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| **MINUTES OF MEETING 19th March 2024** |
| * **IN ATTENDANCE:**

Joanne Wayte, Impact Executive Solutions Erin Lynch, Gadens LawyersFaith Entwisle, Clean Peak Energy Abe Sidway, StateCover MutualDaniel Briggs, The Missing Link Linda Christie, StateCover MutualBella Franco, The Missing Link Kristyn Haywood, People For SuccessMarlene Shepherd, Strata Sense Kellie Warta, HVG GroupBelinda Thomas Amanda Gaughan, MetlifeLinda Lyons, The Missing Link Emma Raven, MetlifeStephen Georgulis, Courtenell WHS Training Ketaki UdawantYvonne Kelly, Glow Up Careers Janet LeggeKathy Barnes, StateCover Mutual Caitlin Poile, StateCover MutualAmelia Daley, PICA Group Kirsten Terry, PICA GroupJordan Kennedy, PICA Group Elyse Girard, Campus Living VillagesOlivia Torchia, Gadens Lawyers Amanda Cowie, PICA Group |
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| * ***INTRODUCTIONS***

Each sponsor/supporter of the group was introduced and thanked (listed below). We encourage you to support our sponsors as they support us. Following this, each attendee introduced themselves and their business. We welcomed our newest sponsors **Gadens Lawyers** and **Courtenell WHS Training.** |
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| * ***GENERAL BUSINESS***
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| We are looking for additional supporters in for 2024 particularly for Melbourne please! Members are invited to consider supporting the ongoing function of the group. We do not ask for much. If you have found value in the group and would like to support its ongoing functioning, then please contact Joanne Wayte.Members were also reminded that they are welcome to invite colleagues along to the meetings or to join the group. We are also looking for Speakers for 2024 should any members have suggestions that do not conflict with sponsors. |
| * ***IDEA / PROBLEM SOLVING***

Questions were put to the group with subsequent discussion around Culture, Remuneration Reviews and also payroll positions. |
| * ***SPONSOR SPOTLIGHT*** – People For Success (see attached)
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| * ***EMPLOYMENT LAW UPDATE –* Erin Lynch, Partner, Gadens Lawyers**

Workplace flexibilityFrom 6 June 2023, as part of a raft of key changes arising from the*Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* amendments to the *Fair Work Act 2009 (*Cth) (**FWA**), employees have access to strengthened enforcement and dispute resolution rights to challenge their employer’s decisions regarding flexible working requests. The two recent decisions that were referenced, are linked below.[*Charles Gregory Gregory v Maxxia Pty Ltd* [2023*]* FWC 2768](https://www.fwc.gov.au/documents/decisionssigned/pdf/2023fwc2768.pdf))[*State of Queensland (Queensland Health) v Hume (No. 3)* - [2024] ICQ 3](https://www.queenslandjudgments.com.au/caselaw/icq/2024/3)Closing LoopholesWorkplace laws are changing following the recent passage of the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* and the *Fair Work Legislation Amendment (Closing Loopholes No.2) Act* 2024. Two of the major changes include a new workplace right to disconnect for employees, and a change to the definition of ‘employee’ and ‘employer’, both changes will be effective from 26 Augst 2024. These are briefly summarised below. 1. *Right to Disconnect*

A new workplace right will allow employees to: refuse to monitor, read or respond to contact, or attempted contact from their employer (or third party) where the contact or attempted contact is outside of the employee’s ‘working hours’; but not if the refusal is unreasonable. What is ‘unreasonable’ will depend on a range of factors including the reason for the contact, how the contact is made, and the extent to which the employee is compensated for working additional hours. As this will be a workplace right, an employer will be prohibited under existing general protections provisions in the FWA from taking adverse action against an employee for reasons that include the new right. Employers can prepare for the new right by reviewing their contracts and policies to deal with out-of-hours contact, set expectations, and appropriately deal with workplace flexibility arrangements in place that allow employees to work in a way that suits them and the business. 1. *New definitions of ‘employee’ and ‘employer’*

A new definition of ‘employee’ and ‘employer’ will require a multiple factor assessment to determine if a person is an independent contractor or employee, as was the case a few years ago. The focus has shifted from the ‘contract is king’ concept and is now focused on the totality of the relationship by assessing the “*real substance, practical reality and true nature of the relationship between the individual and the person*..”.Gadens’ Workplace Advisory and Disputes team can assist with guidance and practical help to implement the changes.  |
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| * ***PRESENTATION***

Thank you to **Abe Sidway, Learning & Development Manager, StateCover Mutual** for his informative presentation regarding the **“NSW Workers Compensation Scheme**”. A copy of the presentation slides is attached and will also be made available on the HRM@W website. |
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| * ***NEXT MEETING***

The next meeting is **16th April** at the offices of LG Electronics in Parramatta so you can mark the date in your diary now. Presenter: **Erin Lynch, Partner, Gadens Lawyers**Topic: **Under Investigation: Workplace investigations: when, who and how?** ***Thank you to those who attended. Meetings will be held the third Tuesday of each month so mark the dates in your diary now!*** |
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| ***THE HR NETWORK WOULD LIKE TO THANK THE FOLLOWING SPONSORS:******IMPACT EXECUTIVE SOLUTIONS –*** [***www.impactexecutive.com.au***](http://www.impactexecutive.com.au)***GADENS LAWYERS –*** [***www.gadens.com***](http://www.gadens.com.au)***ROYAL AGRICULTURAL SOCIETY –*** [***www.rasnsw.com.au***](http://www.rasnsw.com.au)***,*** [***www.sydneyshowground.com.au***](http://www.sydneyshowground.com.au)***HAPPENING PEOPLE–*** [***www.happeningpeople.com***](http://www.happeningpeople.com)***MCLEISH ESTATE–*** [***www.mcleishhunterwines.com.au***](http://www.mcleishhunterwines.com.au)***REHABILITATION INJURY MANAGEMENT-*** [***www.rimaust.com.au***](http://www.rimaust.com.au)***BRICKWORKS -*** [***www.brickworks.com.au***](http://www.brickworks.com.au)***SACS CONSULTING –*** [***www.sacsconsult.com.au***](http://www.sacsconsult.com.au)***ALLTECH OUTSOURCED SOLUTIONS –*** [***www.alltechsolutions.com.au***](http://www.alltechsolutions.com.au)***ETHOS MIGRATION LAWYERS –*** [***www.ethosmigration.com.au***](http://www.ethosmigration.com.au)***PEOPLE FOR SUCCESS –*** [***www.peopleforsuccess.com.au***](http://www.peopleforsuccess.com.au)***COURTENELL WHS TRAINING –*** [***www.courtenell.com.au***](http://www.courtenell.com.au) |

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