



Employment Law- a crash course for farmers

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State System

Sole traders, partnerships and trusts with a personal trustee

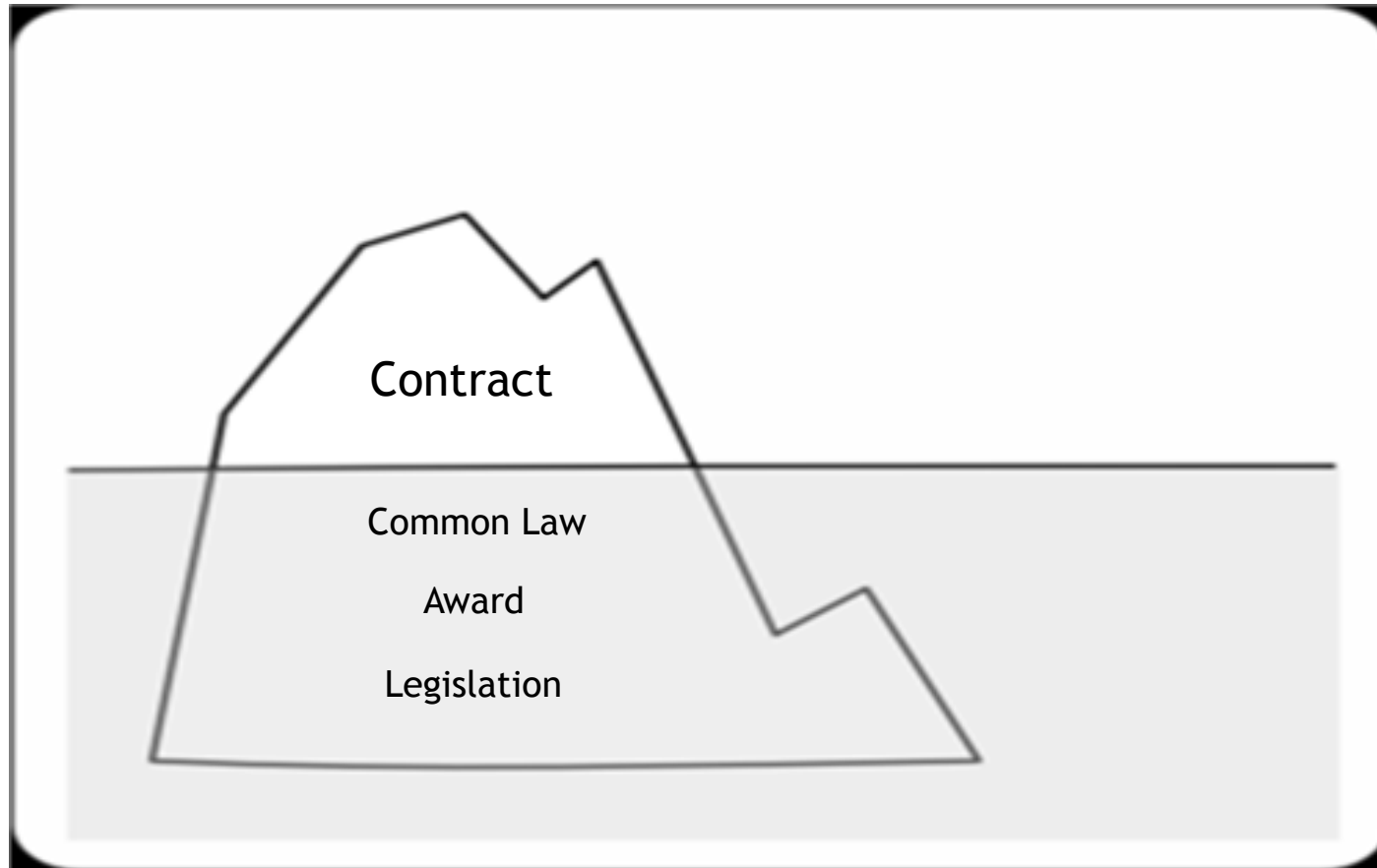
- ▶ Farm Employees Award (WA) 1985
- ▶ Industrial Relations Act (WA) 1979
- ▶ Minimum Conditions of Employment Act (WA) 1993
- ▶ Long Service Leave Act (WA) 1958
- ▶ Some parts of the Fair Work Act 2009

Federal System

Companies and trusts with a company trustee

- ▶ Pastoral Award 2010
- ▶ Fair Work Act 2009
- ▶ Long Service Leave Act (WA) 1958

Legal Interaction



The Risk



Key Areas of Compliance

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the slide, creating a modern, layered effect. The text is positioned on the left side of the slide, set against a plain white background.

