



## Easy HR

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### Easy HR™ Newsletter November 2005

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## The Season To Be Jolly .... Jolly Careful

Every year there are horror stories told about company Christmas parties. Bruised by the threat of lawsuits under discrimination and health and safety laws, employers in the UK are increasingly often dodging the responsibility of organising office Christmas parties. Their counterparts in Australia are still sponsoring parties, defying a trend in Britain.

A survey of 3500 UK company bosses found four out of five would not organise a party in the run-up to Christmas.

Almost all of those questioned in the British survey said festive parties caused arguments among staff and often led to official complaints, and two-thirds said they had sacked a member of staff because of their behaviour during festivities.

Mike Huss, of employment law firm Peninsula, which commissioned the survey, said: "Unfortunately, the combination of employees enjoying themselves and alcohol can turn sour, with the boss having to sort out the mess on a Monday morning."

"The rules that applied in the office must be extended to the party," he said.

"Although it is a party, taking place out of the workplace and out of normal office hours, it is no different from something happening during what would be normal working time, so clearly this is an extension of the workplace.

"The employer is therefore just as responsible for the actions that take place at the party as for something that happens at the workplace.

"The traditional 'what goes on in the broom cupboard' stories may seem exaggerated but they do need to be taken seriously by an employer should an employee make a complaint.

"Preventing drink-driving is an issue, especially as there may not be public transport available after the party.

"Employers are responsible for a lot more than just the behaviour and actions of their employees on the night of the party. The easiest thing to do is not have a party."

Whilst it may not have 'legs' when challenged in a court room, it is still advisable for any company planning a Christmas function where alcohol is served, to advise all staff members of the company policy on drinking as well as driving home after the consumption of alcohol.

We recommend that all employers consider the following party principles when conducting their annual Christmas function.

- The Christmas party is classed as a 'work activity'. It should therefore be treated a work activity. Issue guidelines indicating employees' responsibilities, such as acceptable standards of behaviour. Employees should understand that, as this is a work activity, normal disciplinary procedures will be applied. The employer's responsibilities, such as meeting health & safety requirements should also be outlined.
- A risk assessment must be carried out to identify potential hazards. This could involve inspecting the venue to plan for drunken slips and trips, considering the safety of people going home after the event, and even identifying any potential conflict between employees so that table plans can be organised accordingly.
- If inviting partners to the event, extend the invitation to partners of the opposite and same sex. This will avoid potential sexual orientation discrimination claims. Also be aware that some employees may choose to bring a friend instead of a partner.
- Boozing bosses should avoid discussing promotion, career prospects or salary with employees who may use the convivial situation to discuss matters that are more suited to a formal appraisal or private meeting. Senior management **MUST** take the lead and behave as appropriate role models for more junior employees.
- If the employer supplies the alcohol, or encourages its consumption, they may be legally responsible for the welfare of the employee if they suffer from drink induced disasters - even if they occur outside of the party itself. Consider limiting the number of free drinks and be prepared to ask individuals to slow down if they appear worse for the wine. Always ensure low alcoholic beverages are available.
- Consider travel arrangements. Issue advice before the party about drinking and driving. Travel home after the party may be complicated by the overindulgence of alcohol, or alternatively, there may be a lack of public transport to some destinations. It may be appropriate to hire a minibus for the end of the night, or provide the number of local taxi firms. You may consider issuing cab charges to those who seem too drunk to drive.

## **Dirt Cheap And Disposable - And They're Our Kids.**

Young South Australians are experiencing workplace exploitation so severe it is affecting their career options and tainting their working futures, claims a recent report conducted by the Young People & Unions Network, U-Who , who have conducted the research over the past two years.

SA Unions Secretary, Janet Giles says "it is sickening to think that such abuses can take place every day in a so-called civilised society".

Some of the findings were:-

- Poor pay, with 30% paid less than their award, Unauthorised wage deductions and Training rates starting from \$5.95 an hour
- Harassment, with a reported 25% of young people being bullied at work and 21% being sexually harassed at work (including males)
- Employer pressure, with up to 36% pressured to work overtime without pay; 43% forced to work while sick; 42% forced to work through meal breaks; 22% fired for reasons they felt unfair; and 17% fired or lost shifts after a birthday
- The report found half of those surveyed did not complete their apprenticeship because of unsatisfactory conditions, mainly inadequate training.

