



MEMBERS UPDATE

————— NOVEMBER 2024 —————

Welcome to the November 2024 member's update

In this month's members update we look at:

- Public Holidays
- New FWO resources – Understanding Pay and Conditions, Enterprise Agreements & Bargaining
- New course available – Workers Compensation for Payroll



Right to not work on a public holiday

With the upcoming holiday season, it's important to be reminded of an employees' right to be away from work on a public holiday, as per the National Employment Standards. Employees should be given the choice to work on a public holiday or not. Employers can request employees to work on a public holiday, but the request has to be reasonable.

An employee can refuse a request to work if the:

- employee has reasonable grounds, or
- request is unreasonable.

When deciding if an employee will be rostered to work on a public holiday, employers should consider:

- the nature of the workplace
- the role and type of work of the employee does
- employee's personal circumstances (including caring responsibilities)
- employment status (full-time, part-time or casual)
- an expectation that they might be asked to work on the public holiday
- any overtime, penalty rates or other payment the employee might receive
- the amount of notice provided
- any other relevant factor.

An employer can require an employee to work a public holiday if the:

- employer has made a reasonable request for the employee to work the public holiday
- employee has unreasonably refused that request.



Discuss with your business that employees must be given the choice to work a public holiday, not just rostered on.

New resources from the Fair Work Ombudsman

The Fair Work Commission and the Fair Work Ombudsman have launched a new resources about understanding pay and conditions, bargaining, agreement-making and entitlements in the Fair Work system.

It includes information about:

- Understanding employee pay and entitlements
- Understanding enterprise agreements
- Understanding bargaining

You can find further information here: <http://learn.fwc.gov.au/>

Compliance – Payslips for terminated employees

Employers must provide employees with a payslip within one working day of being paid, even if the employee has been terminated.

Remember, once an employee terminates, they may no longer have access to the payroll system for their final payslip.

<https://www.fairwork.gov.au/pay-and-wages/paying-wages/pay-slips>



Check your process when an employee is terminated.

Do you change their payslip to be mailed to the employee's home address or do you change it to emailing it to their personal email address?

FAQ

Q. Do I need to pay redundancy to my employee?

A. If an employee's job has been made redundant and you cannot offer your employee another suitable role, then the employee may be eligible for redundancy pay.

Most permanent employees are eligible for redundancy pay. Under the NES, those who usually do not qualify include:

- Casual employees
- Employees of a small business
- Anyone who has been employed for less than a year
- The conclusion of a fixed-term contract or an apprenticeship is not considered a redundancy.

How much redundancy pay an employee receives is calculated according to the number of years they have been employed minus any periods that do not count towards continuous service.

Employees are paid their base weekly rate of pay at the time that they are made redundant. It does not include extra amounts like allowances, penalty rates, loadings or bonuses (unless the award or agreement states otherwise).

Employers should also check any relevant awards or registered agreements for additional redundancy obligations.

Q. Does superannuation get paid on Redundancy pay?

A. No, Superannuation is not paid on an employees' redundancy pay. It is however, paid on any payments an employee receives for in lieu of Notice.

New Course Announcement - Workers Compensation for Payroll Self-Paced Course

The course works through all the areas of workers compensation from a payroll perspective and will bring you up to date with the latest state and federal legislation that will impact workers compensation. Delivered online through our self-paced learning platform, this course offers opportunities for interaction with experienced trainers and includes a variety of practical exercises. Member discounts apply

<https://www.austpayroll.com.au/product/online-self-paced-course-workers-compensation/>

MEMBERS WEBINAR



Our November webinar will be held on 27th November at 1pm. We will be joined by Athena Koelmeyer, Managing Director and Principal at Workplace Law, where we will be discussing the upcoming Criminalising Intentional Wage Underpayments legislation, due to take effect on 1 January 2025.