

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

1) Most Australian employees have their pay and conditions regulated by:

- A) state enterprise agreements.
- B) state awards.
- C) a national workplace relations system.
- D) the common law and Australian Workplace Agreements.

Answer: C

2) Which of the following statements about federal workplace laws is not true?

- A) In all states, except Victoria and Tasmania, state public servants are mostly regulated by state laws.
- B) Private employees in Western Australia are regulated by Western Australian state laws.
- C) State awards must be incorporated into modern federal awards.
- D) Victoria has transferred most of its industrial relations powers to the Commonwealth.

Answer: B

3) In 2012 the pay and work conditions of most Australian employees were regulated by:

- A) a national workplace relations system.
- B) the *Fair Work Act* 2009.
- C) Fair Work Australia.
- D) all of the above.

Answer: D

4) Which of the following statements is not true in relation to the New South Wales Industrial Relations Commission?

- A) It lost the power to hear employment disputes in 2006.
- B) It lost many of its powers in June 2011.
- C) It is obliged to set annual wage increases at 2.5 per cent or less unless further increases are funded by productivity improvements or reduced conditions.
- D) It must comply with government policies when it makes awards that cover state public servants.

Answer: A

5) An enterprise agreement is not valid unless it:

- A) is voted for by a majority of employees.
- B) is registered with Fair Work Australia.
- C) satisfies the Better Off Overall Test (BOOT).
- D) complies with all of the above.
- E) complies with A and B.

Answer: E

6) A legally enforceable order that is made by a state industrial tribunal that sets pay and conditions for a specific occupation for a specific period of time is called:

- A) a work agreement.
- B) an enterprise agreement.
- C) an award.
- D) a common law contract.

Answer: C

7) A legally enforceable order made between an employer and its employees that sets pay and conditions for a specific period of time for all the employees is called:

- A) a common law contract.
- B) an enterprise agreement.
- C) an award.
- D) a work agreement.

Answer: B

8) The name for a common law agreement in which a worker agrees to work for an employer on specific terms is:

- A) an award contract.
- B) a contract of service.
- C) a contract for services.
- D) an independent contractor's agreement.

Answer: B

9) When Australian courts have to determine whether workers are employees or independent contractors they usually apply:

- A) the multi-factor or total relationship test.
- B) the written agreement or tools & equipment test.
- C) the iron control or industrial relations test.
- D) the 'three blind men and the elephant' test.

Answer: A

10) In *Zuijs v Wirth's Bros Pty Ltd* (1955), a trapeze artist who had been hired as an independent contractor claimed he was an employee after he was injured performing his act. Which of the following statements most accurately reflects the High Court's judgement?

- A) The circus's right to control how the worker carried out his compulsory incidental duties (such as erecting the circus tent) indicated he was an employee.
- B) Since the trapeze artist did not operate as a company he was likely to be an employee.
- C) Workers are likely to be employees if they have the right to choose a replacement (such as the right to nominate a replacement trapeze artist if the regular performer is ill).
- D) The worker's significant control over how he performed his dangerous trapeze act indicated that he was an independent contractor.

Answer: A

11) Under common law, employers have a duty to:

- A) reimburse their employees for reasonable work expenses.
- B) bear vicarious liability for employees who cause loss or injury.
- C) ensure the safety of their employees.
- D) comply with all of the above.
- E) comply with A and B above only.

Answer: D

12) Employees have a common law duty to obey orders that are:

- A) articulate, fair and clear.
- B) logical, fair and clear.
- C) reasonable, lawful and within the scope of the contract.
- D) all of the above.

Answer: C

- 13) Tina was employed by Ralph for five years as a bookkeeper under a common law contract. She was paid weekly. There was no notice of termination period specified in the contract. Last week Ralph terminated Tina's contract because there was not enough work for her. Which of the following statements is not accurate in relation to Tina's rights in relation to notice of termination?
- A) Under federal and state legislation Tina must receive a notice period of at least four weeks.
 - B) If Ralph gives Tina one week's notice he must pay her one week's wages immediately. He cannot require her to come to work for the next week.
 - C) Under common law Tina must receive a notice period of at least one week.
 - D) Under federal and state legislation if Tina is aged over 45 years she is entitled to an extra week's notice period in addition to any other notification entitlement.

Answer: B

- 14) If an employee claims that their dismissal was harsh, unjust or unreasonable they must show that the employer:
- A) did not give a valid reason for the dismissal.
 - B) did not give sufficient warnings.
 - C) did not give the employee an opportunity to defend themselves.
 - D) all of the above.

Answer: D

- 15) Which of the following types of employees are eligible to claim for unlawful termination under the *Fair Work Act 2009*?
- A) Employees who have worked for an employer of staff for five months.
 - B) Employees who have been on probation for three months.
 - C) Employees who are paid a gross annual salary of \$110 000.
 - D) Employees on fixed contracts.
 - E) None of the above — none of them are eligible.

Answer: B

- 16) Max has worked for his employer for 30 years under a federal award. He has been dismissed because he took legal action against his employer over unpaid wages. Which of the following statements is not true in relation to his legal rights under federal laws?
- A) Max has the right to make a claim on the basis that his termination was based on discriminatory grounds. He must lodge this claim within 60 days from the date of the termination.
 - B) If Max succeeds in his legal action he must decide whether he wants compensation or reinstatement to his old position. He cannot ask for both remedies.
 - C) Max must mitigate (reduce) his losses by immediately looking for alternative employment.
 - D) Max has the right to make a claim on the basis that his termination was harsh, unjust or unreasonable. He must lodge this claim within 14 days from the date of the termination.