"In the drive for profits, too many employers are blatantly taking advantage of vulnerable young workers. We need much tougher protections, and we need them quickly, as federal moves to strip back workplace rights will leave young workers even more exposed", Ms Giles says.

"There are some employers who are doing the right thing. But they are finding it difficult to compete with those who gain a competitive advantage by exploiting their workforce", she says

More details at <http://www.utlc.org.au/>

## **Top Five Ways To Know You Are Dating A Consultant**

1. *Refers to those "intimate moments" as "Win-Win situations"*
2. *Valentine's Day card has bullet points*
3. *Referred to the first month of your relationship as a "diagnostic period"*
4. *Celebrate anniversary by conducting a performance review*
5. *Ends any argument by saying "let's talk about this offline"*

## Changes To NSW Dangerous Goods Act

On 1 September 2005 the Dangerous Goods Act 1975 was repealed and the following legislation commenced:

- Explosives Act 2003 and the supporting Explosives Regulation 2005
- OHS Amendment (Dangerous Goods) Act 2003 and the supporting OHS Amendment (Dangerous Goods) Regulation 2005

The changes mean that dangerous goods are now regulated under the Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001, while explosives and security sensitive dangerous substances are regulated by the Explosives Act 2003 and the Explosives Regulation 2005.

Workcover have produced a code of practice for the handling of dangerous good.

The code of practice can be found at <http://www.workcover.nsw.gov.au>

## An Older Australia

Population ageing is occurring across all of Australia due to both a sustained decline in fertility rates and a decline in mortality owing to better healthcare and technology.

The shift in Australia's age structure means that the aged dependency ratio (the ratio of people 65 years of age and over to those in the workforce aged 15-64) will increase over the next 40 years. In 2002-03, for every person aged 15-64 years in the workforce, there is 0.190 person over 65 years of age. By 2050-51, for every person aged 15-64 years who are in the workforce, there will be 0.460 persons over 65 years of age. In addition, the percentage of the very old (85 years or over) will increase from 1.4 % of the population in 2001-02 to 8 % by 2044-45.

Ageing workers face specific occupational health & safety concerns. These include decreased physical capacity, fatigue, increased rates of musculoskeletal disorders and greater incidence of disease. Research also shows that mature workers have higher retention rates and lower absence from work compared to younger workers.

The study also showed that in general, older workers are also more reliable, committed, flexible, and dedicated to their work, and have developed strong people oriented skills through their extensive work history

One of the economic implications of ageing is the increased burden on the pension, welfare and healthcare systems. The Australian Government expenditure on aged care is projected to increase from 0.85 % of GDP to 2.1 % of GDP by 2044-45. There will also be an increased demand for disability and community support. However, due to a decline in 5-24 year age group, educational expenditure is expected to decline from 4.9 % GDP to 3.7 % GDP.

*The full report can be read at <http://www.nohsc.gov.au>*

## **Beware Of Giving It A Go**

A recent court case has highlighted the risk of giving it a go.

The High Court has found an employer liable for a woman cutting her little finger when she attempted to assemble a doughnut machine without instructions. When she told her team leader that she did not know how to assemble the machine, she claims that she was told to 'give it a go'.

The woman, pastry cook Robyn Vanessa Laybutt, initially won \$471,000 damages plus costs in a NSW District Court ruling against Sydney company Glover Gibbs. The company appealed successfully to the NSW Court of Appeal.

However the High Court judges ruled unanimously that the company had negligently caused injury to Ms Laybutt by rejecting her request for instructions on how to reassemble the doughnut machine.

As Ms Laybutt had attempted to join a pair of cylinders, the outer one slipped and sliced her right little finger, affecting the operation of her arm. On later occasions Ms Laybutt had been able to reassemble the machine without mishap. Ms Laybutt sued her employer for negligence in the District Court, alleging the company failed to implement a safe system of work, to provide adequate instruction and training, to supervise her properly or to heed her warnings that she was unskilled in the task.

