

# Understanding employment law



Employment related disputes are an increasing trend in claims reported to Guild Insurance. These claims indicate that some employers may not be fully aware of their workplace rights and obligations and the laws governing them as an employer. This can have serious consequences for businesses; there are a number of legal avenues available to employees if they feel they have been treated unfairly and there can be serious repercussions for the employer.

## Examples of what can go wrong...

- An employee lodged a complaint with Fair Work Australia claiming she was expected to attend meetings outside of work hours and was not paid for these. Her employer claimed attendance was optional and that's why she wasn't paid.
- An employee resigned and the employer did not pay all of the outstanding wages and leave entitlements. The employer stated this was because of the unprofessional conduct and behaviour of the employee whilst leaving. A complaint was lodged with Fair Work Australia.

- An employed staff member undertook a course of further study. During this period his salary was dropped to a trainee salary. The employee disputed this and claimed back pay.

## Avoiding employment complaints

- Be sure you understand that as an employer you have legal workplace obligations you must adhere to. There are laws regarding matters such as salaries and awards, leave entitlements and terminating employment. Employers can't simply do as they please, no matter how their employee behaves. And not knowing the law is no excuse for not following it.
- Make yourself aware of the employment laws you need to follow. The following two websites contain a great deal of easy to follow information to assist employers, and employees, understand their obligations.

[www.fairwork.gov.au](http://www.fairwork.gov.au)

[www.fwc.gov.au](http://www.fwc.gov.au)

And using the link below you can learn about the National Employment Standards (NES) which are 10 minimum employment entitlements that have to be provided to all employees.

<https://www.fairwork.gov.au/employee-entitlements/national-employment-standards>

- Whilst preventing complaints is the ideal goal, employers need to accept that despite their best efforts, complaints may still occur. This is when a business needs to think about how they'll manage those complaints. Employment Practices Liability insurance exists to provide support to businesses when they're faced with an employment related complaint or allegation. For further information about Guild Insurance's Employment Practices Liability insurance and how this could be of benefit to you, please contact Guild Insurance on **1800 810 213**.



**1800 810 213** [guildinsurance.com.au](http://guildinsurance.com.au)

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