



Dear Member

COMMENCEMENT OF NATIONAL EMPLOYMENT STANDARDS

We advise members that the new National Employment Standards commence on 1 January 2010. The NES are attached.

What are the new National Employment Standards?

The NES are the new ten minimum conditions applicable to employees, and are additional to the new awards.

1. Maximum weekly hours

Under the NES, the standard weekly hours of work for an employee will be 38 hours per week (or less for part timers). You may request or require an employee to work reasonable additional hours.

2. Requests for flexible working arrangements

The NES provides that permanents and casuals who have completed at least 12 months of continuous employment and is a parent (or has responsibility for the care) of a child under school age may make a request for a change in their working arrangements to assist the employee to care for the child. An employer may refuse the request only on reasonable business grounds.

3. Parental leave and related entitlements

Employees are entitled to 12 months unpaid leave. The right to return to their pre-parental leave position remains. An employee now has the right to request an extension of their period of parental leave for an additional 12 months. This leave has been extended to same sex couples.

4. Annual leave

An employee is entitled to 4 weeks of annual leave (and an extra week if the employee is a shiftworker). Annual leave is to be taken at a time agreed between the employer and the employee, and an employer must not unreasonably refuse to agree to a request.

5. Personal/carer's leave and compassionate leave

Employees (other than casual employees), are entitled to:

- up to 10 days of personal/carer's leave in each year
- up to 2 days of unpaid carer's leave.
- 2 days compassionate leave

6. Community service leave

An employee on jury service (paid) or carrying out a voluntary emergency management activity (unpaid) is entitled to be absent from work.

7. Long service leave

The NES retains the current (state based) entitlements for employees.

8. Public holidays

Employees are entitled to be absent from work on a day that is a public holiday. An employer will be able to request an employee work on a public holiday, but an employee may refuse the request if the request is not reasonable or the refusal is reasonable.

9. Notice of termination of employment and redundancy pay

The NES provides for the sliding scale of notice of termination of employment. The requirement for the notice of termination of employment to be in writing is retained. The NES also contains a statutory entitlement to redundancy pay for permanent employees whose employer employs 15 or more employees (including certain casual employees).

10. Fair Work Information Statement

The NES will require an employer to provide each employee with a copy of the new Fair Work Australia Information Statement before or as soon as practicable after the employee commences, and deals with awards, agreements, role of Fair Work Australia.

Who do they apply to?

The NES apply to all national system employees and employers.

When do they apply?

From 1 January 2010.

Why the National Employment Standards?

The NES has been developed and legislated to simplify awards and provide national laws to cover the general employment entitlements that used to be dealt with in awards. The new awards and NES make up the two parts of the Government's employee Safety Net.

How are they enforced, and by whom?

The Fair Work Ombudsman has the power to investigate and prosecute breaches of the NES.

Can the NES be varied at all by agreement between an employer and employees?

Where an employee is award or agreement free in some circumstances the NES can be altered to suit individual circumstances (allowed by the regulations).

Please call the undersigned on 0412 421 786 if you have any queries.

Yours sincerely

**Anton Duc
Workplace Relations Manager
Baking Associations of Australia**