Glover Gibbs pleaded contributory negligence by Ms Laybutt for failing to carry out her duties as instructed, to have proper regard for her own safety or to wear gloves. Glover Gibbs' own production manager criticised the "just give it a go" direction.

[www.austlii.edu.au](http://www.austlii.edu.au) *Laybutt v Glover Gibbs Pty Limited T/As Balfours NSW Pty Limited [2005] HCATrans 26 (4 February 2005)*

## Quotable Quotes

- *Nothing makes a person more productive than the last minute.*
- *He ended the job as he began it; fired with enthusiasm*

## Humour Can Be Both Fun, And Rewarding

The business world is often viewed as a dull, formal and humourless environment, and it is, but need not necessarily be so. Selective humour, and the emphasis must be on the word selective, does have a place in reports, e-mails and in the conduct of meetings. Humour that is not designed to put down, mock or ridicule anyone present, or anyone not present, can be effectively used. Mocking or ridiculing can be counter productive.

An example of humour effectively used was when a contractor was assigned the task of reconciling some very difficult creditors accounts. After all but one had been reconciled, he handed the task back to his supervisor with the note "no co-operation from Joe Bloggs, their account is still a mess". The supervisor penned a letter to the GM of the offending company saying that they were trying to reconcile his account without much success, and when he eventually faced with St Peter at the pearly gates and asked what good he had done on Earth, he would like to be able to reply "I reconciled Joe Blogg's account way back in 1999". Within 48 hours of the GM having received the letter, the account was reconciled, with the personal intervention of the GM.

*Rule #1 - Use real-life examples whenever possible. A true story, which you hoped would fill the room with hysterical laughter, won't cause any embarrassment if nobody laughs.*

Another contractor, working on an Activity Based Costing (ABC) project, when ABC was still a new concept, was told by one of the departmental managers that ABC was a 'wank'. At a presentation to the board, the contractor started by saying "I have been told that ABC is a wank, and I must agree that it is". There was a pause and then he continued, "It prevents **W**aste, by using **A**ctual data generated **N**ow and not out of date historical information to increase our **K**nowledge of our cost structures." Overhead projection displayed the letters WANK and their significance to the project. Besides gaining an unwelcomed nickname, the presenter had the satisfaction of having the details of his presentation remembered long after the other items on the agenda of that meeting were long forgotten.

*Rule #2- Humour does not have to leave the audience rolling in the aisles - that is the role of a stand-up comedian.*

In an unsuccessful fight with a bank manager over unauthorised and unexpected fees deducted from an account, an accountant wrote to the bank's area manager in which he said "Shrinkage is a term used when merchandise is stolen from a business. Shrinkage is also the term when the shirt that you wore last week now feels tight around the waist and you know that it is not as a result of washing. Shrinkage now has a new definition when your bank dips their fingers into your bank account and all you can do is watch the balance diminishing, knowing that there is no justification for the decline." Needless to say, the anomaly was investigated and reversed almost instantly and the missing funds 'unshrunk'. In this particular instance, it also earned the accountant an invitation to a swish bank dinner, normally reserved for larger and more important clients.

*Rule #3 - Don't tell your audience you are going to say something funny, it is possible that they may not think it funny.*

The Readers Digest discovered the significance of humour many years ago when they started filling the space at the end of their articles with anecdotes and 'funnies'. This made the magazine the ideal doctors waiting room reading material with patients skimming through the articles whilst jumping from one 'funny' to the next, and being exposed to all the advertising material on their journey through the magazine.

*Rule #4 - Use Images.*

Another middle manager made a habit of inserting little cartoon graphics in his reports, to emphasise a point. These graphics came from an inexpensive library of drawings found on the net. Once, pushed for time, a report went out in its 'vanilla' format, that is words but no pictures. The director returned it to the manager with the comment "I have to read reams of reports and proposals every week, let me at least look forward to one that makes enjoyable reading."

*Rule #5 - If you plan to tell a joke, it should be short and simple. No more than three different animals in the bar at one time.*

Not yet convinced? Still think business presentations and meetings must be serious affairs? If you need still more proof, have you ever heard laughter coming from a meeting being held behind a closed office door? When the door opens, the participants leave looking relaxed and are still smiling. Now think back to most meetings you have attended! The ones you actually enjoyed and really achieved something from. My bet is that those meetings that you remember had humour.

