

FACT SHEET 1

THE FAIR WORK ACT: AN OVERVIEW

What's it all about?

The national workplace relations system changed from 1 July 2009 with the introduction of the Fair Work Act 2009.

Some of the key features of the new workplace laws are:

- a system based at bargaining at the enterprise level
- protections from unfair dismissal for employees
- protection for the low paid
- the right to be represented in the workplace

Does the Fair Work Act apply to me?

Most of the Australian workforce will be covered by the new workplace laws.

The Act will generally apply to 'national system' employers and their employees. The national system includes employers like constitutional corporations, the Commonwealth or a Commonwealth authority, as well as employers in the Territories and almost all employees in Victoria (including non-trading corporations).

However, some parts of the Act will apply to all employees

- Notice of termination
- Unlawful termination
- The National Employment Standard for parental leave

Introducing Fair Work Australia

The Fair Work Act introduces a new "one stop shop" called Fair Work Australia.

Fair Work Australia will take over the responsibilities of the:

- Australian Industrial Relations Commission
- Australian Fair Pay Commission
- Workplace Authority
- Workplace Ombudsman

Fair Work Australia will:

- set and adjust award wages
- make minimum wage orders
- review and vary awards every 4 years
- make bargaining orders where necessary
- make workplace determinations to settle bargaining disputes
- supervise the taking of industrial action
- approve agreements
- conciliate (and in limited cases) arbitrate disputes
- deal with disputes concerning union right of entry
- determine whether an industrial instrument applies in a transfer of business
- determine unfair dismissal claims
- have the power to convene compulsory conferences aimed at settling disputes

