



Flexible work arrangements



Pregnancy related changes

Scan the QR Codes to view the Fact Sheets

MORE STAFF ELIGIBLE FOR FLEXIBLE LEAVE

The federal government has made a number of changes to the Fair Work Act that may impact on Guild Members' business.

Some new family friendly changes became effective on 1 July 2013 that go beyond provisions for parental leave.

Under the changes more groups of employees have the right to request flexible working arrangements. These include:

- employees with caring responsibilities
- parents or guardians of children that are school age or younger
- employees with disability
- employees who are 55 years or older
- employees who are experiencing family violence or who are caring for or supporting a family or household member who is experiencing family violence.

Flexible work arrangements may include changing hours of work, changing patterns of work and changing the place of work, for example working from home.



An employee needs to have been working with the current employer for at least 12 months or be a casual employee who has been employed regularly or systematically for at least 12 months and is likely to continue working regularly. It's important for pharmacy owners to familiarise themselves with the changes and any impact they might have on business.

An employer can refuse an employee's request for flexible working arrangements. These may include the new working arrangements being too expensive for you to implement, the change would result in a significant loss of efficiency or productivity or there is no capacity to change the work arrangements of other staff affected.

SPECIAL MATERNITY LEAVE (UNPAID)

There are also additional pregnancy related changes to the Fair Work Act now in effect including a provision for special maternity leave. A female employee can now take **unpaid special maternity leave** if she can't work because of a pregnancy related illness or if pregnancy ends with other than the birth of a living child within 28 weeks of the expected birth date. For example if the child is stillborn.

To be eligible an employee needs to meet the same eligibility criteria for unpaid parental leave. Employees who take special maternity leave are still entitled to take the full 12 months unpaid parental leave. A pregnant employee now also has to be transferred to an appropriate 'safe' job if it is deemed unsafe for her to do her usual job. If transferred she's entitled to the same entitlements, full rate of pay and ordinary hours of her usual job.

WRITTEN REQUESTS

Employers are encouraged to discuss the request for any changes to usual working arrangements with the staff member. As a starting point ask the employee to put their request in writing, providing specific details of the arrangements being requested including when the new arrangements would start and how long they might last for. Writing the request will help the employee consider issues such as the financial impact of a change in their work arrangements or any child care issues.

The Guild has prepared detailed Workplace Relations fact sheets to inform members of the changes and how these may impact on business. They are available for download from the Guild website or by scanning the QR codes above.



OTHER WORKPLACE RELATIONS UPDATES

1. ITS TIME TO REVIEW YOUR CASUAL STAFF CLASSIFICATION

The Pharmacy Industry Award 2010 (PIA2010) does not allow for new employees to be engaged as casual if they work on a regular and systematic basis. The PIA2010 contains a transitional provision that allows casual employees who were working regularly and systematically immediately prior to the award commencing ('permanent casuals') to continue to be classified as casual but only until 1 July 2014.

While some staff would prefer to maintain the casual loading that they receive rather than the additional leave and other entitlements that accrue from permanent part-time classification, under the award staff who work a regular pattern of work are treated as permanent and must be paid that way. Casual employees are now the most expensive form of employment, due to the phased increases to the casual loading and penalty rates. For this reason, you should consider converting any remaining permanent casual employees to part-time or full-time status this year

2. COMPULSORY SUPERANNUATION NOW 9.25%

Don't forget that the changes to superannuation guarantee came into effect on 1 July 2013. Employees must now pay 9.25% of an employee's wage to superannuation, an increase from 9%. You should check that your payroll has been adjusted. This is the first in a planned series of incremental increases over seven years that will eventually see the superannuation guarantee rate increase to 12% in July 2019.



For further information
visit: <http://goo.gl/69NYKs>
or scan the QR.

3. FAIR WORK INFORMATION STATEMENT

The Fair Work information statement that needs to be provided to every employee has changed. Members are advised to make sure that you have the new version of the form.

Every new employee must be given a copy of the Fair Work Information Statement before or as soon as possible after they start their job. Getting the statement is one of 10 minimum entitlements in the National Employment Standards.



For further information
visit: <http://goo.gl/zwM3lz>
or scan the QR.

4. DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY AND INTERSEX STATUS IS UNLAWFUL

From 1 August 2013 it became unlawful to discriminate against a person on the basis of sexual orientation, gender identity and intersex status under federal law. Same-sex couples are now also protected from discrimination under the definition of 'marital or relationship status'. These new protections will particularly apply to lesbian, gay, bisexual, trans, gender diverse and intersex people.

The Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (Cth) (SDA Amendment Act) inserts these new grounds into the Sex Discrimination Act 1984 (Cth) (SDA). People will be able to make complaints to the Australian Human Rights Commission if they believe they have been discriminated against on the basis of these new grounds.

Most states and territories have some form of protection against discrimination on the basis of sexual orientation and gender identity; however, the SDA Amendment Act introduces more inclusive definitions and addresses gaps such as a lack of coverage for acts or practices of the federal government. It also includes the new ground of intersex status.



For further information
visit: <http://goo.gl/LePVIN>
or scan the QR.