

# ACTUS WORKPLACE LAWYERS

## Insights into Current Workplace Relations Issues



**12 September 2025**

Welcome to the September 2025 edition of Actus Workplace Lawyers' *Insights into Current Workplace Relations Issues*.

Please get in touch if you would like to discuss any of the issues covered in this edition or the workplace relations support that Actus Workplace Lawyers could provide to your business.

### **Redundancy minefield – psychosocial hazards**

On 2 September, SafeWork NSW, the NSW work health and safety regulator, issued a prohibition notice preventing the University of Technology Sydney (UTS) from proceeding with a scheduled meeting with its staff to discuss potential redundancies. The prohibition notice was issued because SafeWork NSW considered that the way UTS was handling the redundancy process risked staff members' mental health. This development highlights yet again the minefield for employers in managing psychosocial hazards in the workplace. [Read more](#)

### **Set off clauses in employment contracts – Lessons for employers – Federal Court Woolworths and Coles underpayment judgment**

On 5 September 2025, Justice Perram of the Federal Court of Australia handed down a lengthy judgment relating to actions which the Fair Work Ombudsman and Adero Law are pursuing against Woolworths and Coles. The actions allege that Woolworths and Coles have underpaid a large number of employees in store-based management positions. Each of the employees was paid an annual salary.

There are many interesting aspects of the judgment and various important lessons for employers, including lessons about the correct use of 'set off clauses' in employment contracts. [Read more](#)



When was the last time your business had its template employment contracts reviewed for compliance and best practice? Well drafted employment contracts reduce many employment risks. For assistance, please contact Actus Workplace Lawyers.

## **Pay records – Lessons for employers – Federal Court Woolworths and Coles underpayment judgment**

The above judgment of Justice Perram also includes important lessons for employers about the keeping of correct and complete pay records for each employee, including records about additional hours worked. [Read more](#)

## **Payments to employees on termination – problematic Court judgment**

A judgment of the Federal Circuit and Family Court of Australia relating to the timing of payments to employees on termination of employment is causing practical problems for employers. [Read more](#)

## **High Court rejects appeal against ‘genuine redundancy’ decision**

The High Court has unanimously rejected Peabody’s appeal against a judgment of the Full Court of the Federal Court of Australia about the meaning of the ‘genuine redundancy’ exclusion in the unfair dismissal laws. The meaning of ‘genuine redundancy’ adopted by the Federal Court, and now the High Court, has widespread implications for employers. [Read more](#)

## **TWU v Toll – effect of resignation when contracts are won and lost**

A recent decision of Deputy President Coleman of the Fair Work Commission highlights the benefit of employers requesting resignations from employees when a commercial contract with a client ends and the employees accept offers of employment with the incoming service provider. [Read more](#)

Should you wish to discuss any of the issues in this report or require any legal advice or assistance, please contact Stephen Smith, Principal of Actus Workplace Lawyers at [stephen.smith@actuslawyers.com.au](mailto:stephen.smith@actuslawyers.com.au). If any other members of your staff would like to receive this regular report, please advise of the details through this link: <https://actuslawyers.com.au/contact-us>

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