



**HEALTH  
INDUSTRY**  
EMPLOYMENT SERVICES



# Embracing Legislative Change & Taking a Proactive approach to HR

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**HR in Health**

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# HEALTH INDUSTRY

EMPLOYMENT SERVICES



## About Us

Health Industry Employment Services (HIES) was founded on a passion for educating and supporting health industry businesses to navigate the complex employment framework in Australia.

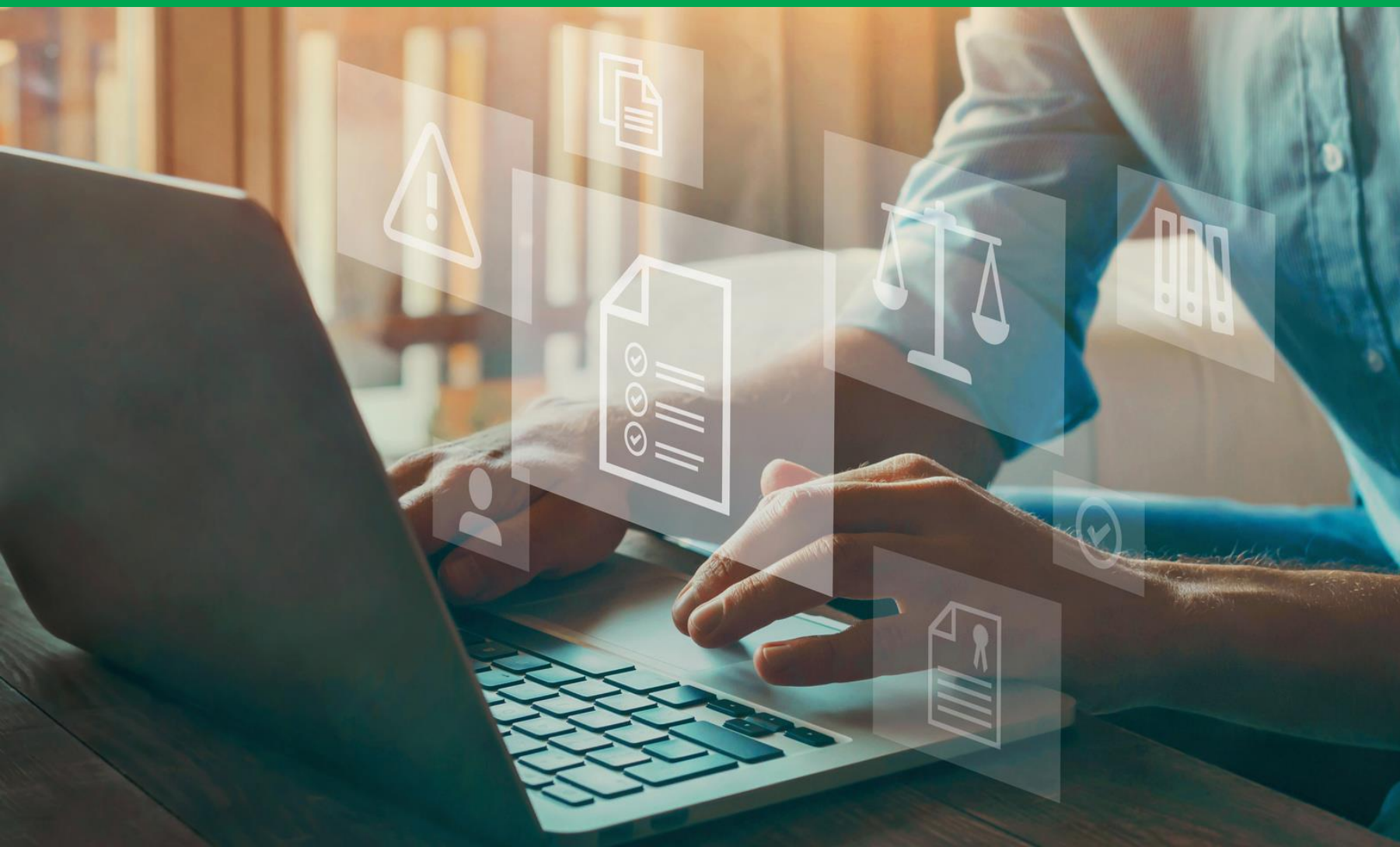
## Our Services

Our team is focused on providing tailored employment advice, industry specific contract and document templates to assist you in navigating your Practice's employment needs.

