

IR POLICY AND GOVERNANCE UPDATE



INTRODUCTION

This week we provide a COVID-19 vaccination update, further restrictions are lifted in Victoria, some fixed term employment contract issues, and NSW legislation aimed at phasing out single use plastics in 2022.

AUSTRALIA'S COVID-19 VACCINATION RATES

From last week to this week Australia has gone from 80% to 84% of people aged 16 and over who are now double vaccinated. NSW and the ACT are now both over 90% fully vaccinated, Victoria is approaching 90% double vaccinated, and Tasmania is approaching 85% double vaccinated. Queensland, Western Australia, South Australia, and the Northern Territory remain between 71% and 75% double vaccinated.

VICTORIA - FURTHER RESTRICTIONS LIFTED

With Victoria set to hit the 90% double dose milestone for eligible people in the coming days, the Acting Chief Health Officer has determined that almost all remaining restrictions in Victoria will ease from tonight for those individuals who are fully vaccinated. From 11.59pm last night, there will no longer be density limits at hospitality venues and restrictions on home visits will be removed. Facemasks will no longer be required in many settings, although they are required in indoor retail settings until 15 December 2021.

From a member's workplace perspective, the Victorian Roadmap states at Phase D that COVIDSafe plans, the use of facemasks in workplace settings where it is difficult to maintain physical distance or in client facing situations will be required. Additionally, worker vaccination requirements will continue to operate. The altered restrictions have not yet been clearly detailed at this time and TRMC will provide any work-related amendments in the coming days.

CLARITY IN CONTRACTS

A number of recent Fair Work Commission decisions provide a reminder that clarity of an employment relationship should be both clearly communicated during any discussions and also reflected in a written contract. This issue is of particular relevance when employing fixed term employees.

A few pointers when utilising fixed term contracts in your business:

- > Essentially, the employee should not be confused as to their status as a fixed term employee.
- > A contract for a specified period of time should unambiguously contain the dates of commencement and completion of the contract period.
- > Clearly advise the employee, both verbally and within the contract, that there is no guarantee of any extension or additional term of employment.
- > Undertake to negotiate and agree on any additional employment period so as to differentiate each period of employment.
- > Use a new contract of employment for any additional fixed term employment period, including any extension of the current contract. The new contract should commence after the expiration of the current contract, and be signed by the employee.

IR POLICY AND GOVERNANCE UPDATE



- > Be mindful that extending a fixed term contract multiple times can give the impression of an ongoing employment relationship. Where there has been a series of fixed-term contracts, or extensions of an initial contract, and where the renewal is a mere formality the Fair Work Commission will look beyond the terms of the contract to the reality of the employment relationship.

NSW – PHASING OUT SINGLE USE PLASTICS IN 2022

NSW generates 800,000 tonnes of plastics every year, with only 10% being recycled.

This week the NSW Government passed the *Plastic Reduction and Circular Economy Act 2021*. This legislation is part of the NSW government's commitment to ban certain problematic plastics, such as single-use plastics and address the problem of plastic waste.

From 1 June 2022, the supply of lightweight plastic bags (35 microns or less in thickness) will be banned. Lightweight bags made from biodegradable, compostable, or bio-plastics will also be banned, including those made from Australian certified compostable plastic.

From 1 November 2022, the ban will extend to single-use plastic straws, stirrers and swizzle sticks, and cutlery, including forks, spoons, knives, sporks, splayds, chopsticks, and food picks. Additionally, expanded polystyrene food service items, single use cotton buds and microbeads contained in personal care products are included.

Exemptions to the ban will apply in certain categories. Interested members can obtain a copy of the NSW Plastics Action Plan [here](#).

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.

DISCLAIMER

The content of this update, current at the date of publication, is intended to provide general guidance and consideration for TRMC Members only. The content does not constitute advice and should not be relied upon as such. Specific advice about your circumstances should be sought separately before taking any action. TRMC recommends Members ensure any related decisions are made on current and up to date information.