

SESSION 3: HOW TO MANAGE FAMILY EMPLOYEES



Murray Furlong
General Manager
Fair Work Commission



Rae Bonney
Workplace Mental Health
and Wellbeing Specialist



What I am going to talk to you about today

1. The role of the Commission in Family Business
 2. What you can expect when you come to the Commission
 3. Recent legislative reforms impacting on Family Business
 4. Where to access help
-



Fair Work Commission & Family Business

The Fair Work Commission is Australia's independent national workplace relations tribunal and registered organisations regulator

Minimum work conditions

- Annual wage review
- Enterprise agreements and bargaining
- Modern Awards
- Regulated worker minimum standards

Individual disputes

- Unfair dismissal
- General protections
- Unfair deactivation and termination
- Workplace bullying and sexual harassment
- Flexible work arrangements and unpaid parental leave disputes
- Casual to permanent status
- Right to disconnect
- Independent contractor disputes

Registered Organisations regulator

- Registration, amalgamation, cancellation
- Enquiries and investigations
- Making and varying rules
- Promoting compliance and efficient management

Dealing with Family Business Disputes: Unfair dismissal



15,000
APPLICATIONS



Conciliation
FIRST STEP



35 days
LODGEMENT TO FINALISATION
BY CONCILIATION

75%

Settle
AT CONCILIATION

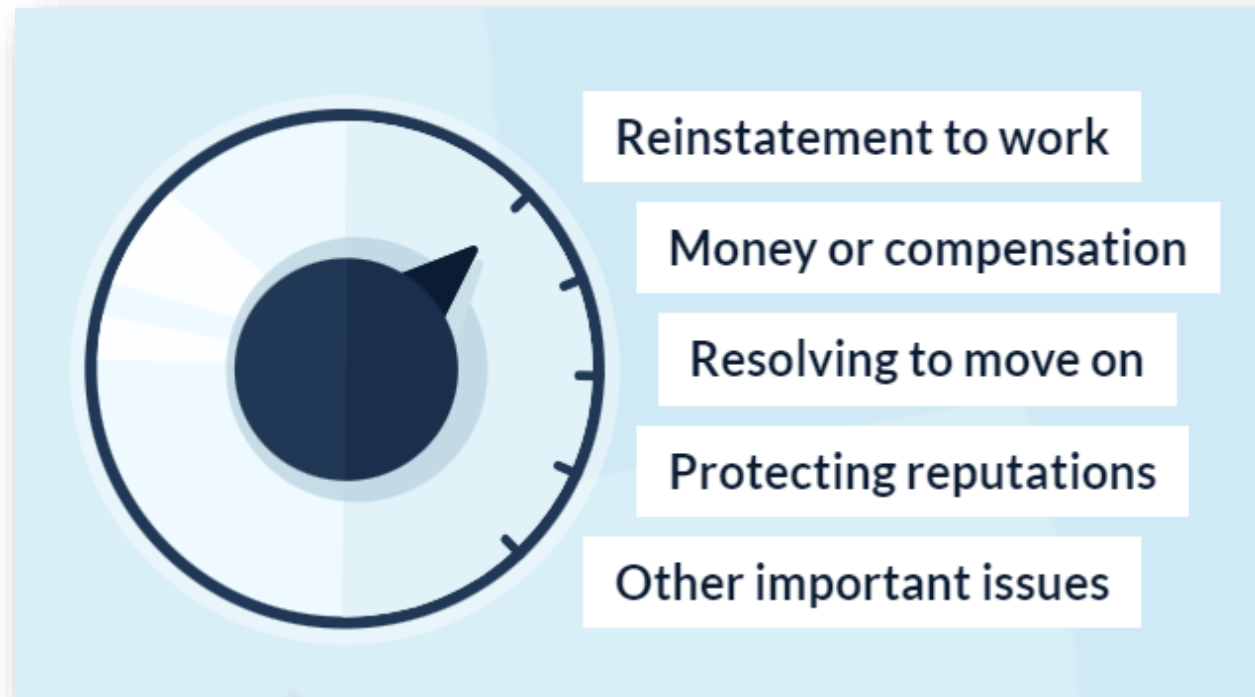
90%

**Finalised
at 12 weeks**
LODGEMENT TO FINALISATION

2%

**Arbitration:
merits**

Outcomes of unfair dismissal applications



- Approx. 20% of matters resolved at staff conciliation **did not involve any payment**
- The median settlement after staff conciliation was approx. **4 weeks' pay**
- The average compensation through binding decision of a FWC Member (where ordered) was **approx. 6 weeks' pay**
- FWC Members **dismissed approx. 40% of applications**



