

# IR POLICY AND GOVERNANCE UPDATE



## INTRODUCTION

This week we summarise what we currently know of each of the federal political parties stated policies on workplace relations and other relevant issues, a review the upcoming Easter long weekend public holidays and related employee matters, a summary of the Reserve Banks latest interest rate decision, and we review the implications for members of a recent decision of interest.

## FEDERAL ELECTION – PROPOSALS AND PROMISES

As we head towards the federal election on 3 May 2025, we provide the following details of the stated workplace relations policy and business related positions currently proposed by the main parties.

### Labor

- Extend the \$20K instant asset right off for 12 months for small businesses.
- In 2027, a prohibition on non-compete clauses for workers earning under the high income threshold (currently \$175K pa).
- The introduction of a national long service leave scheme to unify entitlements on a national basis (We have been waiting since 2010 for this to have occurred).
- Superannuation to be paid each pay cycle.
- An expansion of the right to disconnect laws that includes a prohibition on working 'excessive hours'.

### Liberal/National Coalition

- A permanent \$30K instant asset right off for small businesses.
- Repealing various of the current governments 'closing the loopholes' amendments – right to disconnect, the new casual employee definition.
- Racketeering laws aimed at union leader unlawful behaviour.

### Independents

- Expanding the definition of 'small business' from 15 to 25 employees to reduce the effects of industrial regulation.
- Implement more of the 'Respect@Work' report recommendations.

### Greens

- Introducing 12 days reproductive leave to cover fertility treatments, endometriosis, menopause, and perimenopause.
- Trialling 4 day work weeks.

We will provide more updates and details as they are announced over the coming weeks.

## EASTER LONG WEEKEND PUBLIC HOLIDAYS

Over the Easter long weekend, the actual public holidays can vary from state to state. We summarise them as follows:

- **Good Friday** - is a public holiday in all states and territories.

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- **Easter Saturday** - is a public holiday in all states and territories **except Tasmania and Western Australia**.
- **Easter Sunday** – is a public holiday in all states and territories **except Tasmania**.
- **Easter Monday** – is a public holiday in all states and territories.

## Requiring employees to work on a public holiday

The Fair Work Act generally entitles an employee to be absent from work on a public holiday, unless members have made a 'reasonable request' for them to work on the public holiday. The factors that determine if the request is reasonable or otherwise include:

- the nature of the work and workplace,
- whether the employee could reasonably expect to be requested to work on a public holiday,
- that an employee will be paid public holiday penalty rates of pay (i.e. 250% of the ordinary hourly rate under the Graphic Arts, Printing and Publishing Award),
- the personal circumstances of your employees,
- the amount of notice provided to your employees requiring them to work on a public holiday, and
- consideration of any employee response.

As always, employees not required to work on a public holiday that is ordinarily a work day are to be paid at their base rate of pay.

Finally, and pursuant to clause 36.6 of the Graphic Arts, Printing and Publishing Award, where a full-time employee's ordinary hours and days of work are structured include a day off and the day off falls on a public holiday (except on a Saturday or Sunday), the employee is entitled, at the discretion of the employer, to either:

- i. 7 hours and 36 minutes' pay at the ordinary time rate; or
- ii. 7 hours and 36 minutes' extra annual leave; or
- iii. a substitute day off on an alternative week day.

## RBA DECISION

In its decision last week, the RBA Board determined to leave the cash rate unchanged at 4.1%. As part of its considerations, the Board considered that inflation has fallen substantially since the peak in 2022, as higher interest rates have been working to bring aggregate demand and supply closer towards balance. Recent information suggests that underlying inflation continues to ease in line with the most recent forecasts.

Further it held the view that private domestic demand appears to be recovering, real household incomes have picked up and there has been an easing in some measures of financial stress. However, businesses in some sectors continue to report that weakness in demand makes it difficult to pass on cost increases to final prices. As has been the case for the last few years, sustainably returning inflation to target within a reasonable timeframe is the RBA's highest priority.

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## DECISION OF INTEREST

### **Reasonable changes in role did not force resignation**

In a recent Commission decision, it was determined that changes to work arrangements were reasonable under the circumstances.

The employee claimed he had no other option but to resign after his employer refused his flexible work requests, forced him to take unpaid leave, and failed to allow him to return to his substantive role. The Commission heard that in October 2023, the employer rejected the manager's request to work from home full time to care for his mother, but allowed him to work remotely two days per week.

These arrangements weren't practical for the manager, however, and he accessed carer's leave on the days he was meant to be onsite. In January 2024, the employer agreed to let him work from home full time. The manager then started taking periods of personal leave and was absent from May to July 2024. During this time, a co-worker took over his role. Then in July 2024, the manager made a stop-bullying application, resulting in the Commission recommending that the employer return him to his previous role for two days per week (the maximum specified by his doctor) and review his workload.

When the manager returned to work, some of his duties were reallocated to his colleague. The employer made it clear this was because he couldn't perform all the inherent requirements of his role while only working two days, and that the colleague hadn't "replaced" him. But a week later the manager resigned, stating in his letter that "sustained unfair and discriminatory treatment and retaliation" had made it "impossible" to continue in his role.

Finding that the employee had resigned voluntarily and was not dismissed via repudiation by the employer the Commission held that it wasn't satisfied the employer had unreasonably rejected the manager's flexible work requests. Rather, it was held that the employer had been "generous" in its approach to his personal circumstances. Further, none of the employer's actions indicated it didn't intend to be bound by his contract. There was "no significant diminution" in the manager's remuneration, status or responsibilities, other than the changes to accommodate his reduced working days. All of these changes were part of the "give and take" of the employment relationship and were "entirely reasonable".

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## CONTACT

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