

WORKPLACE REVIEW

Volume 5, Number 4

Summer 2014

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The restoration of QC and the opportunity for choice – *Jeffrey Phillips SC*

This article is an edited version of a paper delivered at the Annual Conference of Australians for Constitutional Monarchy at the Four Seasons Hotel, Sydney on 28 November 2014. 121

Living for the weekend: Should weekend penalty rates be reduced or abolished? – *Emily Aitken*

Penalty rates, particularly weekend penalty rates, have been the subject of much debate in recent years. In hearing the appeal of Deputy President Gooley’s decision in the two-yearly review of the Restaurant Industry Award 2010, the Full Bench of the Fair Work Commission undertook a long and detailed consideration of the legislative, social, demographic, and economic issues at play in the weekend penalty rates debate. Each of these issues will be considered in detail, with the eventual conclusion being reached that the social disadvantage arising from weekend work remains significant enough in modern times to warrant the retention of weekend penalty rates in the Modern Awards. However, it is also argued that there may be cause to reduce such penalties under individual Modern Awards based upon the nature of the particular industry or occupation, and in the context of the other considerations which form part of the Modern Awards objective under the Fair Work Act 2009 (Cth). 126

Penalty rates: Do employer claims stack up? – *Tom Kavanagh*

The Full Bench of the Fair Work Commission recently varied the Restaurant Industry Award to reduce penalty rates for certain casual workers. This article examines whether the assertions made by employers regarding the impact of penalty rates have been adequately supported by evidence, and suggests that such evidence should be a necessary requirement so that employer claims can be appropriately assessed and balanced against the competing claims of employees. 129

Inappropriate behaviour on picket line results in lawful dismissal – *Mark Curran*

Union members are not protected from disciplinary action under the Fair Work Act 2009 (Cth) whilst they are engaging in lawful industrial activities. If they breach the legal obligations they owe their employer, they remain liable to discipline. 133

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