

RELATIONSHIP BETWEEN GOVERNMENT, EMPLOYERS AND RESERVISTS ALL IMPORTANT

The Federal Government is committed to promoting co-operation 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 and hindrance for all Reservists including; partners, contractors, part-time and casual employees as well as students who serve 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 on the requirements of the legislation, advises and trains relevant parties regarding the application of the Act, and works to enhance the availability of reservists for Defence service.

The ORSP is staffed by a full-time civilian Director, a full time civilian Assistant Director and two part-time Deputy Directors, both Reservists. The ORSP ensures that employers are aware of the opportunities and obligations associated with having Reservists amongst their employees. The ORSP also strives to educate Reservists and Reserve units or administrators about their own obligations under the Act.

Advice and guidance provided by the ORSP has informally resolved many cases of perceived or potential discrimination against Reservists.

The greater part of the work undertaken by the ORSP is related to education and ensuring that employers and Reservists are aware of their responsibilities and that both parties understand the protection afforded by the Act.

The ORSP encourages reservists to consider the needs of their civilian employer before volunteering to undertake Defence service. Being reasonable in their expectations of support and providing their employer with as much forward notice as possible, is most important. It is also about ensuring that the employer has all the necessary information to successfully claim the Employer Support Payment (ESP).

Given that Reserve service commitments can be for extended periods, the ESP (which at 1 July 2010, is \$1243.10 per week) is of great assistance and has helped many employers offset the costs of staff absent on Reserve Service Leave. In some cases, employers have elected to use the ESP to provide for top-up-pay in support of their Reservist employee, where their Reserve pay is less than their normal civilian pay.

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

Educating employers and the broader business community about their responsibilities has been the key to avoiding any necessary litigation under the Act. ORSP has provided briefings and presentations to major military formations and employer groups throughout Australia and is developing Memoranda of Understanding (MOU) with larger organisations such as Police and Emergency Service organisations, to assist in facilitating a seamless release of Reservists with the minimum impact on employers.

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

The ORSP also assists those employers who are experiencing legitimate difficulties with releasing staff for service, through mediation with the Reservist's unit.

Since its inception the ORSP has received an average of 30 calls a week from Reservists and/or their employers, seeking guidance and advice.

The ORSP welcomes general written inquiries addressed to The Director, Office of Reserve Service Protection, Department of Defence, BP35-3-89, Brindabella Business Park, Canberra ACT 2600 or calls to its toll-free number 1800 803 485.

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