## HR in Health

We are the leading HR advisors for the health sector in Australia and support hundreds of members each year, reducing the risk of fair work claims to their business.

The information in this presentation is basic, general information only. It is not a detailed explanation of the law and it should not be relied on as legal advice



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**What is your role with the Practice?**

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# Learning Objectives

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- Adapting to the latest HR Legislative changes
- Strategies to keep your practice compliant
- Establishing a proactive HR mindset for tomorrow's practice
- Case Study – Defusing the HR Timebomb

## Reactive HR

What reactive HR issues might we deal with on a day-to-day basis?



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**What Reactive HR issues do you deal with?**

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“Reactive HR is a response to issues or situations as they arise, rather than proactively planning to avoid them”



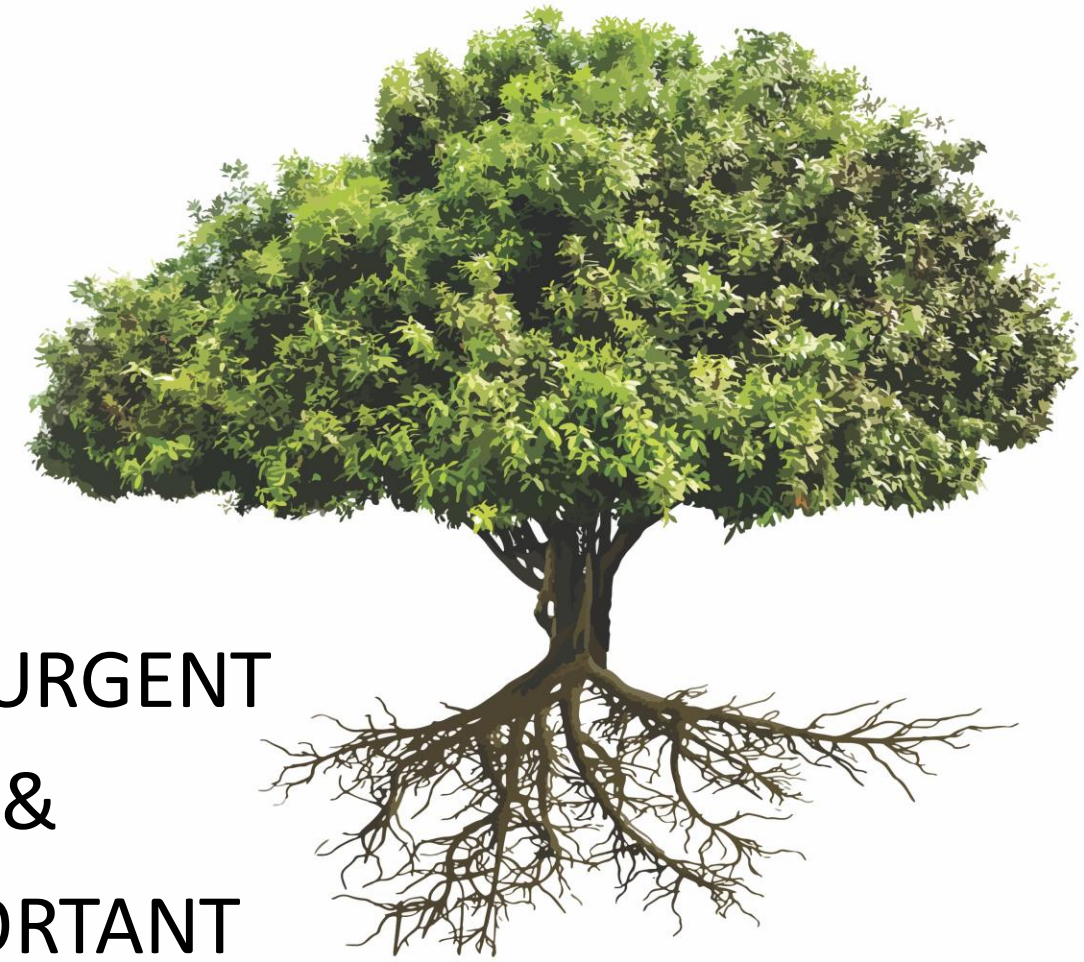
# Reactive

URGENT  
&  
IMPORTANT



# Proactive

NON-URGENT  
&  
IMPORTANT



# Changing HR Landscape

# Workplace Law Changes



## There have been changes to the Fair Work Act as part of the new 'Closing Loopholes 1 & 2' laws.

- 1 July 2023 – Changes to unpaid parental leave provide greater flexibility
- 6 December 2023 – New Fixed Term Contract Information Statement
- 12 December 2023 – Sexual harassment expansion & positive duties on employers introduced
- 15 December 2023 – New discrimination protections against discrimination for employees experiencing family and domestic violence.
- 15 December 2023 – Small business redundancy exemptions where business was previously non-small business but downsized in period leading up to (or after) becoming bankrupt or going into liquidation
- 15 December 2023 – Workplace delegates' rights increased + The requirement for officials assisting a state or territory work health and safety representative to hold an entry permit under the Fair Work Act has been removed.
- 30 December 2023 – Employee authorised deductions Additional information required. Check out the HIES Payroll Deductions Form on the Member Portal
- 1 January 2024 – New Fair Work Information Statements & Casual Information Statement
- 1 January 2024 – Right to superannuation in the National Employment Standards
- 12 February 2024 – Closing Loopholes No.2
  1. Casual Employment
  2. Right to Disconnect
- 1 July 2024 – Minimum Rate & Super Increase
- 26 August 2024 – Right to disconnect (26 August 2025 for small businesses) – Casual Employment definitions
- 1 January 2025 – Criminalising intentional wage underpayments

# Casual Employee Redefined

- 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.
- Factors that will be assessed in determining whether general rule is adhered to:
  - The real substance, practical reality and true nature of the employment relationship
  - Employment type, payment of 25% casual loading and terms of contract
