

# Fair Work Legislation 2019-20

General Editors: Rinaldi, Lambropoulos, Millar & Neal

This year's special edition of Thomson Reuters' *Fair Work Legislation 2019–20* marks the 10<sup>th</sup> anniversary of the enactment of the *Fair Work Act 2009* (Cth).

As usual, legislative changes made in the twelve months since the last edition are incorporated into the substantive legislation and regulations, consolidated to 29 August 2019, being selected key parts of the cognate Thomson Reuters online and looseleaf publication *National Workplace Relations*.

## Key Features include:

### Amendments made to the *Fair Work Act 2009* (Cth):

- by the *Fair Work Amendment (Repeal of 4 Yearly Reviews and Other Measures) Act 2018* (Cth), which among other things removes the requirement for the FWC to conduct 4 yearly reviews of modern awards; and
- the *Fair Work Amendment (Family and Domestic Violence Leave) Act 2018* which commenced operation on 12 December 2018 and introduced an entitlement to five days of unpaid family and domestic violence leave each year for all national system employees, including casual employees, as part of the National Employment Standards.

### Amendments made to the *Fair Work Regulations 2009* (Cth):

- *Fair Work Regulations 2009* (Cth) have been amended in response to the Full Federal Court decision in *Workpac Pty Ltd v Skene* to ensure that casual employees cannot, in effect, claim leave entitlements twice by both being paid a compensatory casual loading and the leave itself.

### New Articles of interest:

- *Year in Review* outlining changes and key cases in industrial action, enterprise bargaining, bullying and the Fair Work Ombudsman's enforcement and penalties for contraventions of the *Fair Work Act 2009* (Cth); and
- on amalgamated organisations and the *Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019* by Aaron Neal, and anomalies and hitches in the *Fair Work Act 2009* by Rohan Millar.

The new edition includes new and important cases in a range of areas in the revised and expanded commentary, and referred to in the annual *Year in Review* discussion by the general editors, making *Fair Work Legislation* an indispensable part of any employment law practitioner's or academic's professional library.

### Important cases in specific areas included:

- Industrial action (*Fair Work Ombudsman v Construction, Forestry, Maritime, Mining and Energy Union (the Hutchison Ports Appeal)*);
- Enterprise agreement approval (*Huntsman Chemical Company Australia Pty Limited (t/as RMAX Rigid Cellular Plastics)*);
- Anti-bullying (*Dr Say Teong Ng*); and
- Unfair dismissal and adverse action (particularly the status of "gig economy" workers as employees or independent contractors, affecting their ability to bring certain types of claims, including *Pallage v Rasier Pacific Pty Ltd* and *Suliman v Rasier Pacific Pty Ltd*).

For more information on the content of *Fair Work legislation 2019-20* including editor biographies and key section annotations, please contact your designated Thomson Reuters Account Manager.



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