## What happens when the 'proverbial' hits the fan?

With the recent unrest around the world, and the unexpected taking on the garb of not "if" but "when", more and more firms are looking at their procedures to provide guidance on how to react to the abnormal event. Staff evacuation procedures and meeting points outside of the premises are possibly high on most planners agenda's and well signposted to staff on notice boards and in passageways. But who has the authority to talk on behalf of the company, to liase with the media and give interviews? The CEO, or every staff member, full time as well as part timers? Are there guidelines in place and are the staff aware of their limitations? Are these guidelines part of the induction procedure of all new members of staff?

If you do not yet have a corporate policy dealing with external communication and media contact, you may wish to look at suggested media policy available free on our web site at:

[http://www.easyhr.com.au/utilities/dl\\_media\\_comment.htm](http://www.easyhr.com.au/utilities/dl_media_comment.htm)

While you are there, why not take a look at our wide range of safety notices waiting for you to download and run through the colour printer. Let's make safety fun.

## Tid Bit

*According to researchers at the Free University of Berlin the average "working" person has a 20 percent higher chance of having a heart attack on a Monday than on any other day.*

## Interview Techniques

Reams have been written and a whole knowledge base has been constructed to advise the job candidate on how to 'beat' the interview process and gain that essential second interview. How to answer questions such as 'where do you see yourself in ten years' (Running the opposition company) or 'how do you fit an elephant into a telephone booth' (let the giraffe get out first). Not as much is written about the other party to the interview process, the person sitting opposite the job candidate. So often, with inexperienced interviewers, far too much time is taken up with extolling the virtues of the company or the department, and questions for the candidate are thrown in as an afterthought. The decision being made on gut feel.

When questions are asked, they are often the wrong questions - questions that are either illegal or inappropriate.

The interview process usually has the intention of finding a candidate with the right skills and temperament to fit into the organisation and to achieve the desired outcomes. The candidate and the interviewer often have opposing objectives. The interviewer's objective is to evaluate the candidate as he is, whilst the candidate's objective is to present himself as he perceives the interviewer would like him to be. So much so that in a recent survey by the HR consulting firm Beilby found 68 per cent of candidates misrepresent themselves in some way. The main porkies being in leisure activities and past salaries. Over the past few years there have also been well publicised cases of candidates who have been appointed as a result of levels of education and experience that have been fabricated.

Speaking at a recent event hosted by HR consulting group Beilby, Steve Van Aperen of Australian Polygraph Services said candidates will generally only tell interviewers what they want them to know, and HR professionals can improve the recruitment results of their organisations by becoming human polygraphs, or lie detectors.

If the intention is to relax and 'draw out' the candidate, don't ask a closed question. A closed question is one that could be answered with a simple yes or no.

A leading question is one that encourages the candidate to answer in a manner that he believes will be in his best interest. "*So it sounds like you enjoyed the challenges of leadership?*" This type of question will encourage the candidate to "waffle" on and weave a story of truths, half truths and perhaps even downright lies.

It is against the law to seek information about a person that can be used to discriminate against them. Any questions relating to irrelevant personal characteristics such as:

- age
- race
- sex
- marital status and children
- sexuality
- pregnancy and/or
- disability

The interview technique should not only be about the don'ts. There are some do's that can help in the process:-

- Keep job interview questions relevant and related to the job in question.
- Ask each applicant the same questions, to make sure the selection process is fair.
- Ask them about the people who have provided a reference and do contact their referees but only if they are on the "short list".
- Keep a written record of your questions and/or tests used and reasons for selecting the best applicant.

## **We Always Knew That The Brits Were A Bad Bunch, But Are We Any Better?**

According to a survey on mobile manners, two-thirds (62%) of UK workers have poor mobile etiquette and don't consider the effect their mobile manners have on colleagues. 61% of respondents admitted to practising bad mobile manners such as leaving phones switched on and answering calls in meetings.