Answer: B

- 17) Which of the following statements is not true in regard to the rights and obligations of employees under federal unfair dismissal laws?
- A) The maximum compensation for unfair dismissal is rarely awarded. Most compensation payments range for one to four weeks pay.
 - B) The maximum compensation they can be awarded is an amount that equals 26 weeks pay or approximately \$ 54 000.
 - C) Employers who have fewer than 30 employees have a defence against unfair dismissal if they can prove they followed the Small Business Fair Dismissal Code.
 - D) Dismissed employees are usually obliged to mitigate (reduce) their loss by looking for new employment.

Answer: D

18) Under state and federal statutes all Australian employees who qualify are entitled to:

- A) annual leave of four weeks.
- B) paternity leave.
- C) long service leave.
- D) all of the above.
- E) A and B only.

Answer: D

19) The main aim of affirmative action legislation is to ensure that:

- A) direct and indirect discrimination are eliminated from the workplace in the next 10 years.
- B) sexual harassment is eliminated from the workplace.
- C) employment and advancement are made available for groups which have generally been denied opportunities in the workplace.
- D) all of the above are implemented.

Answer: C

20) Tham has a slim build and is slightly below average height. However, he does have a black belt in karate. The Titanium Security company refused to consider him as a payroll guard because he failed to satisfy their minimum height and weight requirements. Consequently, the company may breach anti-discrimination laws on the grounds of:

- A) direct discrimination.
- B) physical or intellectual disability.
- C) indirect discrimination.
- D) colour.

Answer: C

21) Phillipa was dismissed from her employment at a childcare centre. Which of the following reasons for the dismissal would give her grounds for action under anti-discrimination laws?

- A) She lacked TAFE qualifications for the position.
- B) She was 7 months pregnant.
- C) Two parents complained that Phillipa had shaken and yelled at their children. These charges were later proven to be false.
- D) All of the above.

Answer: B

22) Which of the following statements is not true?

- A) An employer can be held vicariously liable for discrimination by employees.
- B) All state and federal anti-discrimination statutes prohibit discrimination on the basis of age.
- C) The major defence to a charge of sexual harassment is proof that the person charged did not intend to sexually harass anyone.
- D) Sexual harassment could include the display of provocative posters, calendars and pictures.

Answer: C

23) Which of the following is a power which is rarely used by anti-discrimination boards or tribunals?

- A) An order to pay compensation.
- B) An order to reinstate or relocate a person who has been discriminated against in their workplace.
- C) An injunction to stop a person from carrying out unlawful conduct.
- D) An order that a person who has 'lost' a hearing pay the legal costs of the 'winner'.

Answer: D

24) Which of the following is not a feature of the national industrial relations system that was established by the *Fair Work Act 2009*?

- A) Every new employee must be provided with a fact sheet which explains the 10 National Employment Standards.
- B) Common law contracts are approved by Fair Work Australia provided they are fair and equitable.
- C) Modern federal awards may include up to 20 'allowable' matters.
- D) Awards and enterprise agreements must comply with the 10 National Employment Standards.

Answer: B

25) Which of the following is not a feature of the industrial relations system that was established under the *Fair Work Act 2009*?

- A) Enterprise agreements must provide conditions that are better overall than the conditions in the modern awards that cover employees in the enterprise agreements.
- B) Preferential treatment for union members who belong to unions that have agreed to enterprise agreements that are 'in the public interest'.
- C) Parties must negotiate in good faith.
- D) Limits on strikes and other industrial action.

Answer: B

26) One main role of Fair Work Australia is:

- A) to advise employers and employees on workplace rights and responsibilities.
- B) to set minimum wages.
- C) to investigate workplace complaints.
- D) to negotiate enterprise agreements.

Answer: B

27) Which of the following is not a role of Fair Work Australia?

- A) To inspect workplaces in relation to possible breaches of the *Fair Work Act 2009*.
- B) To hear unfair dismissal claims.
- C) To approve enterprise agreements.
- D) To set minimum wages.

Answer: A

28) Which of the following bodies has the power to hear and determine federal industrial relations disputes?

- A) The Federal Magistrates Court.
- B) Fair Work Australia.
- C) The Australian Building and Construction Commission.
- D) The Workplace Ombudsman.

Answer: A

29) During the negotiation period for a new enterprise agreement:

- A) employees have a limited right to strike.
- B) employers have a limited right to lock out employees.
- C) unions may carry out secondary boycotts without approval by secret ballot.
- D) all of the above are allowed.
- E) A and B only are allowed.

Answer: E

- 30) Which of the following statements is not true in relation to the federal regulation of independent contractors under the *Independent Contractors Act 2006* (ICA)?
- A) Owner drivers in the trucking industry are exempt from the ICA.
 - B) The main test for determining if a person is an independent contractor is based on the Better Off Overall Test (BOOT).
 - C) Outworkers ('piece workers') in the textile industries are exempt from the ICA.
 - D) People who are classified as independent contractors cannot be classified as employees.

Answer: B

- 31) If a court determines that a contract for the hire of an independent contractor includes an unfair term It has the power to:
- A) vary the contract to ensure the term is fair.
 - B) impose fines of up to \$33 000 (companies) or \$6600 (individuals).
 - C) award damages.
 - D) Carry out all of the above.
 - E) Carry out A and B only.

Answer: D

- 32) A peak national organisation that represents employees is:
- A) The Australian Chamber of Commerce.
 - B) The Metal Trades Industry Association of Australia.
 - C) The ACTU.
 - D) The AIRC.

Answer: A