (UTAS)

## Parental leave - you're entitled

Under WorkChoices, certain conditions of employment are guaranteed by law including your maximum ordinary hours of work, annual leave, personal/carers leave (including sick leave) and parental leave (including maternity leave) entitlements.

Focusing on parental leave this month, we will look at what you and your spouse are entitled to under the Australian Fair Pay and Conditions Standard (the Standard) and what notice you need to give your employer.

Workplace agreements or employment contracts must provide parental leave entitlements that are equal to or more favourable than those provided in the the Standard.

Under the Standard, parents are entitled to 52 weeks of unpaid parental leave shared between both parents at the time of the birth of a child. Parental leave is also available for the adoption of a child under the age of five years. The Standard applies to all full-time, part-time and eligible casual employees with at least 12 months continuous service with their current employer.

You should note that your entitlement to 52 weeks of unpaid parental leave will be reduced by the amount of parental leave taken by your spouse and any other type of leave (e.g. annual leave or long service leave) taken for the birth or adoption of your child.

Before taking parental leave, you must follow certain procedures with your employer. An employee must:

- provide their employer with a medical certificate from a medical practitioner no later than 10 weeks before the expected date of birth (where possible);
- apply formally for parental leave by providing a written application, stating the dates for leave, four weeks before the first day of the intended leave;
- provide their employer with a signed statutory declaration detailing their leave periods and their partner's leave arrangements, as well as stating that they will be the child's primary caregiver and that they will not do work that is inconsistent with their conditions of employment while on parental leave. These requirements do not apply to an employee when birth circumstances are beyond their control (e.g. in the event of premature birth).

For more information on parental leave visit the WorkChoices website: [www.workchoices.gov.au](http://www.workchoices.gov.au).



is a Government initiative developed to help eligible terminated employees, seek independent legal advice on the merits of their claim for unlawful termination.

Eligible applicants may receive up to \$4,000 (GST Inclusive) worth of legal advice in relation to the merit of their claim in assistance if:

- they earn less than \$47,745 per year (UTAS income threshold);
- their employment was terminated on or after 27 March 2006; and
- unlawful termination could not be resolved through conciliation, and that the claim may have merit, or that the merit could not be determined.

Further information about your eligibility for assistance under UTAS is available by calling the WorkChoices Infoline on 1300 363 264 or visiting [www.workchoices.gov.au](http://www.workchoices.gov.au).

## WorkChoices publications

Do you know someone from a Non English Speaking Background who would benefit from knowing about WorkChoices?

Up-to-date fact sheets are now available in 13 different languages and can be downloaded from the WorkChoices Website [www.workchoices.gov.au](http://www.workchoices.gov.au) or ordered through the WorkChoices Infoline: 1300 363 264.

## Bargaining agents can assist you!

Did you know that all employees are entitled to help when negotiating a workplace agreement? A person who helps with this process is called a bargaining agent.

Bargaining agents can help to negotiate, vary or terminate your employment agreement with an employer. A bargaining agent must be over 18 years of age and can be a friend, union representative, solicitor or any other person whose advice you can rely on.

In most cases there are two types of agreements that bargaining agents can help you with: an individual agreement (Australian Workplace Agreement) or an agreement covering a group of employees (employee collective agreement).

If you wish to appoint a bargaining agent, you will need to inform your employer of your intentions in writing. Your employer cannot refuse to negotiate your agreement with your bargaining agent once you they have been notified of this appointment in writing.

If you or your employer want to negotiate, vary or terminate an employee collective agreement, a bargaining agent can meet and discuss the agreement with your employer. For employee collective agreements, the employer does not need to be informed in writing that a bargaining agent will be used; the bargaining agent will inform your employer of this request. Your employer must give the bargaining agent a reasonable opportunity to meet and discuss the proposed agreement. If you want your request for a bargaining agent to be anonymous, the bargaining agent will apply to the Office of the Employment Advocate for a certificate confirming that they have been requested to represent you in discussions about your agreement.

Employees and employers can get advice about agreement making from the Office of the Employment Advocate (OEA). In particular, there is detailed information available on agreement making and how to go about appointing a bargaining agent, the various types of workplace agreements available, together with a range of forms that must be used to appoint or withdraw a bargaining agent. Visit the OEA's website at [www.oea.gov.au](http://www.oea.gov.au) to access this information and the necessary forms.

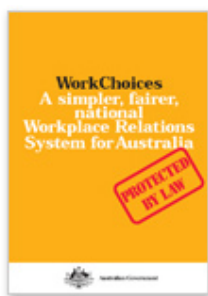




## WorkChoices fact sheets

Fact sheets are currently available in the following languages:

- Arabic
- Khmer (Cambodian)
- Chinese
- Croatian
- Greek
- Italian
- Korean
- Polish
- Portuguese
- Serbian
- Spanish
- Turkish
- Vietnamese



## WorkChoices booklet

Limited stock is available in audio, braille, large-print format and in 13 languages other than English. To order copies call the WorkChoices Infoline on 1300 363 264 and specify the format or language you require.

## Frequently asked questions

Even more answers to those questions asked at the WorkChoices seminars

### **Q. What are the conditions for pregnant employees transferring to a safe job?**

A. If a pregnant employee provides her employer with a medical certificate stating that she is fit to work but is unable to continue in her present position she is entitled to be transferred to a safe job. If an employer is unable to transfer the employee to a safe job, the employee is entitled to paid leave for the period during which she is unable to continue in her present position (as stated in the medical certificate).

A pregnant employee is only eligible to be transferred to a safe job if she is entitled to, and has formally applied for, maternity leave. This entitlement is in addition to any other leave entitlement and does not reduce the period of maternity leave to which an employee is entitled.

### **Q. Can I fire and rehire on a lower rate under an Australian workplace agreement?**

A. It is unlawful for an employer to dismiss an employee in order to rehire them under an Australian Workplace Agreement.

Under WorkChoices, employees are protected against unlawful termination and may be able to lodge an unlawful termination claim with the Australian Industrial Relations Commission if they believe they were terminated for any of the following reasons:

- refusing to negotiate, sign, extend, vary or terminate an AWA;
- absence from work during maternity leave or other parental leave;
- temporary absence from work because of illness or injury;
- the filing of a complaint, or the participation in proceedings, against an employer; and
- race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

For more information, go to the WorkChoices website [www.workchoices.gov.au](http://www.workchoices.gov.au) or phone the WorkChoices Infoline on 1300 363 264.

