

Australian Government's IR Omnibus Bill Passes with Significant Amendments

Further to our previous VACC IR Bulletin update, following significant amendments passed by the Senate, the *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2021* (IR Omnibus Bill) will now become law. VACC supports the legislation in its amended form, which removed all elements of the original IR Omnibus Bill other than the schedules relating to casual employment and transitional provisions.

The passage of the amended IR Omnibus Bill through the Senate followed negotiations with cross-bench senators, and the Senate Education and Employment Legislation Committee [Report](#) handed down on 12 March 2021 - which contained a number of references to both the VACC and ACCI submissions.

As members may recall, VACC's submission to the Committee supported key aspects of the IR Omnibus Bill relating to the need to provide certainty in relation casual employment and recommended a number of amendments, focused on ensuring that the changes are practical for small and medium sized businesses and their employees. VACC's submission also opposed the compliance section of the original IR Omnibus Bill (removed as part of the amendments), for taking what we viewed as an unjustifiably punitive and disproportionate approach against employers.

Importantly, VACC's concerns relating to the administrative burden on employers under the IR Omnibus Bill's casual conversion provisions were addressed in [amendments](#) passed by the Senate, with small businesses (less than 15 employees) to now be exempt from the requirement of having to offer conversion to employees under the legislation.

VACC therefore views the amendments as a good outcome for members.

Members seeking further information, including those wishing to access a copy of the VACC and ACCI submissions or a more detailed analysis of the new legislation, are encouraged to contact the Workplace Relations team on 03 9829 1123 or ir@vacc.com.au.

JobKeeper Ends on 28 March 2021 – Key Actions for Employers

Members are reminded that the Australian Government's JobKeeper scheme comes to an end on **28 March 2021**, meaning businesses will no longer be entitled to receive JobKeeper payments for their eligible employees or utilize the temporary JobKeeper enabling direction provisions under the *Fair Work Act 2009* that provided such employers with certain flexibilities.

VACC therefore recommends members currently receiving JobKeeper to carefully note the key actions provided below.

What do I need to do?

- **Communicate with employees prior to 28 March 2021:** As the JobKeeper payment program ends on 20 March, employees' wages will revert back to their pre-JobKeeper levels. VACC recommends that you notify your employees of this, particularly where the amount received under JobKeeper may differ from the employee's regular pay rate.
- **Submit your March monthly business declaration to the ATO:** You do not need to take any specific action with the ATO when the program ends, however you will need to complete your final monthly business declaration for March by **14 April 2021**.
- **Consider other options for Government assistance:** Although the JobKeeper scheme will not be extended, there may be additional assistance available to employers such as grants and hiring incentives. Visit business.gov.au or contact VACC for more information.
- **Notify employees that the JobKeeper enabling direction will cease:** Any JobKeeper enabling direction, whether issued by an employer currently on JobKeeper or a Legacy Employer, will cease to have effect from the start of **29 March 2021**. This means that employees will revert to their substantive terms and conditions of employment. While the direction will automatically cease to apply, VACC recommends that members communicate with their employees about the change.
- **Consider employment requirements post-JobKeeper:** If your business is still experiencing the effects of the COVID-19 pandemic, you should consider your employment requirements post-JobKeeper. This may include whether the employees can be stood down, whether other options/flexibilities permitted under the applicable industrial instrument or agreement are available, or whether any positions have become redundant. Given the complex nature of the considerations and related employment obligations, VACC strongly recommends members contact the Workplace Relations team for specific advice tailored to your business' needs.

Members seeking further advice and support, including in relation to drafting correspondence to employees notifying that JobKeeper payments and/or JobKeeper enabling directions will cease, are encouraged to contact the Workplace Relations team on 03 9829 1123 or ir@vacc.com.au.

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