

SESSION 2: HOW TO MANAGE FAMILY EMPLOYEES



Murray Furlong
General Manager
Fair Work Commission



Vanessa Fudge
CEO and Founder
Leading Well



Kylie Ridding
Director
SVSR



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

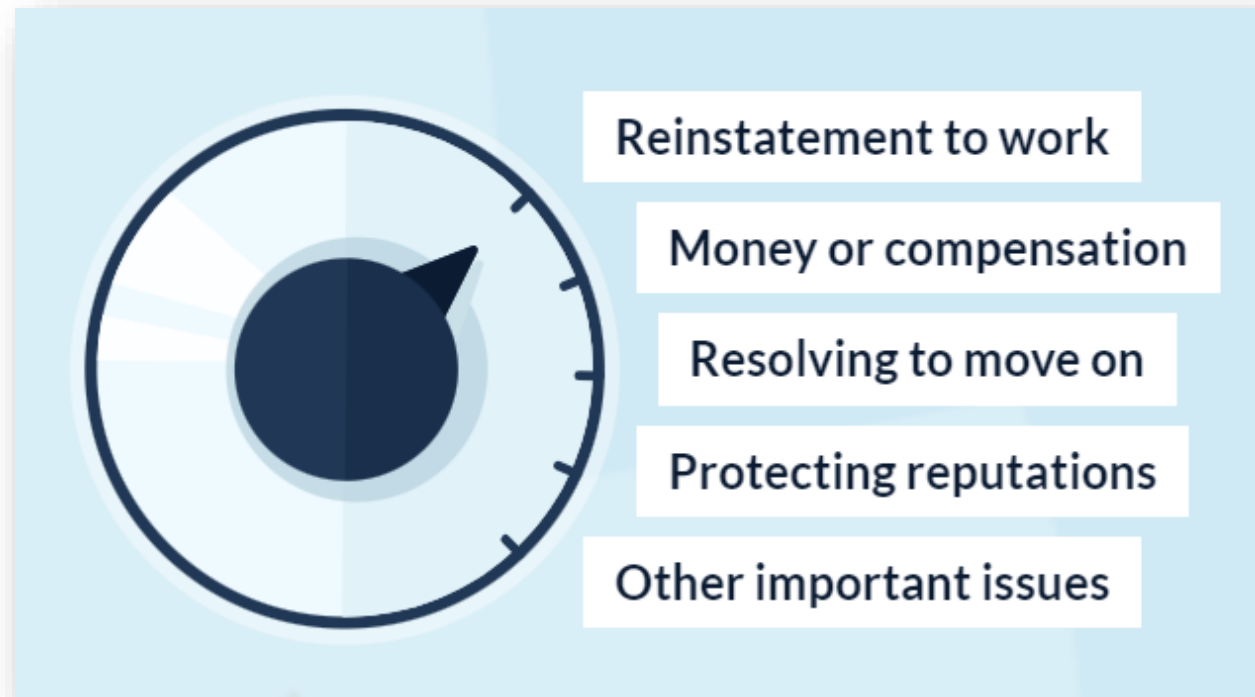
90%

**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**

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 screenshots show the 'Fair Work Commission Online Learning Portal' interface. The desktop view includes a navigation bar with 'Home', 'Learning catalogue', 'Login', and 'Create an account'. The main content area features a 'What's new' section with a module titled 'Preparing for an unfair dismissal conciliation'. The mobile view shows a language selection screen with 'Information in your language' and a grid of language options including Arabic, Chinese, English, Hindi, Indonesian, Japanese, Korean, Malay, Persian, Polish, Russian, Spanish, Thai, Vietnamese, and Urdu.

 Fair Work Commission
 @fairworkcommission
 Fair Work Commission
 Fair Work Commission
www.fwc.gov.au

Managing Family Members in the Family Business



Managing Family Members in the Family Business

1. Family dynamics meet business dynamics
2. Managing complex relationships
3. Belonging – Family v's Business
4. Performance Managing Family Members
5. Departures

Family Dynamics Meet Business Dynamics





Family

Gomes

First

All Families have their own dynamics!

- Married couples bring influences from their own family systems
- Parents as business founders may be preoccupied with the business and lack presence for the family
- Sibling dynamics caused by preoccupied founder parents disrupt the natural order
- Offspring In-laws have different family beliefs which can clash
- Next gen will challenge their family traditions
- Black sheep go out on a limb to propagate the family tree!
- Blended families bring together another mix of different expectations
- Family secrets have their own hidden yet indelible influence

How Family Dynamics Shape Business Dynamics

The first team we belong to is our family.

*Undigested family patterns tend to show up
in the business, seeking resolution.*

*Undigested business patterns then inevitably show up in the family
causing rifts that can span generations.*

It Gets Complex!



Complex Relationships create Complex Dynamics

Dad	Mum	Eldest Sister	Middle Brother	Youngest Brother
Founder & Director	Founder & Director	Social Worker	Tradesman / plant operator	Trades assistant
Managing Director	Bookkeeper	Casual Cleaner	Project Manager / plant operator	Salesperson
Retired	Left - Reg. Nurse	Social Worker	GM / plant operator	
Passed away		Part-time Admin	Project Manager / plant operator	General Manager
		Managing / Sole Director		R&D Manager
		Sole owner		

Professional roles outside the business

Complex Relationships create Complex Dynamics

Dad	Mum	Eldest Sister	Middle Brother	Youngest Brother
Founder & Director	Founder & Director	Social Worker	Tradesman / plant operator	Trades assistant
Managing Director	Bookkeeper	Casual Cleaner	Project Manager / plant operator	Salesperson
Retired	Left - Reg. Nurse	Social Worker	GM / plant operator	
Passed away		Part-time Admin	Project	General Manager
		Managing / Sole Director	Manager / plant operator	R&D Manager
		Sole owner		

