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EMPLOYMENT LAW

If at First You Don't Succeed to Make Changes to the Fair Work Act ... Try Again

By Ben Duggan

We recently reported on the passage of the *Fair Work Amendment Bill 2014* (FWA Bill) through Federal Parliament.

The FWA Bill in its original form had sought to introduce a raft of business-friendly changes to the *Fair Work Act* (Cth) 2009.

A limited number of these business-friendly changes in three key areas, including in relation to the bargaining framework for greenfields agreements, were able to successfully obtain Senate cross-bench support.

The Coalition Government, demonstrating the persistence towards workplace reform of the earlier Howard Government, has re-introduced those business-friendly changes that were unable to obtain Senate cross-bench support through its somewhat cheekily titled *Fair Work Amendment (Remaining 2014 Measures) Bill 2015* (FWARM Bill).

Key changes sought to be made by the FWARM Bill which was introduced to

Federal Parliament last Thursday include the following:

- Provide that an employee does not accrue leave during a period in which the employee is absent from work and in receipt of workers compensation;
- Confirm that certain benefits may be taken into account in determining whether an employee is better off under an individual flexibility agreement;
- Provide that there will not be a transfer of business when an employee becomes employed with an associated entity of their former employer after seeking that employment on their own initiative before the termination of the employee's employment with the old employer;
- To amend the right of entry framework, in particular to unwind the changes introduced towards the end of the previous Labor Government, which require the provision of

transport and accommodation for those exercising right of entry powers at remote locations; and

- Providing the Fair Work Commission with powers to dismiss vexatious unfair dismissal applications in a more efficient manner.

We will keep you informed of the progress of the FWARM Bill and how it may impact on your business.



MORE INFO

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