

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2011-2012**

Outcome 5 - Workplace Relations & Economic Strategy

DEEWR Question No. EW0504_12

Senator Abetz provided in writing.

Question

Small Business

- "1. What is the Government doing to ensure that small business – in particular – are informed and educated on the provisions of the Fair Work Act and their obligations?
2. Please provide a table including all workplace relations regulations and provisions of the Fair Work Act that specifically apply to small business.
3. Please provide a table including all workplace relations regulations and provisions of the Fair Work Act that provide concessions or support to small business. "

Answer

1. The Fair Work Ombudsman (FWO) provides education, assistance and advice about the national workplace relations system.

The FWO provides a range of tools, available at www.fairwork.gov.au, to assist small business. PayCheck Plus is an online tool that assists small business with the calculation of pay rates for their employees. A Self Audit Checklist is also available for employers to determine whether record-keeping requirements are being met.

Template employment documentation and letters for use by small business relating to commencing employment, managing employment and ending employment are available at fair work online. For example, template letters of engagement help employers and employees to build harmonious workplaces through mutual understanding of job conditions from the start of the employment relationship.

Twelve Best Practice Guides are available to download, dealing with a range of workplace matters such as small business and the FW Act, managing underperformance, improving workplace productivity through bargaining and parental leave.

In addition, small business owners can contact the FWO's telephone enquiry service on 13 13 94. The Fair Work Infoline helps members of the public to understand their obligations and is available from 8am to 6pm, Monday to Friday. There is also a 'Live chat' service where clients can instantly message a query to an advisor online.

Specific funding for education in certain industry sectors was announced on 5 January 2010 by the then Minister for Employment and Workplace Relations,

the Hon Julia Gillard MP. \$2.7 million was set aside for the FWO for “co-ordinated information and educative activities in specific industry sectors identified as being most in need of targeted information.” The Shared Industry Assistance Project (SIAP) program was established in response to this announcement.

Through the SIAP, the Fair Work Ombudsman has provided 15 employer organisations with grants of \$2.69 million and assisted these organisations to develop and facilitate education materials and seminars.

In addition, Employer Education Packs have also been developed for Australian employers transitioning into the federal system. Many of these are small businesses and will receive Transitional Education Visits (TEVs) from Fair Work Inspectors. Around 36,000 TEVs have taken place since the beginning of 2010.

2. Workplace relations regulations and provisions of *Fair Work Act 2009* (FW Act) that specifically apply to small business

ISSUE	PROVISIONS
Definition of small business	Section 23 of the FW Act defines a ‘small business employer’ as employing less than 15 employees at a particular time.
Redundancy pay exemption	Section 121(1)(b) of the FW Act provides the exemption for small business employers, that is those employing fewer than 15 employees, from the obligation to pay redundancy pay under the National Employment Standards.
Unfair dismissal - Minimum employment period	Under section 383 of the FW Act the minimum employment period – the qualifying period for unfair dismissal protection for employees of businesses with less than 15 employees – is doubled from 6 to 12 months.
Small Business Fair Dismissal Code	Section 385 of the FW Act specifies that a dismissal will not be unfair if it was consistent with the Small Business Fair Dismissal Code.

3. Workplace relations regulations and provisions of *Fair Work Act 2009* (FW Act) that provide concessions or support to small business

ISSUE	PROVISIONS
Redundancy pay exemption	Section 121(1)(b) of the FW Act provides the exemption for small business employers, that is those employing fewer than 15 employees, from the obligation to pay redundancy pay under the National Employment Standards.
Unfair dismissal - Minimum employment period	Under section 383 of the FW Act the minimum employment period – the qualifying period for unfair dismissal protection for employees of businesses with less than 15 employees – is doubled from 6 to 12 months.

Small Business Fair
Dismissal Code

Section 385 of the FW Act specifies that a dismissal will not be unfair if it was consistent with the Small Business Fair Dismissal Code.