

# ACTUS WORKPLACE LAWYERS

## Insights into Current Workplace Relations Issues



**14 May 2025**

Welcome to the May 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.

### **FWO guide on employer obligations when underpayments are discovered**

The Fair Work Ombudsman (FWO) has published a *Payroll Remediation Program Guide*. The Guide provides employers with a suggested framework for remediating employees and former employees when payroll errors are discovered, particularly for larger enterprises and where the quantum of underpayments or the number of affected employees is high.

The FWO looks at the remediation steps taken by an employer when considering whether it will take compliance and enforcement action against the employer. The Guide includes advice and guidance on numerous topics which often arise when an employer discovers that it has underpaid employees.

[Read more](#)

### **The challenges continue regarding which casuals are entitled to vote on an enterprise agreement**

Employers continue to experience challenges in determining which casual employees are entitled to vote to approve a proposed enterprise agreement. It is difficult to reconcile some of the relevant FWC decisions on this topic. [Read more](#)

### **FWC Full Bench decision protects against double-counting under the Manufacturing Award**

A Full Bench of the Fair Work Commission (FWC) has recognised the important 'rule against double-counting' when employees apply for reclassification under the Manufacturing Award. Actus Workplace Lawyers successfully represented Ventia Australia in the appeal proceedings. [Read more](#)

## **FWC appeal decision clarifies the difference between collective and individual notice requirements in redundancy scenarios**

A Full Bench of the FWC has clarified the difference between individual and collective notice obligations in redundancy scenarios. Actus Workplace Lawyers successfully represented Downer EDI Rail in the appeal proceedings. [Read more](#)

## **When can an employer regulate an employee's out of hours conduct?**

The dividing line between an employee's conduct at work and an employee's conduct out-of-hours is sometimes unclear. There have been numerous decisions of courts and tribunals over the years which confirm that an employer does not have a right to regulate out-of-hours conduct unless that conduct is sufficiently connected to the workplace. Many of the relevant authorities on this topic have become the focus of renewed attention given the new positive duty for employers to prevent workplace sexual harassment. [Read more](#)

## **Fixed term contracts and unfair dismissal laws – Full Federal Court judgment**

The Full Court of the Federal Court has clarified when an employee on a fixed term contract has access to the unfair dismissal laws. [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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