Over a third (37%) make an effort to switch devices off during meetings and admit to feeling embarrassed if their device rings during a work meeting. Bad mobile manners are negatively affecting British workers, with 17% admitting they are left feeling disrespected or ignored when others practise poor mobile manners. 87% of UK workers admit feeling irritated when a mobile device rings in a meeting and most people (91%) admit feeling irritated if the device is answered.

Four out of five office workers (80%) believe it is unacceptable to send or read a text message during a meeting. However, by comparison, only over a third (38%) feel that using a laptop during a meeting is unacceptable.

The research was commissioned by T-Mobile UK and undertaken by YouGov. The research was completed between 27 July and 1 August 2005 from a nationally representative sample size of 5,116 participants.

T-Mobile has even gone as far as producing Ten Top Tips for Good Mobile Manners in the Workplace

1. Ensure your mobile phone is off or on silent mode during meetings
2. Do not answer calls during meetings
3. Do not send text messages during meetings
4. Do not leave your mobile device on the table in vibrate mode
5. If you are expecting an important call during a meeting, let the participants know at the beginning of the meeting. When you receive the call, discreetly excuse yourself from the room
6. Ask yourself: "Do I really need my mobile device for the time period of this meeting or can I leave it behind?"
7. Leave laptops closed during meetings. Only open laptops if resources are needed to support the meeting
8. Don't check emails on either Blackberry devices or laptops during meetings. If necessary, turn on 'Out of Office' to alert those emailing you that you will be in a meeting and are unable to respond immediately
9. Remember to take your phone with you if you leave your desk, or turn the phone off or onto silent mode
10. Ask your employer or HR department to provide a policy on the appropriate use of mobile devices in your workplace

## **Don't Send Workers On Stress Leave**

Helen Rimmington, from the national depression initiative beyondblue, spoke recently at a Australian Society of Certified Practising Accountants Conference in Melbourne and claimed that taking stress leave can make employees at risk of depression or anxiety feel more isolated and can also make their return to employment more difficult, she said today.

Workplace claims for psychological injury were expected to rise by nearly 40 per cent next financial year, Ms Rimmington told the congress

Psychological injuries made up seven per cent of claims but 27 per cent of total claim costs, and many employers believed sending a staff member on a few weeks' stress leave would fix their problem, she said.

Most people lived with healthy levels of stress, but for others this could develop into a serious clinical problem, Ms Rimmington, beyondblue's mental health in the workplace manager, said.

"Unfortunately there are still GPs you will go to who'll listen to your symptoms and what you're going through and say 'oh, trouble sleeping? Sleeping pills, off you go'. "Or, 'three weeks off - stress,' which doesn't help the people in your workplace do anything about it and it doesn't isolate what the problem is," she said.

But ignoring the problem can be costly. "It's estimated that each employee with untreated depression will cost your organisation about ten grand (\$10,000) a year," she said.

If you notice any behavioural changes that last for a period of two weeks or more in close family or friends, then it is worth asking whether the person may be depressed.

Common behaviours associated with depression include:

- Moodiness that is out of proportion to recent events;
- Increased irritability and frustration;
- Withdrawal from social events;
- Loss of interest in food, sex, exercise or other pleasurable activities;
- Being awake throughout the night;
- Increased alcohol and drug use;
- Increased physical health complaints like fatigue or pain; and,
- Being reckless or taking unnecessary risks (eg. driving fast or dangerously).

For more about depression or anxiety and how to recognise them, go to [www.Beyondblue.org.au](http://www.Beyondblue.org.au).

## ***Workplace Deaths ?***

*Causes of death listed in the archives of the Nebraska State Medical Journal:*

*"Had never been fatally ill before."*

*"Don't know. Died without the aid of a physician."*

*"Went to bed feeling well but woke up dead."*

*Source: The Book of Oddities by Frank O'Neil*

# Interesting Reading

Two books worth a read over the holidays

## ***Testosterone Inc.***

Christopher M. Byron.

