



Changes in Employment Law: What's Coming in 2025

The landscape of Australian employment law experienced significant changes in 2024, and 2025 is poised to continue this trend. Here's a concise overview of the key developments:

Casual Employment Redefined

As of August 26, 2024, the Fair Work Act has refined the definition of casual employment. Employers must now assess the "real substance, practical reality, and true nature" of the working relationship. Factors such as the absence of a firm commitment to ongoing work and the payment of casual loading are pivotal in this determination.

It's essential for employers to carefully evaluate these aspects to ensure compliance.

Clarifying Contractor vs Employee Status

Determining whether an individual is a contractor, or an employee has become more intricate. The multi-factor approach now considers elements like control over work, financial risk, provision of tools, and GST registration.

Employers should exercise caution and thoroughly assess these factors to ensure accurate classification and adherence to legal obligations.

The Right to Disconnect

Implemented on August 26, 2024, the "Right to Disconnect" allows employees to decline work-related communications outside their standard working hours, except in exceptional circumstances. This legislation aims to promote a healthier work-life balance. Employers are advised to review and update their workplace policies and employment contracts to align with this new right.

Upcoming Changes for Small Businesses: This right will extend to small businesses on August 26, 2025. Small business employers should begin preparing now to ensure compliance with the new obligations.

Addressing Sexual Harassment and Discrimination

Effective October 2, 2024, new provisions mandate that employers cover legal costs if an employee successfully brings forward a claim of sexual harassment or discrimination.

This underscores the importance of proactive measures, including implementing comprehensive workplace policies and conducting regular training sessions to prevent such incidents.

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Looking Ahead: Key Developments for 2025

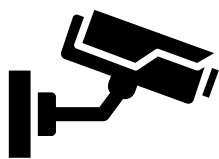


Work-from-Home Provisions: The Fair Work Commission is set to introduce work-from-home terms across modern awards, beginning with the Clerks Award.

Employers should prepare to adapt their policies accordingly as these changes are implemented.

Casual Conversion: Starting February 26, 2025, casual employees can request conversion to permanent employment after six months of service. However, employees of small businesses will still be required to complete 12 months of service before being eligible for conversion.

Employers are required to respond within 21 days to such requests to avoid potential disputes.



Workplace Surveillance: Victoria is expected to introduce new workplace surveillance laws by March 2025, regulating how employers monitor employees.

Businesses should stay informed and ensure compliance with these forthcoming regulations.

Secure Jobs Review: The government's review of Secure Jobs legislation is scheduled for March 2025.

Employers should anticipate further adjustments aimed at enhancing job security and fairness in the workplace.



Unsure of how these changes might affect your business? Need expert advice to remain compliant? Contact our team to see how we can help!

Contact Us