Belonging In Family versus Belonging in Business



Belonging



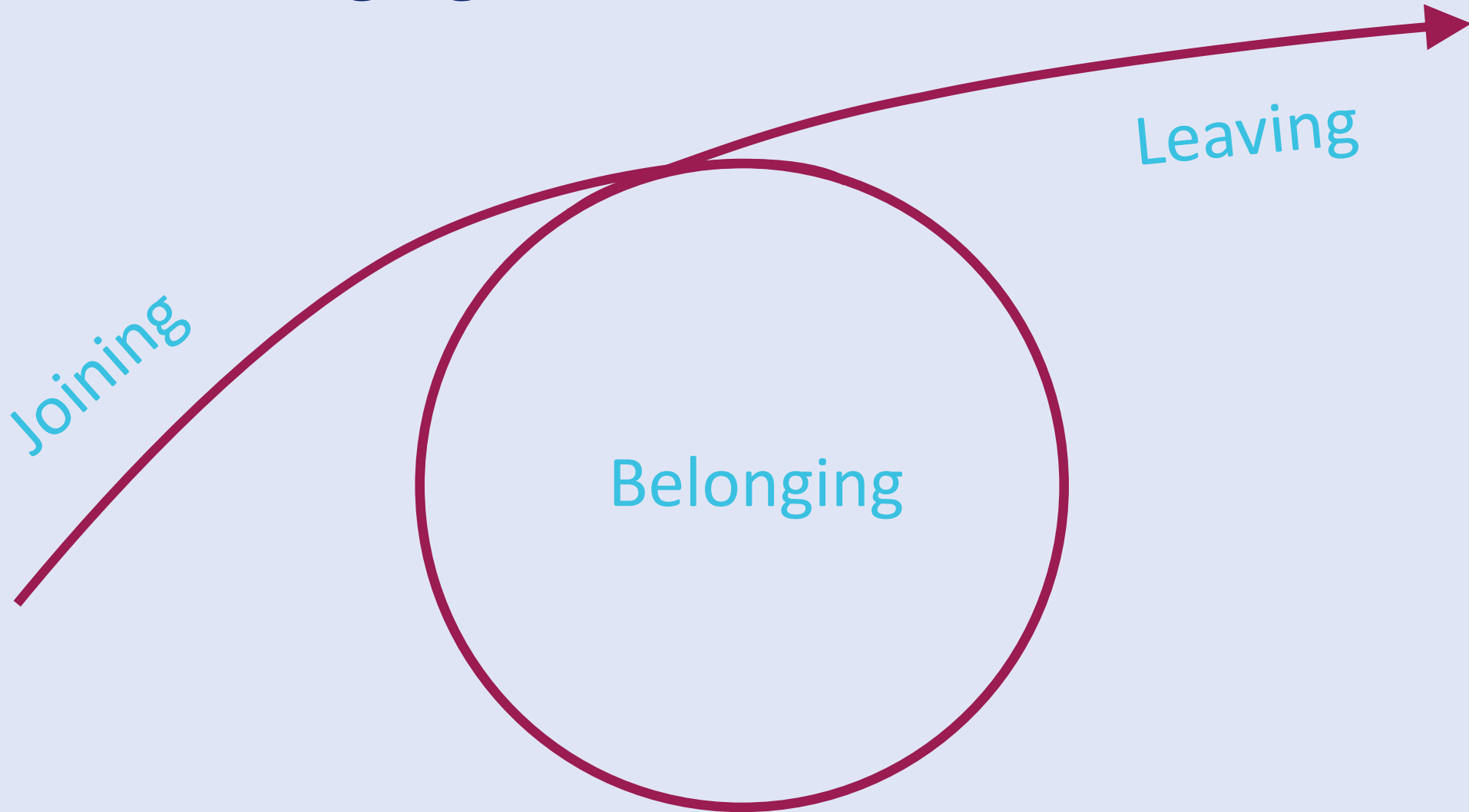
Belonging in Family versus Belonging in Business



In Business Belonging is not binary – it is a Cycle



Cycle of Belonging in Business



The Cycle of Belonging in Business – family members

Joining

Do I belong here?

Where is my place?

How is it different to my place in the family?

Will I be rewarded for my contribution or expected to work for free because my parents did?

Belonging

Do I only belong here because I am part of the family?

Leaving

Can I ever leave without being disloyal to the family?

If I fail in the business and have to leave does that mean I have failed the family and need to leave them too?

Performance Managing Family Members



Restoring Flow

Manage the whole cycle of belonging

Is everyone equipped and able to fully occupy their role?

Right from the Start

- Performance management requires authority – that comes with leadership roles
- Contrast the family and the business belonging rules
- Ensure family members have role clarity and accountability
- To belong means to perform
- When each person fully occupies their role then the business can succeed
- Ensure each family members and each non-family member is provided with useful feedback to fully occupy their role

Address the family and the business context

Even though I am your _____ and you are my _____:

- Older sister
- Uncle
- Brother-in-law
- Younger brother
- Daughter
- Wife
- Husband

In conflict
family
context
comes first

I am speaking to you now as the _____ speaking to the _____:

- Operations Manager
- Managing Director
- Team leader
- Human Resources Manager

**What if you are where they thought they
would be?**

Departures



Manage Beginnings, Belonging and Endings



When it's time to go it's time to go

If someone cannot occupy their role and serve the purpose of the business
they must be asked to leave

Yet

Leaving the business does not mean leaving the family!

Managing Family Members in the Family business

1. Family dynamics do influence business dynamics
2. Leaders will be managing complex relationships
3. Belonging is different in family v's business
4. Role clarity helps performance managing family members
5. Departures happen in the business not the family