

IR POLICY AND GOVERNANCE UPDATE



INTRODUCTION

This week we outline the federal governments decision on ending the COVID-19 Disaster Payment scheme, casual employee related Award amendments, considerations on those employees currently working from home as the country hits vaccinations targets, the federal governments extension to the Bppsting Apprenticeship Commencements program, and the ever increasing number of scams being experienced by businesses and individuals this year.

COVID-19 DISASTER PAYMENT COMING TO AN END

The temporary COVID-19 Disaster Payment scheme has supported approximately 2 million Australians with over \$9 billion in payments made since it was announced in June this year. Under the payment scheme, eligible recipients have received \$750 per week if they lost over 20 hours of work, \$450 per week if they lost between 8 and 20 hours. This week the federal Treasurer, Josh Frydenberg, has outlined the governments decision on how the Disaster Payment scheme will transition towards its inevitable end.

At 70% vaccination rates

As part of the economic recovery plan, the temporary payment will begin to transition once a state or territory reaches 70 per cent full vaccination of its population (16 years and older) in line with the movement into Phase B of the National Plan agreed to at National Cabinet. Once a state or territory reaches 70 per cent full vaccination, the automatic renewal of the temporary payment will end and individuals will have to reapply each week that a Commonwealth Hotspot remains in place to confirm their eligibility.

At 80% vaccination rates

In line with the movement into Phase C of the National Plan, where a Commonwealth Hotspot remains in place and a state or territory reaches 80 per cent full vaccination of its population (16 years and older), the temporary payment will step down over a period of two weeks before ending. In the first week after a state or territory has reached 80 per cent vaccination there will be a flat payment of \$450 for those who have lost more than 8 hours of work, while those on income support will receive \$100. In the second week, the payment will be brought into line with JobSeeker at \$320 for the week for those who have lost more than 8 hours of work, while the payment will end for those on income support.

Pandemic Leave Disaster Payment

The National Plan recognises that beyond the 80% vaccination target there will still be the possibility of highly targeted lockdowns due to COVID-19 outbreaks. The Government has stated it will leave the Pandemic Leave Disaster Payment scheme in place until 30 June 2022 for those individuals who must self-isolate or quarantine and cannot earn an income during that period.

AWARD AMENDMENT - CASUALS

Further to our previous Bulletin advisories on this issue in April, the *Fair Work Act* was amended in March 2021 so as to include a clarifying definition of 'casual employee' and related casual conversion arrangements. As a result of those legislative amendments, the Fair Work Commission

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was required to undertake a review of modern Awards and make the required amendments to casual clauses where necessary.

Those amendments are essentially identical in the primary Awards that apply in our industry - Graphic Arts, Printing and Publishing Award, Clerks Private Sector Award, and the Commercial Sales Award. Further, the legislative amendments apply to Award free casual employees.

The Amendments

Essentially, from 27 September 2021:

- > **Definition** - The casual employee provisions of Awards have been amended so as to refer to the *Fair Work Act* definition of “casual employee” whereby a person will be defined as a casual if:
 1. an offer of employment made by the employer to the person is made on the basis that the employer makes no firm advance commitment to continuing and indefinite work according to an agreed pattern of work for the person; and
 2. the person accepts the offer on that basis, and
 3. the person is employed as a result of that acceptance.

A regular pattern of hours does not in and of itself dictate a firm advance commitment to continuing and indefinite work. The amendments make clear that the classification of an employee is "to be assessed *on the basis of the offer of employment...not on the basis of any subsequent conduct of either party*".

- > **Offers and requests for casual conversion** – the previous terms within Awards have been removed and reference is now made to the relevant provisions within the National Employment Standards. Of particular note for GAPPA covered employees, the previous Award requirement to offer casual conversion, where necessary and applicable, to casual employees after six (6) months of regular and systematic employment has been removed and replaced with the requirement under the Fair Work Act which requires any such required offer to be made after 12 months.

WORKING FROM HOME

Many employees in our industry, particularly those directly employed in production, have continued to work onsite for the last 18 months. Throughout that time workplaces have been operating under heightened risk management that has included COVIDSafe Plans, worker travel permits, social distancing, and PPE. Additionally, and to ensure those production workers were able to undertake their work as safely as possible, many co-workers have been required to work from home wherever possible.

As the various states hit pre-determined COVID-19 vaccination rates and workplace restrictions start to ease, the requirement to work from home, or not, will become discretionary. Therefore, members should consider and determine an approach for those WFH employees. Will current arrangements continue, will there be a direction to return to the workplace, or will there be a hybrid arrangement implemented? Whichever option is determined to best suit the needs of the business

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and the productivity of your workers it should be implemented carefully. Keeping appropriate records of that decision and clear communication with employees and addressing any employee concerns should form part of the overall process and decision making.

COMPLETING APPRENTICESHIP COMMENCEMENTS PROGRAM

The federal government has announced an extension to the Boosting Apprenticeship Commencements (**BAC**) program, designed to encourage apprentices and trainees to complete their training. The new initiative, the Completing Apprenticeship Commencements (**CAC**) program, will provide a further wage subsidy for apprentices and trainees signed up under the BAC in their second and third year. Stuart Robert, the Minister for Employment, Workforce, Skills, Small and Family Business has said the new initiative would help apprentices finish their training, protecting the skills pipeline delivered under the BAC program.

Through the current BAC subsidy, any business that engages an Australian Apprentice between October 2020 and 31 March 2022 may be eligible for a subsidy of 50% of wages paid to a new or recommencing apprentice or trainee for a 12-month period from the date of commencement, to a maximum of \$7,000 per quarter.

After 12 months of this support employers will be eligible to transition to the time-limited CAC wage subsidy for the second and third years of an apprenticeship. Under the CAC, eligible employers will receive a 10% wage subsidy in the second year of an eligible apprenticeship, up to a maximum of \$1,500 per quarter per apprentice, and a 5% wage subsidy in the third year of their apprenticeship, to a maximum of \$750 per quarter per apprentice.

THE SCAMS KEEP COMING THIS YEAR

The federal governments [Scamwatch](#) continues to advise of high levels of various scams causing significant losses to individuals and businesses. A record \$211 million in losses to scams has occurred so far this year, which is an 89% increase compared to the same period last year, according to new data from Scamwatch. The losses, reported between 1 January and 19 September, have already surpassed the \$175.6 million reported to Scamwatch across all of last year.

Scamwatch has noticed a significant increase in losses to phishing scams (261%), remote access scams (144 per cent) and identity theft (234%), and losses to investment scams have also risen dramatically (172%) in 2021. If you feel you have been the subject of a scam contact your financial institution immediately and enter a report in the online on the Scamwatch website. Additionally, if you suspect identify theft has occurred contact [IDCARE](#) which is an Australian and New Zealand government funded service that helps individuals develop a response to their situation.

CONTACT

Any Industrial Relations Member who has a related query should contact Charles Watson, GM – IR, Policy and Governance at The Real Media Collective via email charles@thermc.com.au or mobile:+61 428 568 032.

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