

Employment and Industrial Relations Client Alert

22 January 2010

Fair Work Information Statement Commencement

From 1 January 2010, the National Employment Standards (“NES”), 10 minimum standards which apply to all employees employed by a national system employer, commenced operation. The NES includes an obligation for all new employees to be provided with a Fair Work Information Statement (“Information Statement”) either before or as soon as practicable after the employee commences employment. The Information Statement is intended to provide guidance to employees about their rights and entitlements at work including the NES, modern awards, agreement making under the *Fair Work Act 2009* (Cth) and termination of employment.

Employers who do not comply with any of their obligations under the NES (including the provision of the Information Statement) face penalties of up to \$6,600 for individuals and \$33,000 for a body corporate. Employers must ensure that they update their recruitment and induction policies to include reference to the Information Statement. A copy of the Information Statement can be located at:

<http://www.fairwork.gov.au/Pay-leave-and-conditions/Conditions-of-employment/Documents/Fair-Work-Information-Statement.pdf>

In addition to the commencement of the Information Statement, employers should be aware of their obligation under most modern awards, to inform their employees of their individual classification under their applicable modern award. For example, the *Clerks – Private Sector Award 2010* clearly states that ‘employers must advise their employees in writing of their classification and of any changes to their classification.’ This classification will be based on the skill level or levels required to be exercised by the employee in order to carry out the principal functions of the employment. Employers should ensure that they comply with this requirement, or they may face a penalty.

For any further information in relation to the NES, the Information Statement or compliance with the Fair Work Act, please contact the Employment and Industrial Relations Team at Russell Kennedy on (03) 9609 1555.

DISCLAIMER

The information contained in this alert is intended as general commentary and should not be regarded as legal advice. Should you require specific advice on this topic, please contact the author directly.