

RELATIONSHIP BETWEEN GOVERNMENT, EMPLOYERS AND RESERVISTS ALL IMPORTANT

The Federal Government is committed to promoting cooperation between Defence reservists and their employers.

Introduced in 2001, the *Defence Reserve Service (Protection) Act* clarifies the rights and responsibilities of both employers of reservists and their staff. It offers comprehensive protection from discrimination for partners, contractors, part-time and casual employees as well as students who serve part-time in the Australian Defence Force (ADF).

At the same time as the Act was made law, the Office of Reserve Service Protection (ORSP) was established by the Government to investigate and resolve complaints made under the provisions of the Act. The ORSP also provides guidance about the requirements of the legislation, advises and trains relevant parties regarding the application of the Act and serve to enhance reservists' availability for Defence service.

Staffed by a full-time civilian Director and part-time reserve Lieutenant Colonel, the ORSP ensures that the business community is aware of the opportunities and obligations associated with having reservists on staff. The ORSP also strives to educate reservists and reserve units or administrators about their own obligations under the Act.

The ORSP's advice and guidance has informally resolved many cases of perceived or potential discrimination against reservists.

"The greater part of the ORSP's work is related to ensuring the release of reservists for Defence service," said ORSP Director Phil Johnston.

"Over the past 12 months the Office has adopted a focus on facilitating that release by ensuring that reservists consider the needs of their civilian employer before volunteering to undertake Defence service.

"That means being reasonable in their expectations of support in terms of length of service and regularity of service, providing as much forward notice as possible and ensuring that the employer has all the necessary information to claim the Employer Support Payment."

Given that reservists' service commitments can vary from seven days to in excess of 100 days a year, the ESP payment, which increases to \$1035.90 per week on July 1, has helped many employers offset the costs of staff absent on "leave without pay" and in some cases, employers have elected to use the ESP to enable the release of reservists on "paid leave".

Employers are also relieved from paying workers' compensation premiums and the superannuation guarantee levy while reservists are away serving in their Defence roles.

Educating the broader business community about their responsibilities has been the key to avoiding any litigation under the Act.

Mr Johnston and his deputy have provided briefings and presentations to major military formations and employer groups throughout Australia and are continually developing links with groups including Anti-Discrimination Commissions, educational institutions, employer groups, the tax office and the Industrial Relations Commission.

At the same time as it provides complaint resolution for reservists uncertain about their rights under the new Act, the ORSP is mindful of the burdens that releasing employees for service may cause to small business employers.

The Office also helps resolve employers' legitimate difficulties with releasing staff for service.

Since its inception the ORSP has received an average of 20 calls a week from reservists and their employees seeking guidance and advice.

The Office welcomes general written inquiries addressed to The Office of Reserve Service Protection, Department of Defence Russell Offices, R1-1-B021, Canberra ACT 2601 or calls to its toll-free number 1800 803 485.

Alternatively go to our website, www.defence.gov.au/reserves