



## Welcome to the November edition of *Member News!*

### AWARD UPDATE

The four-year review of the modern awards continues. As from 1 November, 2018 the period of notice that an employee has to provide an employer if they are leaving has been changed, aligning with the period of notice that an employer must give an employee.

Based upon the length of service both **employers and employees** must give the requisite period of notice as set out below:

Employee's period of service	Period of notice
Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

**Note:** For an employer giving notice they must add one extra week if the employee has been employed for more than two years and is over the age of 45.

### Workplace Flexibility

From 1 December 2018 a new clause will be added to all awards setting out requirements for employers who receive a request for flexible working arrangements under the National Employment Standards. Specifically, the employer must discuss the request with the employee and respond in writing within 21 days, approving or denying the request. If denied, reasons must be provided. More information about requests for flexible working arrangements and how to respond is available on the Fair Work [website](#). You can also contact Andrew for assistance.

### Casual Employees

If you have casual employees do not forget to provide them with a copy of the casual conversion clause before 1 January 2019. A copy can be obtained from our website, [www.primaryemployers.com.au](http://www.primaryemployers.com.au)

### PAYSLIPS

A couple of times recently we have heard of employers not providing payslips to their employees. The legislation provides that not only must all employees receive a payslip, but that certain information is set out on the payslip:

- employer's and employee's name
- employer's Australian Business Number (if applicable)

- pay period
- date of payment
- gross and net pay
- if the employee is paid an hourly rate:
  - the ordinary hourly rate
  - the number of hours worked at that rate
  - the total dollar amount of pay at that rate
- any loadings, allowances, bonuses, incentive-based payments, penalty rates or other paid entitlements that can be separated out from an employee's ordinary hourly rate
- the pay rate that applied on the last day of employment
- any deductions from the employee's pay, including:
  - the amount and details of each deduction
  - the name, or name and number of the fund/ account the deduction was paid into
- any superannuation contributions paid for the employee's benefit, including:
  - the amount of contributions made during the pay period (or the amount of contributions that need to be made)
  - the name and / or number of the superannuation fund the contributions were made to.

### SHEARING SHED SAFETY

There are many risks to workers in shearing sheds, especially as they age (both the sheds and the shearers). One of the main risks is manual handling strains as shearers deal with heavier sheep.

As the owner of the property, whether the shearing staff are your employees or contractors, you have a responsibility as the PCBU (person conducting a business or enterprise) to ensure that the workplace is safe and avoid injuries. Remember to ensure adequate time for sheep to empty out and talk to your vet about administering the correct dose of sedative to rams prior to shearing. As the rams belong to you it is your responsibility to sedate, not the shearers. Safe Farming Tasmania can assist in working with you to ensure that risks are minimised and everyone is safe.

You can contact Phill Johns from Safe Farming Tasmania on 0407 105 400.

### BUYING A FARM & KEEPING THE EMPLOYEES

Often when buying a farm you may agree to take on the existing staff. There are a number of matters you need to consider when doing so.

Firstly, as the new employer, you should do a due diligence of the existing staff, finding out about their history; length of service, performance standards and previous problems that may have arisen.

For a small business, new employees are normally subject to a 12-month period in which they can be terminated without being entitled to claim unfair dismissal, however this is not the case with transferring employees. You must advise them in writing, **before** they start working for you, that you are not recognising their prior service. If you employ 15 or more employees, that is, a large business, it will be a six-month period.

Notwithstanding, their prior service does count for long service leave, and you inherit the employee's sick leave accruals.

If you are looking to buy a farm contact Andrew who can give you the necessary documentation and a due diligence checklist.

### EMPLOYMENT MYTH

It is often thought that if an employee is away from work for three days or more without notification, that they have 'abandoned their employment'.

Just because an employee doesn't turn up to work, doesn't mean that they have necessarily abandoned their job.

Whilst abandonment of their work is considered reasonable grounds for dismissal, abandoning the job is not a form of resignation – even if the employee regards it as such.

So, what should you do if an employee has been away for a period of time without notifying you?

Firstly, you should attempt to speak to the employee – either in person or on the phone – to ask what is going on. If you can raise them this way, ask for an explanation and tell the employee that you will assume they have abandoned their employment if they do not have an appropriate reason.

If necessary, and you cannot raise them on the phone, you should also put these questions to the employee in writing, including a request for an explanation and a timeline for an expected response.

If you cannot contact the employee directly, try to contact a relative of the employee.

You must take steps to do this before concluding that the employee has abandoned their employment, because the employee may not be able to contact you themselves, due to circumstances beyond their control – such as hospitalisation.

Be sure to review your employee contract and any awards that your workers might be subject to – as some have a set of rules covering abandonment of employment which you should observe.

### CHRISTMAS PARTIES

As Christmas approaches many businesses are planning staff functions. This is a great way to finish the work year and reward employees in an informal atmosphere. These functions may even include partners and clients.

However, it should be remembered that workplace laws such as WH&S, sexual harassment and discrimination laws still apply to these functions and employers need to be aware that they can be held liable for inappropriate behaviour and injuries that may occur during the festive season, even at venues outside of the workplace.

See the Members area of our website for further details.

### NEW RULES APPROVED

The Fair Work Commission has confirmed the new rules of the association which were approved at this year's AGM. A full copy is available on the [website](#).

### MEET YOUR COMMITTEE

Your Committee is continuing to facilitate meetings around the state to allow members to catch up and discuss issues of importance.

On Thursday 21 February 2019 we will be meeting in Deloraine. More details closer to the date.

*Felicity Richards*, President

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### Associate Degree in AgriBusiness

The Associate Degree in Agribusiness (Z2A) has been developed in consultation with Tasmanian industry and blends business studies in management, finance, marketing and planning with technical skills in agriculture. Contact the University today for further details [here](#).



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