

## WORKPLACE BUZZ

### What Now?! (Workplace Relations Amendment Bill)

The uncertainty generated by the new “Fairness Test” means that any business couldn’t possibly expect to negotiate these types of tests themselves without professional help. Those who have already introduced workplace agreements will simply have a more involved process than before but the good news is that they will be able to continue what they are currently achieving.

#### Summary of changes:

- Reverse onus of proof if you dismiss someone, for any reason, who is on a workplace agreement. The worker can claim you sacked/threatened to sack them, & you have to prove otherwise or cop a penalty of up to \$33000, because your workplace agreement didn’t pass the Fairness Test. You will need to prepare a performance management process.
- Where protected Award conditions such as penalty rates and public holiday pay are removed or modified, a higher rate of pay will be required.
- A pre-lodgement assessment will be available however, given that more than 20000 AWAs have already been lodged since May 7th, how long do you think it will take them to give you an answer? You will have 14 days to amend anything that doesn’t pass the Fairness Test when they review the AWA.

As always, we’ve been working on innovative solutions. We suggest you have 2 options:

- [Outsource](#) your workers to the Haycroft Workplace Solutions Payroll Administration Service. Our arrangements were put in place long ago so we can replicate your existing conditions. No upfront costs and an immediate solution!
- \*“Rudd-Proof” your business\*. We do this by setting up a Collective Workplace Agreement (CWA) so that all new workers who start with you are automatically on the same conditions as the existing AWA workers. (conditional on the Fairness Test). These will last 5 years.

You may choose to do nothing however a random audit may well result in fines up to \$33,000 a time for Award breaches. There is also the question of how you can manage your business with a growing staff of Award workers getting paid more than your existing AWA workers.

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[\\*Contact us](#) for specific advice for your business. This is particularly important to those employers who are minimum wage employers. Those who employ people on rates higher than the minimums will still need to talk to us, but may have more flexible options.

**Act Now! Call us on 1300 766 380 or [email](#) your questions**

## What's New?

- Haycroft Workplace Solutions was a major sponsor of the Port of Brisbane Lifeline Blues Cruise to raise awareness in the community about the illness of depression with the focus on education, speaking out and seeking help. Lifeline raised over \$16,000 to help fund their 24 Hour Crisis Counselling Line, free face to face counselling and support services. With 7 boats travelling in formation on the Brisbane River, Lifeline with their sponsors and guests were able to create an enjoyable evening for such a great cause.
- We have a new addition to our team. Xenia Zeider is from Russia, took herself to Germany a couple of years ago to study Business Administration, & is currently at QUT for a semester under a study abroad programme. Xenia has joined us as an intern, whereby she will work with us to gain practical knowledge and skills associated with her degree. Not only does our business benefit from another bright young person in the Brisbane office but, when you take on skilled Russian workers through our recruitment or labour hire services to fill your vacancies that can't be filled with an Australian resident, we can provide the added advantage of a Russian-speaking support person (until she returns to Germany).

## OH&S

I read the [article](#) below on WorkCover fraud with a smile on my face having just had a similar scenario play out with one of our workers. In our case, WorkCover Queensland is presently weighing up whether to prosecute or not. There are a few things to consider, such as how much you spend to recover the fraudulent monies.

The fraud was quite simple and was easily assisted by a willing accomplice. Here is the sting. Worker is a concrete truck driver who strains his knee at work (allegedly). He continues to work but attitude towards the workplace dictates he is no longer required at that job site. He has foreseen his demise at this employer and has teed up work at another firm, truck driving garbage trucks. This sort of work was very early starts and finishes at 10-11 in the morning. These mid-morning finishes meant he would be able to field calls from WorkCover regarding his case management. If WorkCover called before he was home from work, his wife would cover for him and say he was down the shops getting milk, paper etc.

He was brought unstuck by shooting his mouth off at the local watering hole with his old co-workers in earshot. Lines like, "I got WorkCover to pay for my knee replacement", etc etc. His ex-workmates were not

impressed and passed on this information. WorkCover were notified and surveillance was put on him. The worker sensed that WorkCover were on to him and tried to have the claim ceased. He said he was right to return to work. Well of course he was - he had never left. He was collecting WorkCover and a weekly pay cheque. Too late, the horse had bolted and he is now in negotiation as to how to repay the money.

The decision to prosecute or not is up to the bean counters, and is out of our hands. We, the employer, can look forward to having the WorkCover payments stricken from our claims history and a sense of satisfaction for pointing out a blatant fraud.

#### **Tips from this case:**

Communicate with WorkCover regularly. Lead them to your desired result. Be patient to realise your goal for each case. Bureaucracy and Commerce have differing concepts of time.

*Ben's services can be engaged on a case by case basis. Call 1300 766 380 or [email us](#).*

#### **Victorian worker jailed for one month for WorkCover fraud**

The latest Victorian worker found guilty of defrauding the State workers' compensation scheme has been sentenced to one month's imprisonment for his offence.

The labourer was injured at work in October 2004 and began receiving compensation. He was certified unfit for any duties and on all WorkCover certificates of incapacity he declared that he had not worked.

On two occasions, in September and October 2005, surveillance disclosed that he was working as a crowd controller. Further investigations found he worked 59 shifts between July and November 2005.

The Magistrates Court ordered him to repay \$7209 as well as serve his sentence.

#### **Profile: Meet The Team! - Jenny Noble**

Jenny Noble likes to work behind the scenes but we insisted she appears in Workplace Buzz. She came to us after extensive sales management and marketing experience with one of the world's largest pharmaceutical companies. Her working life began as a hospital-based Registered Nurse then specialising in the areas of juvenile delinquency & substance abuse. Jenny is passionate about people (so family, travel and languages are important), cycling & kayaking, politics, the arts and reading.



We caught Jenny doing 85kms round trip...in one of her passions cycling!

She doesn't have a title because she likes to multi-task but, when it comes to managing people & process or Labour Hire International, you'll find her focus is pretty sharp.

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