

Contents

Appendix – Document Index	5
Section One – Minimum entitlements.....	7
1.1 Are you a National System Employer or a State System Employer?	7
1.2 Federal Legislation for National System Employers	8
1.3 State Legislation for State System Employers.....	20
1.4 Long Service Leave	28
1.5 Record Keeping.....	29
Section Two - Recruitment	33
2.1 The Recruitment Process	33
2.2 Equal Opportunity and Discrimination Legislation.....	37
Section Three – Contracts of Employment	43
3.1 What is a Contract of Employment?.....	43
3.2 What are the Different Types of Contracts?	45
3.3 Probation Periods.....	47
Section Four – Right of Entry	49
4.1 National System Employers.....	49
4.2 State System Employers.....	50
Section Five - Human Resources Policies and Procedures	53
5.1 Key Elements of an Effective Policy or Procedure.....	53
5.2 What Types of Policies or Procedures should we have?	54
5.3 Implementing a Policy or Procedure.....	55
Section Six - Performance Management and Disciplinary Action	57
6.1 Managing a Poor Performer	57
6.2 Workplace Investigations	61
6.3 Dismissal following Disciplinary Action.....	63
Section Seven – Ending Employment	65
7.1 Serious Misconduct	65
7.2 Redundancy.....	67
7.3 Can a Genuine Redundancy Constitute an Unfair Dismissal?	70
Section Eight – Claims	73
8.1 Unfair Dismissal	73

8.2 The Small Business Fair Dismissal Code	75
8.3 Unlawful Termination.....	76
8.4 General Protections.....	76
8.5 Other Claims	78
Section Nine – More Information	82
9.1 Employee Relations Advice Centre (ERAC).....	82
9.2 HR & Workplace Relations	82
9.3 Workplace Health and Safety	83
9.4 eLearning & Learning Solutions	85
9.5 Publications and Industrial Award Service	85

Appendix – Document Index

- 01. Checklist - Recruitment
- 02. Policy - Code of Conduct
- 03. Letter - Unsatisfactory Performance or Misconduct - First or Second Warning
- 04. Fair Work Information Statement
- 05. Casual Employment Information Statement