NEW YEAR'S RESOLUTIONS FOR EMPLOYMENT, INDUSTRIAL RELATIONS, AND WORK HEALTH AND SAFETY

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Australia Labor, Employment, and Workplace Safety Alert

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A few New Year's Resolutions from an employment, industrial relations and work health and safety perspective as we kick off 2025.

See how many of these can be completed or substantively advanced by the end of March 2025:

PAYROLL COMPLIANCE

Conduct or review your modern award mapping and classifications across the business. Ensure that all employees are receiving correct pay and entitlements under applicable industrial instruments and workplace laws. Criminal wage theft laws are now in place for intentional underpayments. Severe civil penalties also remain in place for underpayments which are not intentional in nature.

PREVENTING SEXUAL HARASSMENT (QUEENSLAND)

Prepare, consult and implement a prevention plan to manage an identified risk to the health or safety of workers, or other persons, from sexual harassment and sex or gender-based harassment at work. This needs to underway from March 2025.

POSITIVE DUTY TO PREVENT SEXUAL HARASSMENT (ALL AUSTRALIAN STATES AND TERRITORIES)

Review current measures in place to prevent sexual harassment and sex or gender based harassment at work, generally. Are the measures effective? Does more need to be done to prevent such conduct? There is an expectation of ongoing positive and active attention to this important area.

PSYCHOSOCIAL HAZARDS AND RISKS

Review current risk assessments and ensure that psychosocial hazards and risks have been appropriately identified and recorded. Review control measures. Are the measures effective? Does more need to be done in this area?

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WORK HEALTH AND SAFETY

Review risk assessments holistically across the business. Are they up to date? Do they reflect current business operations and any changes to operations? Are control measures effective? Do they reflect applicable laws, standards, codes of practice and/or best practice? Do they need revision? Have workers been consulted with and trained on hazards, risks and control measures?

BOARD BRIEFINGS

If not already on the agenda, include the above key areas of importance into quarterly updates to the Board. Consider conducting board briefings / training on these matters periodically.

CONTRACTOR CLASSIFICATIONS

Review each contractor engagement within the business against the new definition of employee. Is there a risk of misclassification or sham contracting (adopting a multi factor test)? Are practical arrangements for contractors in place to reduce this risk? Are opt out notices being used where appropriate? Misclassification or sham contracting can lead to severe consequences – including criminal and civil penalties for underpayments of minimum employment entitlements under applicable industrial instruments.

INDUSTRIAL RELATIONS STRATEGY

Review your present Industrial Relations strategy. Does it reflect best practice? Does it incorporate 2023/2024 changes to industrial relations laws?

With the range of criminal sanctions now expanded in the employment law, industrial relations and safety space, and the significant reform over the last year or two, there has never been a more important time to ensure a deliberate and focused plan to manage employment, industrial relations and work health and safety across every business in every industry. Not doing so could expose a company, its directors and other officers and other workplace participants.

HOW CAN WE HELP?

If you'd like further advice or assistance on any of the above, or if you need additional resources to assist checking off these items, please do not hesitate to reach out.

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