

Additional Industrial Relations Reforms effective 26th August 2024

Important information for NEXUS Human Resources' clients, partners & stakeholders.

Same Job, Same Pay' For Labour Hire Arrangements

'Same Job, Same Pay' changes seek to address the so called 'labour hire loophole' where host employers use labour hire to 'deliberately undercut and avoid' the bargained wages and conditions set out in enterprise agreements made with their direct employees. One of the key reforms is the introduction of 'regulated labour hire arrangement orders' (or RLHAOs), which will have significant negative consequences for the labour hire industry.

Casual employee definition change

A new definition of 'casual employee' will be introduced to the Fair Work Act. Under this definition, an employee is only a casual if:

- there isn't a firm advance commitment to continuing and indefinite work, taking into account a number of factors, including the real substance, practical reality and true nature of the employment relationship
- they're entitled to receive a casual loading or specific casual pay rate.

Casual Conversion

Additionally, the new amendments also change the casual conversion process. This is now called the 'employee choice' process. Now, after 6 months of work or 12 months in a small business, employees can choose to notify their employer in writing if they believe they no longer meet the definition of a casual employee and wish to convert to permanency.

Right to disconnect (effective 26 August 2025 for Small Business Owners with less than 15 employees)

The right to disconnect allows an employee to refuse to monitor, read or respond to contact or attempted contact from their employer outside of working hours. This does not prohibit all after-hours contact, but instead allows the employee to refuse contact such as phone calls and emails in these periods, so long as such refusal is reasonable.

Contact NEXUS for

Why was there a need for the change?

There has been a blurring of lines between home and work with a shift to hybrid work/work from home post pandemic and seamless advances in modern technology. These new laws aim to provide a clearer delineation between home and work and protect employees private time by giving them right to disconnect from work

Workplace delegates of regulated workers

Further to changes made in December 2023 and July 2024 regarding 'workplace delegates' and 'right of entry and exemption certificates', additional rights for workplace delegates take effect from 26 August 2024. From this date, a workplace delegate will include a person appointed or elected under the rules of an employee organisation to represent members of the organisation who perform work:

- for a particular regulated business, or
- that has been arranged or facilitated by a particular regulated business.

It's important your business remains compliant. We can help you maintain compliance, navigate the changes and what they mean for your business.

Contact the team at NEXUS Human Resources today.

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