  - Whether there's a regular pattern of work
    - A pattern of work is regular even if it is not absolutely uniform & includes some fluctuation or variation over time
  - Whether there is an inability of the employer / employee to elect to reject / accept work and what happens in reality
- Casual employees will have the right to notify employers of a right to change employment status (Employee Notification) after 6 months/12 months for small business
- Casual Employment Information Statement has to be issued before employment, 6 & 12 months after commencement for and every 12 months thereafter for large businesses & After 12 months for small businesses





# Closing Loopholes – Right to Disconnect

- 1. Employee Right to Disconnect:** Employees are not obligated to monitor, read, or respond to work-related contact from employers after hours unless it would be unreasonable to refuse.
- 2. Third-Party Contact:** Similar to employer contact, employees can refuse to engage with third parties regarding work matters outside of working hours, with the reasonableness of refusal being a key factor.
- 3. Reasonableness Factors:** Whether it's reasonable to expect an employee to be available after hours depends on:
  1. The urgency and reason for the contact.
  2. The method of contact and its intrusiveness.
  3. Compensation for being on-call or working beyond normal hours.
  4. The employee's role, responsibilities, and personal circumstances, such as family or caring responsibilities.
- 4. Workplace Rights Affirmation:** The rights to refuse after-hours contact are officially recognized as workplace rights.
- 5. Legality Exception:** An employee's refusal would be considered unreasonable if the after-hours contact is required by Australian law.
- 6. Risk of Claim:** An employee will be able to apply for a general protections claim if they believe adverse action was taken against them because they exercised the right to disconnect.

## FWC – Modern Award Review

### FWC considering 'work and care' award variations

Interested parties can now have their say on whether modern awards appropriately deal with work and care issues.

The Fair Work Commission has published a new discussion paper as part of the 'work and care' stream of the modern awards review, while a literature review is also underway, with findings to be published in early March.

To ensure clauses continue to meet the modern awards objective, the discussion questions set out in the paper prompt consideration of whether variations are required, regarding:

- working from home arrangements;
- a right to disconnect;
- notice of rosters;
- the definition of 'immediate family';
- unpaid carer's leave;
- separating personal and carer's leave; and more.



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**Are you confident that your practice is compliant with the Awards and Employment Law?**

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## A Proactive HR Mindset





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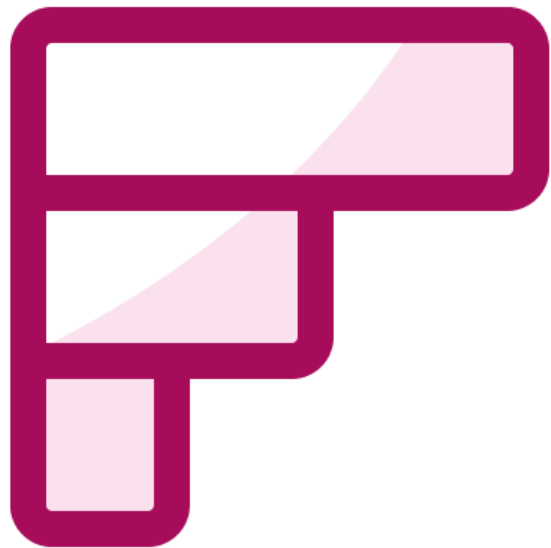
**How do you Proactively approach HR in your Practice?**