State System

- ▶ \$17.52 p/hr Permanents
- ▶ \$21.02 p/hr Casuals (20% loading)

MYTH or FACT

- ▶ 4 weeks annual leave, 2.923 hours per week, 17.5% leave loading, cannot “cash out” leave, cannot direct employees to take leave
- ▶ 2 weeks of personal carer’s leave, 1.462 hours per week
- ▶ 2 days paid bereavement leave (applies to casuals)
- ▶ 8 and 2/3 weeks of long service leave after 10 years of service

Federal System

Level	PERMANENT Rate	150%	200%
FLH1	\$16.87	\$25.31	\$33.74
FLH3	\$17.60	\$26.40	\$35.20
FLH5	\$18.34	\$27.51	\$36.68

Federal System

Level	CASUAL Rate 25% loading	150%	200%
FLH1	\$21.08	\$29.53	\$37.96
FLH3	\$22.00	\$30.80	\$39.60
FLH5	\$22.93	\$32.10	\$41.27

FLH1 Casual Rate for double time = $(\$16.87 \times 2) + (\$16.87 \times 0.25)$

Federal System

Overtime applicable after

- ▶ 38 hours per week OR
- ▶ 152 hours per month

Overtime payable at

- ▶ Time and a half (150%)
- ▶ Double time on Sundays (200%) unless feeding or watering stock

Federal System

- ▶ Minimum engagement period of 3 hours for casual and part-time employees
- ▶ 30min unpaid meal break per shift or double time applies
- ▶ 10min paid rest break per shift
- ▶ Allowances are applicable (meals, first aid, wet work, etc)
- ▶ Double time penalty applies for work performed on a public holiday

Federal System

- ▶ 4 weeks of annual leave, 2.923 hours per week, 17.5% leave loading, cannot “cash out” leave, can direct employee to take excessive leave
- ▶ 2 weeks of personal carer’s leave, 1.462 hours per week
- ▶ 2 days of paid compassionate leave (unpaid leave for casuals)

- ▶ 10 days of paid jury service
- ▶ Unpaid leave for voluntary emergency service

- ▶ 8 and 2/3 weeks of long service leave after 10 years of service

Notice Periods

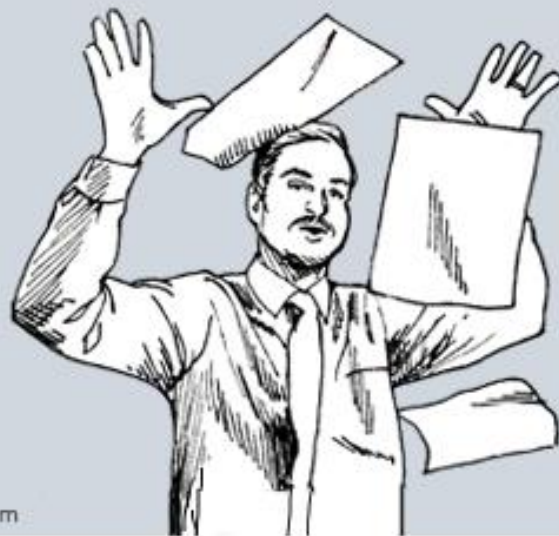
MYTH or FACT

Length of Service	Weeks of Notice
<1 year	1 week
>1 year but <3 years	2 weeks
>3 year but <5 years	3 weeks
>5 years	4 weeks

Avoiding Unfair Dismissal

- ▶ Small Business Fair Dismissal Code
- ▶ Minimum 12 months of service in federal system
- ▶ Provide a valid reason
- ▶ Have given previous warnings and the chance to improve
- ▶ At disciplinary meetings the employee was given a chance to respond to allegations of poor performance
- ▶ You provided the employee with appropriate support and time to improve their performance
- ▶ Employee was notified their performance needed to improve or they could be terminated

I'm out.



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Help??

- ▶ www.fairwork.gov.au - for templates (contracts, payslips, induction checklists, performance management and ending employment), award, pay rates, advice, Small Business Fair Dismissal Code, etc
- ▶ www.commerce.wa.gov.au/labour-realtions - 1300 655 266 for state system assistance
- ▶ www.thepeopleindairy.org.au - flat rate calculator for the Pastoral Award 2010
- ▶ HR Advance or Chamber of Commerce and Industry Western Australia