

IR POLICY AND GOVERNANCE UPDATE



INTRODUCTION

As we enter the last quarter of the year it is time to consider the fast approaching Christmas closedown periods. We also review company policies - the need for them, the purpose they serve, and the requirement to update them.

CHRISTMAS CLOSE-DOWN PERIODS

Members who have annual close-down periods in their businesses over the Christmas and New Year should start to consider the issue over the coming weeks.

The GAPPA

The Graphic Arts, Printing and Publishing Award (“GAPPA”) contains clear terms permitting employers to have a partial or full close-down and to require employees to take annual leave during such a period. An employer is required to give four weeks’ notice is given to the employees, and we recommend that notice is confirmed in writing. The GAPPA provides that an employee who does not have sufficiently accrued annual leave for a close down period is allowed paid annual leave which they have accrued, and then given unpaid leave for the remainder of the close-down period.

Other Awards

Although most relevant Awards contain close-down related terms (Commercial Sales Award, Clerks Private Sector Award, Road Transport and Distribution Award) several do not. If your business is covered by more than one Award we recommend you review the close-down provisions in each applicable Award. In the absence of an express Award provision, the business may not be entitled to direct an employee to take annual leave and may need to otherwise reach an agreement with those employees. Some Awards state if an employee has insufficient annual leave, they are entitled to be paid leave in advance. Other Awards state the annual close-down period can be unpaid if the employee has accrued insufficient annual leave.

Award Free Employees

An employer is entitled to direct Award free employees to take annual leave so long as the direction is considered “reasonable”. Given the rest of the business is closed during that period it could be seen as reasonable to direct Award free employees to take annual leave during a close-down period.

Start Planning and Communicating

Given the general requirement to provide employees with four weeks’ notice of a close down period, now is the best time to consider this issue and plan for the period. Conversely, if your business is open throughout the Christmas/New Year period, start planning your labour requirements and how to fairly juggle annual leave applications from employees.

When the time comes to communicate with your employees, each person should be provided with a communication that clearly states the start and finish dates of the close-down period, and also states the period will be considered as annual leave and paid accordingly (i.e. deducted from

IR POLICY AND GOVERNANCE UPDATE



accrued annual leave). You may also wish to communicate that the annual leave days will be separate from the public holidays during that period and will not remove or replace their entitlement to public holidays. This can be a point of misunderstanding with employees.

WORKPLACE POLICIES

Workplace policies are statements of expectations and underpin how a workplace issues will be managed within your business. Workplace policies act as guidelines and provide boundaries on how the business deals with day to day operational issues and how it complies with legislation, regulation, and codes of practice. Well written policies help employers manage workers more effectively by clearly defining acceptable and unacceptable behaviour and standards, as well as setting out the implications of not complying with those standards and expectations.

Which Policies are Required?

You could have a few or an entire handbook containing a variety of policies depending on your operational requirements. Some of the subjects we strongly recommend being covered include work health and safety, vaccination requirements, manual handling, workplace conduct, bullying and harassment, social media, and email/computer usage.

Benefits of Workplace Policies

Although at times they may be seen as burdensome, in reality they should be viewed as useful mechanisms that provide workers with clarity on how they conduct themselves and perform their duties. Further, they evidence a business has processes and procedures and can help a business defend its actions. Employers may seek to rely on having applied those policies and procedures during disciplinary action, or when defending an unfair dismissal or adverse action claim.

Additionally, workplace policies should be referred to in a contract of employment rather than incorporated into the contract per se. This allows an employer to update those policies on a rolling or as required basis and without having to renegotiate the contract of employment each time.

Action List

- > Audit your current policies:
 - do they cover all relevant issues?
 - are they current and appropriately drafted?
- > Review workplace policies on an annual or biannual basis.
- > Communicate any amendments to all employees and re-enforce policies on a regular basis.
- > Entrench workplace policies as part of any onboarding process.

TRMC has a range of template workplace policies for members to consider implementing and can assist in ensuring the content of your pre-existing policies are current.

IR POLICY AND GOVERNANCE UPDATE



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.