

Comments re discussion paper "national employment standard exposure draft"

The Government released the Discussion Paper – National Employment Standards Exposure Draft on 14 February 2008. The Exposure Draft includes the 10 National Employment Standards which, together with the modernisation of Awards, will form an enforceable safety net to protect fair minimum wages and conditions for working Australians.

This discussion report describes ten basic points of work place industry and describes the problems

1. Maximum weekly hours of work
2. Requests by parents for flexible working arrangements
3. Parental leave (and related entitlements)
4. Annual leave
5. Personal/career's leave and compassionate leave
6. Community service leave
7. Long service leave
8. Public holidays
9. Notice of termination and redundancy
10. Fair Work Information Statement

Presentation

The over all discussion paper presentation is very good and because it has abbreviations and glossary references and it has divided according to all topics which has been discussed in this draft.

The discussion paper has table of contents which describe the all topics one by one and with the page references and it's very easy to find relevant topic rather than to read to whole draft.

The draft has questionnaire to involve people that what they think about the draft (as a feedback) and they can submit their opinions to department of employment and workplace Relations till 4th April 2008.

draft reading and wording

The draft is not very tough but our group find that during reading the draft the it has law language which is not easy understand and it describe very deeply about every topic and that's why we have to read very carefully to understand that what actually it says and what it is mean. The draft has lots of acronyms and to understand their meaning or to find their meaning we need to consultant the internet. The wording is used in draft is very formal but not very tough which is very good because from our group understanding it describe that everybody can understand this draft easily.

overall draft

The over all comments on draft is that it is describe all that points which should be know by every employee and employer in the work place industry. The usefulness of this draft is that both employee and employer should have understanding about their right under the law and they can provide safe and friendly work place industry.

Areas of Interest

Maximum Weekly hours

The points which are considered in this discussion paper for maximum weekly hours are covering every step that is acceptable for both employers and employees. It describes that since 1980's 38 hours in a week for full-time employees is the accepted community standard and it should not be exceed then that. If in case, employer asks an employee to work for extra hours, it's their right to accept or decline. Long working hours are not a good idea in accordance to health and safety reasons. It specifies that an employee maybe need to work some reasonable additional hours to reach at 38 hours per week. For example, an employee takes leave for some hours and employer wants him/her to work on an important project, so employer can asks for some extra hours which are reasonable and employee will get overtime payment, penalty rates or other rewards for working that hours. In this proposed National employment standards it allows the averaging of hours for the convenience of employers and employees.

According to my experience in most of the workplaces (labour industry) even a full time employee does 38 hours, but employers still wants their employee to do more hours without any reward with averaging of hours which is unreasonable and employee can't do anything about it. So I think they should have such agreement which doesn't allow employers to force their employees to work.

Annual Leave

The proposed annual leave NES allows full time and part time employees (casual employees are not included) with four weeks of paid leave (an extra week for shift workers) in a year which are acceptable according to the community standards. It gives the chance to employees to have a break and balance their work and personal lives because continues work can go against the health and safety of the workers. It tells us an employee can not take a paid leave during his illness or injury. But instead, they can get some reward which is differs from industry to industry. An employee cannot refuse to give paid annual leave with no reason and employees are entitled to get annual leave at 'a base pay rate' which is their ordinary hours pay. If a full time employee is terminating job, he/she is eligible to get paid annual leave at the time of termination (according to the period of job).

The proposed annual leave NES provides employees to get their annual leave at any stage of the year in accordance to the period they work which means they don't have to wait for 12 months to get their annual leave and its very friendly and helpful for the employees even for those who are going to terminate job before 12 months.

Employers need to keep record and show on employees pay slip about their available hours of annual leave after every week.

The proposed annual leave NES does not specifies the rate of accrual annual leave like if an employee moves from part time work to full time or full time to part time. The NES proposal does not advice that how annual leave can be paid to an employee. It gives a complete flexibility of taking annual leave in blocks or all at once.

An employer can not refuse to pay annual leave unreasonably however the proposed annual leave NES does not describe that what are unreasonable refusal by an employer could be.

An employee is entitled to receive annual leave in transmission of a business which means if an employer is taking over to the business where you are working, he/she still have to pay annual leave because the liability is carried over by a new employer. Modern awards can be interact with NES entitlement to annual leave by providing flexible options for taking leave by agreement between employer and employee for example increasing the leave by double but half the pay. The Proposed annual leave NES does not define the types of shift workers who are eligible for an extra week of paid annual leave.

The proposal of annual leave NES is pretty straight forward. It narrates all the topics and solves the problems and issues that could be raised by employees or employers.

Long service leave

In long service leave discussion draft it describe that long service leave rights are protected by the Government. According to our group comments that long services leave is not for every body only for specific people are eligible to have long leave (work for the company long time approx 10-15 years) and it varies to organisation to organisation and the leave is not negotiable because all right are protected by the Government.