Recent legislative reforms

Secure Jobs Better Pay Act 2022

commenced on 6 December 2022

- Single and multi-employer bargaining
- Termination of agreement provisions and sunseting "zombie" agreements
- Limiting the use of fixed-term contracts
- Prohibiting pay secrecy
- Gender equity and job security objectives
- Equal remuneration
- New expert panels
- Anti-discrimination framework
- Flexible work and unpaid parental leave requests
- Prohibiting sexual harassment
- Abolishing the ROC and ABCC

Closing Loopholes Act 2023

commenced on 14 December 2023

- Criminalising wage theft
- Regulated labour hire arrangement orders
- Enhancing delegates' rights
- Stronger protections against discrimination, adverse action and harassment
- Small business redundancy exemption in insolvency
- Conciliation conferences
- Entry to assist Health and Safety Representatives
- Amendments to Asbestos Safety and Eradication Agency Act 2013
- Presumptive provisions for first responders in the Safety Rehabilitation and Compensation Act 1988
- WHS reforms, including industrial manslaughter

Closing Loopholes No. 2 Act 2024

commenced on 26 February 2024

- Extend the FWC's powers to set minimum standards for 'employee-like' workers
- Allow the FWC to set minimum standards to ensure the road transport industry's safety
- Give workers the right to challenge unfair contractual terms
- Casual employment changes
- Civil penalties and sham contracting
- Meaning of 'employee' and 'employer' in the Fair Work Act 2009
- Enabling multiple franchisees to access the single enterprise agreement stream
- Strengthening right of entry to investigate underpayments
- FWC preparing enterprise agreement model terms and transitioning from multi-enterprise agreements
- Repeal de-merger from registered organisations amalgamation provisions
- Workplace determinations
- Right to disconnect

2022 functions

Unfair dismissal
General protections
Agreement approval
Make awards
Vary awards
Bullying and sexual harassment
Unlawful termination
Industrial action
Award disputes
Entry permits
WHS Permits
Cooperative workplaces
Agreement disputes
Discrimination
Supported wage

New jurisdictions

Fixed term contracts
Unpaid parental leave disputes
Flexible work disputes
Collaborative approaches
Employee-like minimum standards orders
Equal remuneration orders
Road transport contractual chain orders
Road transport minimum standards orders
Gender pay equity
Expanded workplace sexual harassment
Collective agreements
Expanded bargaining
Registered organisations regulator
Multi-enterprise agreements
Labour hire arrangement orders
Independent contactor disputes

Unfair dismissal General protections Agreement approval Make awards Vary awards Bullying Unlawful termination Industrial action Award disputes Entry permits WHS Permits Cooperative workplaces Agreement disputes Discrimination Supported wage



Where to access help



The image shows three devices displaying the Fair Work Commission Online Learning Portal. The desktop view shows the main page with the title 'Fair Work Commission Online Learning Portal' and a 'What's new' section featuring a module titled 'Preparing for an unfair dismissal conciliation'. The mobile view shows a language selection screen with the heading 'Information in your language' and a grid of language options including Arabic, Chinese, English, Hindi, Indonesian, Japanese, Korean, Malay, Persian, Polish, Russian, Spanish, Thai, Turkish, Vietnamese, and Urdu. A tablet view shows a video player for the 'Unfair dismissal 21-day time limit' module, displaying a calendar where the first 21 days are highlighted in green, indicating the time limit for applications.

This block contains social media contact information for the Fair Work Commission. It includes icons and names for Facebook, Instagram, LinkedIn, and YouTube. At the bottom, there is a dark blue button with the website address www.fwc.gov.au.

- Fair Work Commission
- @fairworkcommission
- Fair Work Commission
- Fair Work Commission

