

The fair work act 2009 cth essay sample

[Business](#), [Company](#)



The Fair Work Act 2009 (Cth):

Through identification, resolution, and prevention of labor issues, the Fair Work Act 2009 has continuously enhanced workplace and employee effectiveness. It is also a vital tool and instrument for the maintenance and improvement of retaining valued employees, improved worker productivity and health, and absorbing employee contribution to company work after injuries. However, the privileges have come together with a number of variations and oppositions from the employer departments. Clearly, there are sections of the Act that are not out rightly acceptable to most employers.

The minimum standards that the employers deem to have particular interest include matters on maximum weekly hours (plus reasonable additional hours), community service leave, flexible working arrangements, parental leave, long service leaves, annual leave, compassionate leave and personal leave, public holidays, notice of termination and equitable work information statements and redundancy pay (CCH editors, 2009). This paper will review the impacts of the employers' proposals as presented by member companies of The Australian Mining and Minerals Association. The association does not believe that the Act actually provides enough flexibility as it asserts that the Act does not work on the basis of technical requirements (Stewart & Thomson Reuters Australia Limited, 2009).

Such considerations include being assessed against better-off overall tests and not permitting employers to make individual flexibility agreements as patent conditions for employment. They are also concerned as the policy has resulted into entitling employees in terminating their contracts within short

notices which particularly inconveniences productivity in the long run.

Therefore, this paper's purpose is the examination of the key arguments that most Australian employers raise as a result of the introduction of this law regarding employee monitoring (Catanzariti & Byrnes, 2009). Not even one of these amendments is thoroughly conclusive to each raise considerations that are both importantly managerial and moral. Most employers conclude that more comprehensive inquiries with respect to ethical concerns should form the center of the necessary progress.

This paper will also facilitate the understanding the various complexities surrounding the implementation of the Act to both the employee and employer. The final part of this paper will sketch out the way in which such inquiries need to proceed. The main concerns that arise from various areas of Act include the roles of business organizations, professional ethicists, employee interest groups, civil libertarians, lawyers, privacy advocates, and all possible combinations (CCH Editors, 2009). Every advocate has its unique rationale against or for employee monitoring. The evaluation could factor in elements of legal, economic, or ethical variations. Unfortunately, no matter the extent and form of reasoning, key concerns by the potential employers emerge from the analysis. The arguments use equal measures to evaluate effectiveness from all corners and aspects of the debate. These arguments are conclusive as each of them raises crucial both managerial and moral considerations (Hor & Keats, 2009).

Some of the positive indicators of the effective leadership qualities include proactive planning management and effective organization. The Act also advocates for the wide spread Participative and supportive leadership as well

as Proactive team leadership strategies. The activities of employee empowerment and delegation need to be revised to perfectly suit each company which could be both costly and time consuming (Cch, 2010). The other indicator of the favorable preferences by most employers in Australia include the genuine concern for all people as well as looking after all the interests and needs of staff development. This is particularly, expensive and most employers are seeking to have the training and capacity building activities' costs being met by the employees themselves. This clearly means that there needs to be thoroughly personal and open management approaches as well as Inclusive decision making. In the very end, this improves the communication channels and widens the consultations through keeping people as informed as possible (CCH Editors, 2010).

However, there are a number of negative impacts of the introduction of this Act on the economic dimension of the country. In the very beginning, the employers' proposals show an outright lack of consideration and concern for junior staff. It also displays the ineffectiveness of the management style of the companies involved. The fact that the organizations' profitability comes before the welfare of the employees not only serves as a demonization but also breaks the Act's recommendations. The other indicators of shortcoming include the uncaring and self serving image of the existing management. The fact that most of their proposals undermine, deprive and intimidate the behavior of the employees with the aim of purposively manipulating them to their benefit contradicts the impression they should be giving (Forsyth & Stewart, 2009).

This strategy also tolerates levels of poor performance as there are plenty of

low standards which deliberately ignore or avoid the fundamental outcries of the employees involved. The other impact of the proposals in this case includes the undue abdication of roles and responsibilities of the employees other than those that they were initially designed for. The employers are perceived as constantly resistant to airing new ideas and change proposed by the employees in negative approaches.

The other possible impact of the Act is that most labor unions may not be in agreement with the employers' proposals which present a whole lot of other problems as well. The concerns in this case have to be addressed prior a labor policy is actually stretched out for implementation. In the past, most home based occupations were low paid. It is for that reason that various unions disapproves of unfair treatment of employees up to this point. The main problem in this case is related to the complexity in acquiring home based employees who are wholly interested in the employers' proposals for change (Abbott, 2011). On the contrary, the fact that most people perceive the ability of ensuring and enabling working environment a benefit and therefore most employees will automatically support ideas of flexibility of working methods and hours even is the unions disagree.

Evidently, even though employee flexibility is one of the vital characteristics of the Fair Work Act, it is suggested that most of the employer control capability is not up to per. This could be as a result of insufficient resources as well as limitations in capacity skills. Evidently, most employers maintain that in the consideration of the attendance of the employee and its essential contribution to the job function, customized registers should be filled. On the other hand, most courts consider the regular absenteeism as detrimental to

the employer's welfare. This means that there is a considerably rigid threshold in determining the flexibility of the employer's acceptability. The predictability of employees who are absent makes it even harder for the implementation of the Act (Taylor & Law Society of South Australia, 2009). It for this reason that most employers would want to have more specific amounts of tasks and skills placed on the required job. The result is that depending on the regularity of the employees' absences, all interferences will be charged against the employees' pay check. This will ensure that the employees find it in themselves to ensure that they are conscious of the work environment as well as the need to meet deadlines as required. Here, whether this work is performed through the use of various telecommuting technologies the employers emphasize on ensuring that the established typical attendance is reflected on the usage of more formal and written policies.

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