



Mediation and Employment Relations Service

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LSA MEMBER UPDATE JANUARY 2020

Happy New Year and we hope that you and your families had a Happy Christmas whilst at the same time having concerns for those families and businesses affected by the bush fires.

Community Services & Emergency Management Services

You may have members of the CFS who were recently involved in fighting the current bushfires. Those employees have an entitlement to “community service leave” which includes the need to travel and attend an eligible “voluntary emergency management activity”. These activities include:-

- (a) Acting as a volunteer in an Emergency Management Body; and
- (b) The employee has been requested by that Body to provide assistance.

The Fair Work Act 2009 does not provide entitlements for paid leave for community service but, if you have employees who have taken such leave recently, they may wish to utilise other forms of leave (e.g. annual leave and/or long service leave). That is apart from any separate grant by the Federal Government.

Army Reservists may have an entitlement to other forms of leave in accordance with the Defence Reserve Service (Protection) Act 2001.

Please note that should a request for such leave be refused by an employer, the employer may be at risk of a General Protection’s claim under the Fair Work Act 2009.

Fair Work Information Statement

The new Fair Work Information Statement has been issued and is effective immediately. Employers must provide every new employee a copy of the Fair Work Information Statement (the Statement) before, or as soon as possible after, they start their new job.

The Statement provides new employees with information about their conditions of employment and is accessible at

<https://www.fairwork.gov.au/ArticleDocuments/724/Fair-Work-Information-Statement.pdf.aspx>

The Statement can be given to new employees:

- (a) in person
- (b) by mail
- (c) by email
- (d) by emailing a link to our website
- (e) by fax.

It is recommended that a copy be placed on the Staff Notice Board or near timebooks as well.

Shearer Contractors or Employees

There are shearers who advise that they are contractors. Unless they are part of a team or gang they are most likely employees bound by the provisions of Part 7 of the Pastoral Award 2010 which can be accessed at

https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000035/default.htm

If a shearer provides an ABN and request payment on an invoice that does not make that shearer a contractor.

If a shearer is engaged as a contractor in a “sham arrangement” when s/he is an employee the employer may face penalties from Return to Work SA and the Australian Taxation Office.

If in doubt please contact us BEFORE you engage the person and make sure that the shearing rate is set BEFORE shearing commences.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

CHAS CINI
PRINCIPAL