



December 2009.

The Fair Work Information Statement

From 1 January 2010, all employers covered by the national workplace relations system have an obligation to give each new employee a Fair Work Information Statement (the Statement) before, or as soon as possible after, the employee starts employment. However, NECA believes *that it would be good practice if all employees received a copy of the Statement.*

The right for new employees to receive the Statement is one of 10 National Employment Standards (NES) that apply to employment of all private sector employees. Together with modern awards, the NES provides a new safety net for employees covered by the national workplace relations system from 1 January 2010.

What's in the Statement?

The Statement contains information about:

- The National Employment Standards (NES)
- The effect on an employee's NES entitlements when there is a transfer of business
- Modern awards
- Agreement making under the *Fair Work Act 2009*
- Individual flexibility arrangements
- The right to freedom of association
- Termination of employment
- Right of entry (including the protection of personal information by privacy laws)
- The role of the Fair Work Ombudsman and Fair Work Australia

How can the employer give the Statement to the employee?

The Statement may be given to an employee by:

- Giving it personally to the employee
- Sending it by pre-paid post to the employee's residential address **or** a postal address nominated by the employee
- Sending it to the employee's email address at work **or** to another email address nominated by the employee
- Sending by email to the employee's email address at work **or** to another email address nominated by the employee an electronic link to the page on the Fair Work Ombudsman's website where the Statement is located **or** an electronic link that takes the employee directly to a copy of the Statement on the employer's intranet
- Faxing it to the employee's fax number at work, fax number at home or another fax number nominated by the employee
- Another method (an employer will need to ensure this meets the requirement to give the Statement to the employee, eg. by courier where there is a signed acceptance by the employee of receipt of the Statement).

Whatever method is used to give the Statement to an employee, it is recommended that the employer retain details of how the Statement was given.

Employment of the same employee more than once in 12 months

If the employer employs the same employee more than once in any 12 months and gave the Statement to the employee commencing employment the first time, then there is no requirement to give the Statement more than once in any 12 months.

What happens if the employer fails to give the Statement to a new employee?

Any employer who does not give the Statement to a new employee before, or as soon as possible after the employee starts employment, is contravening the terms of the NES. There are significant penalties for failing to give a Statement to a new employee.