



KAMCORP INDUSTRIAL RELATIONS *EMPLOYEE RELATIONS UPDATE*

Family Leave Entitlements 'flowed-on' by SA IRC

As has occurred in NSW, the South Australian IRC has decided to flow on to state award employees the family leave provisions the AIRC awarded federal workers last year.

With effect 1 February 2006, the SA IRC approved a full flow-on of the ACTU-launched family leave test case decision. This decision was given by AIRC in August and flowed-on by the NSW Commission in December 2005.

The decision related to and immediately altered the following six awards - the Cafes and Restaurants (South Australia) Award, the Clerks' (Retail Industry) Award; the Clerks' (South Australia) Award, the Commercial Travellers' Award; the Dental Technicians and Attendants Award; the Laundries (South Australia) Award; and the Quarrying Industry Award. No other State Award is varied by the decision; however will be so varied upon application to do so by the relevant Union.

The South Australian (and NSW) decision awards the following entitlements to state award-covered workers:

- the right to request two years' unpaid parental leave (up from one year);
- an increase in single day annual leave access from five days to 10;
- the right for casuals to take two days' leave to attend to family matters (Workchoices will provide for this);
- an increase from five to 10 days in the amount of carer's leave that can be accessed yearly from accrued personal leave (Workchoices will provide for this also);
- the right to request part-time work until a child reaches school-age;
- the ability to, by agreement, carry forward annual leave entitlements for up to two years;
- the right to request both parents be allowed a simultaneous period of unpaid parental leave up to eight weeks (previously one week); and
- employers are obliged to communicate while an

employee is on leave about changes to work arrangements.

The "right to request" is simply that; an employee has a right to request those benefits referred to. An employer is obliged to consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.

Contact Kamcorp should you require further advice.

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