www.fwc.gov.au



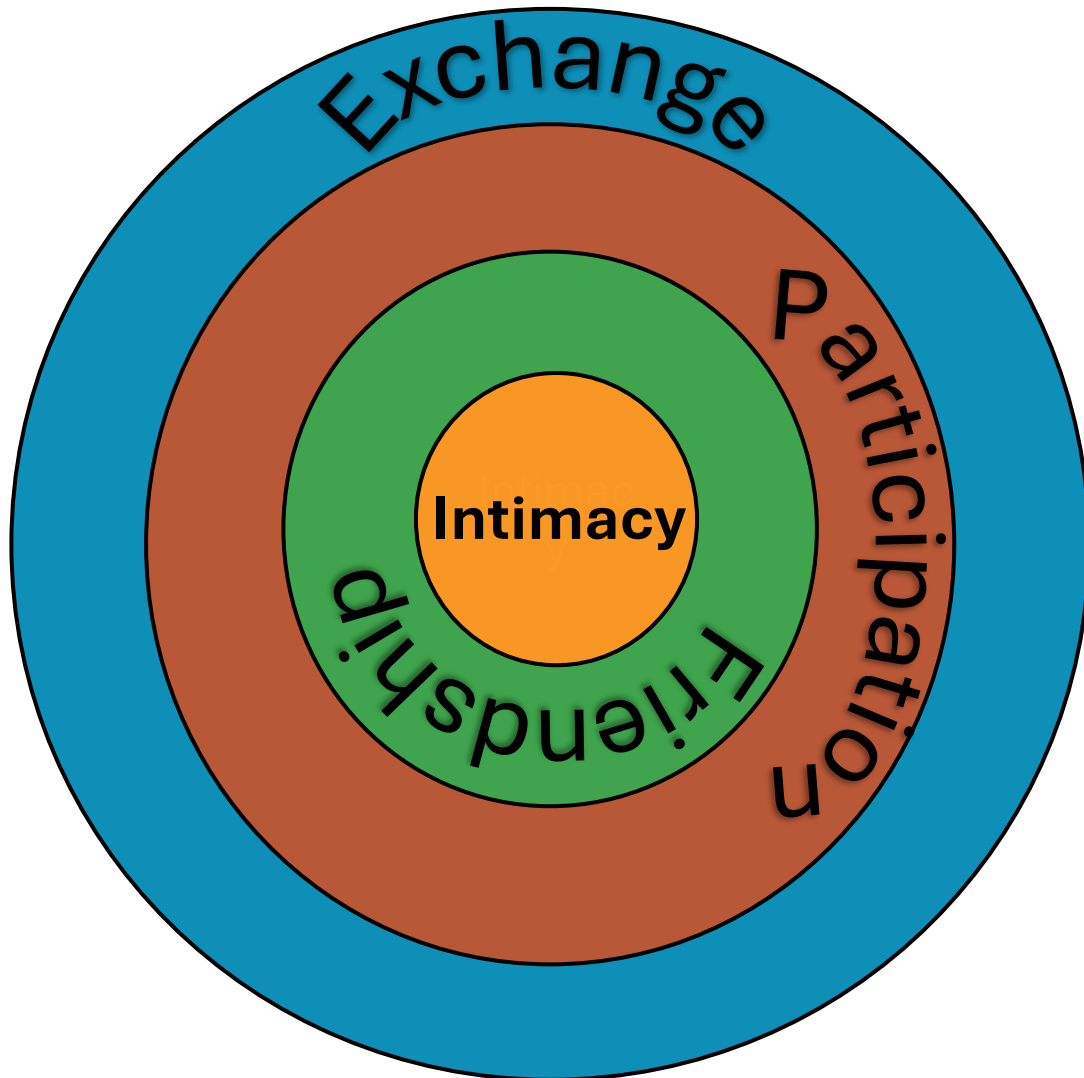
FAMILY BUSINESS
INSIGHTS
State Conference

Self management plan

Understanding Challenges		Enabling Behaviours	
MY CHALLENGE	HOW IT AFFECTS ME	HOW I TAKE RESPONSIBILITY	THE EFFECT
Sleep	Energy/Agility	Self-Talk	OK to not be OK
Depression	Debilitating	Diet/Exercise/Sobriety	Happy hormones
Anxiety	Overwhelming	People	Manage expectations
Alcohol	Dependency	Resilience	Recognising self
Eating Disorder	Shameful	Routine	Purpose, safety, grounding

Building Connections to Stay Safe

THINGS TO CREATE GROUNDING AND PURPOSE	THE OUTCOME
Family rituals and traditions	Sense of grounding and control
Routines – walking the dog/listening to podcasts	Connection to nature, people and learning something every day
Community support and activity groups – radio, speaking	Feeling of purpose and contribution to community
Work	Purpose, creative, leading, excitement
Entertainment – Movies, reality TV, music, cooking.	Connected, learning, creating, pleasing, sharing, laughing, values, traditions



Intimacy

People, things activities and pastimes that are so important to us that their absence would have a significant impact.

Friendship

People, things, activities and pastimes that we must visit regularly.

Participation

Includes the people, things, activities, pastimes, organisations or associations we participate with in life. This could be work, school, clubs, sporting teams, interest groups, anywhere we connect.

Exchange

Includes service providers such as doctors, teachers, dentists, social workers, therapists, hairdressers, car mechanics and tradespeople.