Publisher: John Wiley & Sons

The subtitle of this book is "Tales of CEO's gone wild" and is the life story of four well known CEO's of the late 20th century, Jack Welch of General Electric, Ron Perelman of Revlon, Leo Kozlowski of Tyco and Al (Chainsaw) Dunlap of Sunbeam. The book can best be summed up by the comment in the acknowledgements - "Each of these men has declined the opportunity for interviews for this book". Intended as a voyeuristic look at CEO's with "extravagant" taste and bad behaviour there is a wealth of business history and enough personal insights, divorces, and goings on that make this book light enough to take with you to the beach.

## ***Age Discrimination: Mitigating Risk in the Workplace***

P.Thew, K.Eastman and J.Bourke:

Publisher: CCH

While not the same light reading as Testosterone Inc, this book covers the whole spectrum of age discrimination in the workforce starting with the demographics and political impetus behind the Age Discrimination act, moving through the legislation and then on to a practical guide to best practice workplace policy and risk minimisation strategies. The book ends with a comparison of the laws in three other countries - New Zealand, the UK and the USA..

Whilst this book covers a topic of significant risk to employers, I found it remarkably easy to read without the legalese that is often associated with books of this nature. Of special interest was a Q & A section covering advertising, recruitment and interviewing. Essential reading for all HR professionals.

# The Lingo Of Employers

"JOIN OUR FAST-PACED TEAM"

*We have no time to train you.*

"MUST BE DEADLINE ORIENTED"

*You'll be six months behind schedule on your first day.*

"SOME OVERTIME REQUIRED"

*Some time each night and some time each weekend.*

"DUTIES WILL VARY"

*Anyone in the office can boss you around.*

"MUST HAVE AN EYE FOR DETAIL"

*We have no quality control.*

"APPLY IN PERSON"

*If you're old, fat or ugly you'll be told the position has been filled.*

"NO PHONE CALLS PLEASE"

*We've filled the job; our call for resumes is just a legal formality.*

"SEEKING CANDIDATES WITH A WIDE VARIETY OF EXPERIENCE"

*You'll need it to replace three people who just left.*

"PROBLEM-SOLVING SKILLS A MUST"

*You're walking into a company in perpetual chaos.*

"REQUIRES TEAM LEADERSHIP SKILLS"

*You'll have the responsibilities of a manager, without the pay or respect.*

"GOOD COMMUNICATION SKILLS"

*Management communicates, you listen, figure out what they want and do it.*

## More Employee Protection On The Way

Employees of failed companies will have a better chance of recovering more of their wages and super under corporate insolvency reforms being proposed by the Federal Government.

"While Australia's insolvency regime is fundamentally sound, there are some areas that have not been updated since the 1988 Harmer review," says Chris Pearce, the parliamentary secretary to the Treasurer . "The Government is particularly concerned to ensure that vulnerable creditors, such as employees and small business, are adequately protected."

The package proposes a number of reforms including: improved access to the General Employee Entitlement and Redundancy Scheme (GEERS); enhancing the prospect of payment of employee entitlements and personal injury claims in insolvency; and the establishment of a fund to finance preliminary investigations of "assetless" companies to curb fraudulent "phoenix" activity where assets are siphoned off into a new company that is run by the same directors.

Jeffrey Lucy, chairman of the Australian Securities and Investments Commission, welcomes the changes: "This is a robust, integrated package of reforms that will go a long way towards ensuring that creditors, employees and small businesses are protected when businesses collapse, and that misconduct of company officers in the lead-up to a failure are appropriately investigated and punished."

When a company becomes insolvent, under the Corporations Act the liquidator must distribute all of the company assets to the long list of creditors. First off the rank is the liquidator's fees, followed by employees. As it is often a long wait for cash-strapped former employees, under GEERS the Government pays up to four weeks' unpaid wages, all annual and long-service leave, payment in lieu of notice as specified by the award, workplace agreement or employment contract, and up to eight weeks' redundancy pay.

Payments are capped at \$94 900, meaning that if an employee has entitlements of \$125 000, they can claim only up to the capped amount, says a spokesman for the Minister for Employment and Workplace Relations, Kevin Andrews. This amount is indexed each year.

Under the changes, any unpaid super guarantee also moves up the liquidator's priority list of creditors to be on par with wages.

Philippa Smith, chief executive of the Association of Superannuation Funds of Australia, whose organisation had been pushing for the change, has welcomed the announcement.

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