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# Defusing the HR Timebomb – Case Study



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## Triaging the HR Issues

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## Understand Your HR Issues & Areas of Improvement

- As a management team
  - Make the time to establish what your biggest concerns and Gaps are from a HR Perspective;
  - Speak with the People to understand;
  - Don't overcomplicate your HR foundations and be true to your word;
  - Actions will speak louder than words when building culture;
  - Hold yourself and staff accountable.

A collection of colorful wooden blocks in various shapes (I, O, T, L, Z) scattered on a wooden surface. The blocks are in shades of purple, blue, orange, green, red, pink, yellow, and brown. A dark grey rectangular box with a thin white border is centered over the image, containing the text "Behavioral, Conduct & Cultural Issues" in white, sans-serif font.

# Behavioral, Conduct & Cultural Issues

# Wage & Compliance Issues



# Workplace Law Changes



[Practice Name]								
Support Service Employees								
Employee	Start Date	Signed Contract on File	Employment Basis	Title	Award Classification	Award Rate	Current Hourly Rate	Difference between Award rate
eg. John Jones	7/10/2013	Y	Full-time employment	Medical Receptionist	Support Service Employee Level 3	\$ 23.39	\$ 24.47	\$ 1.08
Health Professional Employees								
Employee	Start Date	Signed Contract on File	Employment Basis	Title	Award Classification	Award Rate	Current Hourly Rate	Difference between Award rate
eg. John Jones	7/10/2013		Full-time employment	Audiologist	Health Professional Employee Level 3, Pay Point 1	\$ 23.39	\$ 24.47	\$ 1.08
Nursing staff								
Employee	Start Date	Signed Contract on File	Employment Status	Title	Award Classification	Award Rate	Current Hourly Rate	Difference between Award rate
eg. John Jones	16/9/2019		Full-time employment	Registered Nurse	Registered Nurse Level 1, Pay Point 1	\$ 25.79	\$ 24.11	\$ (1.68)

## Support Services Employee

	Weekly Full-time	Hourly Full-time/Part-time	Casual Inc. 25% Casual Loading
SSE Level 1	\$910.90	\$23.97	\$29.96
SSE Level 2	\$947.00	\$24.92	\$31.15
SSE Level 3	\$983.40	\$25.88	\$32.35
SSE Level 4	\$995.00	\$26.18	\$32.73
SSE Level 5	\$1,028.70	\$27.07	\$33.84
SSE Level 6	\$1,084.10	\$28.53	\$35.66
SSE Level 7	\$1,103.60	\$29.04	\$36.30
SSE Level 8			
Pay Point 1	\$1,141.10	\$30.03	\$37.54
Pay Point 2	\$1,171.10	\$30.82	\$38.53
Pay Point 3	\$1,253.30	\$32.98	\$41.23
SSE Level 9			
Pay Point 1	\$1,275.80	\$33.57	\$41.96
Pay Point 2	\$1,321.00	\$34.76	\$43.45
Pay Point 3	\$1,331.60	\$35.04	\$43.80

## Registered Nurse

	Weekly Full-time	Hourly Full-time/Part-time	Casual Inc. 25% Casual Loading
RN - Level 1			
Pay Point 1	\$1,084.10	\$28.53	\$35.66
Pay Point 2	\$1,106.40	\$29.12	\$36.40
Pay Point 3	\$1,133.50	\$29.83	\$37.29
Pay Point 4	\$1,163.70	\$30.62	\$38.28
Pay Point 5	\$1,199.40	\$31.56	\$39.45
Pay Point 6	\$1,234.10	\$32.48	\$40.60
Pay Point 7	\$1,269.80	\$33.42	\$41.78
Pay Point 8 and thereafter	\$1,302.80	\$34.28	\$42.85
Minimum Entry Rate			
Four Year Degree	\$1,132.10	\$29.79	\$37.24
Master Degree	\$1,171.10	\$30.82	\$38.53

## Final tips

- **Prioritise Compliance as Your Safety Net**
- **Invest in Your Team to Foster Excellence**
- **Empower Your Leadership with the Right Tools**





# Thank you

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