



Fair Work Information Statements

Australia's new workplace relations system

The provision of the Fair Work Information Statement (**FWIS**) forms part of the National Employment Standards (**NES**) created under the *Fair Work Act 2009* (Cth) (**Act**) which came into effect on 1 July 2009.

As of 1 January 2010, the NES will apply to all employees covered by the national workplace relations system, regardless of the applicable industrial instrument or employment contract. Terms in awards, agreement and employment contract that exclude or provides for an entitlement less than the NES will have no effect. A contravention of a provision of a NES may result in penalties of up to \$6,600 for an individual and \$33,000 for a corporation.

What is the FWIS?

The FWIS is a fact sheet given to employees by their employer, which outlines prescribed information about an employee's rights and entitlements at work, including the 10 NES, modern awards, agreement making, freedom of association and the role of Fair Work Australia (**FWA**).

The purpose of the FWIS is to provide employees with advice about where to go for information and assistance on workplace issues, as well as providing contact details for the FWA.

Who must it be given to and when?

An employer must provide each new employee the FWIS before (or as soon as practicable after) the employee commences employment after 1 January 2010. Employers are not required to provide employees the FWIS more than once in 12 months in the case of casual employees for example.

The FWIS may be provided to the employee by a number of ways, for example:

- personally;
- by pre-paid post;
- by emailing the FWIS or the link to the FWIS on the Fair Work Ombudsman's website or the company's intranet; or
- by fax.

What information must be contained in the FWIS?

The FWIS provides information about:

- the NES;
- modern awards;
- agreement making under the Act;
- the right to freedom of association;
- the role of the FWA and the Fair Work Ombudsman;
- termination of employment;
- individual flexibility arrangements;
- right of entry (including the protection of personal information by privacy laws); and
- an explanation of the effect on an employee's entitlements under the NES if both of the following occur:

- a transfer of a business occurs as described in the Act; and
- the employee becomes a transferring employee.

Tips for compliance

Employers should ensure they have a detailed list of all employees who must receive the FWIS - all new employees commencing employment after 1 January 2010.

If you are an employer and have concerns in relation to the FWIS, please do not hesitate to contact us.

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"The information contained in this article is general in nature and cannot be regarded as anything more than general comment. Readers of this article should not act on the basis of this comment without consulting one of Rostron Carlyle's legal practitioners who will consider their particular circumstances".

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