

MAKE REFERENCE TO RELEVANT LEGISLATION, DISCRIMINATION LAW etc.

Rubric is attached below, harvard referencing with minimum 10 references

Carly and her fellow employees are employed by the Burragorang Group Pty Ltd ('BG'). The employees (including Carly) are currently covered by a modern award. Carly identifies as an Indigenous Australian.

In November 2020, BG approaches the employees and proposes that the employees and BG enter into an Enterprise Agreement.

BG does not provide all employees with a notice of the employee's representational rights prior to commencing the negotiation of the proposed enterprise agreement.

BG proposes to the employees that the agreement will reflect their current terms of employment with the exception of:

- (a) The agreement will provide for a 12% salary increase made up of four increases of 3% from 1 July in each year of the agreement's operation;
- (b) The agreement will increase the weekly number of hours from 38 hours to 41 hours per week (the modern award provides for a 38 hour week);
- (c) A reduction in the casual loading from 25% to 20%;
- (d) The agreement will provide the employees with 3 weeks' annual leave;
- (e) The agreement will provide for 8 days' sick leave per year which may accumulate for 3 years;
- (f) The agreement will provide for 2 days' paid compassionate leave;
- (g) The agreement will provide for a 30 minute unpaid meal break each day;
- (h) The agreement will provide that employees will be paid monthly in arrears; and
- (i) The agreement will have a term, which will expire on 31 December 2026.

Carly is concerned about the terms of the proposed agreement *[listed above in (a)-(i)]* and that if she does not support the agreement, BG may terminate her employment.

She is also concerned that she has sought the assistance of her union, the Services Union ('SU'), in the negotiations, however she has been told by BG that she cannot involve the SU in the negotiating of the proposed agreement as BG would prefer to keep things 'in-house' with its indigenous staff. Furthermore, Carly is also concerned

as to whether she will continue to enjoy the conditions in her modern award if the BG Enterprise Agreement is made and approved by the Fair Work Commission.

BG is not responding to any phone calls or correspondence from the Union. The Union has told Carly that BG is unable to prevent the Union's involvement and that the Union is going to do 'something about it'.

Advise Carly in relation to her concerns.

Advise the Union in relation to what they might do regarding this situation and the conduct of BG.

Please note: you DO NOT need to research and identify the relevant award or current Enterprise Agreement for BG in your answer. The relevant information about the proposed Enterprise Agreement provisions is contained in the Assessment question, above.

11195 Rubric for Advice (Discrimination Law)

Criteria	Rat ings	Pts
This criterion is linked to a learning outcome Identification of key facts /5 marks		5 pts
This criterion is linked to a learning outcome Identification of relevant law and legal issues Make connection with existing knowledge, case law and legislation (if applicable) /10 marks		10 pts
This criterion is linked to a learning outcome Application and Reasoning Present the arguments and counter arguments applying the law to the issues		15 pts

<p>Demonstrate a deeper practical understanding of the application of the law to the facts.</p> <p>/15 marks</p>		
<p>This criterion is linked to a learning outcome</p> <p>Conclusion/Outcome</p> <p>Identify the likely result, including enforceability and remedy/remedies.</p> <p>Identify potential gaps/inconsistencies/risks in practice.</p> <p>/5 marks</p>		5 pts
<p>This criterion is linked to a learning outcome</p> <p>Legal citation, format and syntax</p> <p>Correct application of AGLC 4;</p> <p>Correct syntax – spelling and grammar;</p> <p>Format and presentation.</p> <p>/5 marks</p>		5 pts
<p>Total points: 40</p>		