



IN THE KNOW

February 2026

Quartz Consulting Monthly E-News

t: 1300 936 223 or e: info@quartzconsulting.com.au



A Message from our Managing Director

We've had a strong start to 2026, with the team settling quickly into our new office space. The space is already supporting better collaboration and proving to be a fabulous place for our staff and clients.

We're also pleased to offer our new meeting rooms and workspaces for hire, ideal for mediations, training, interviews, and small group sessions. Please get in touch if you or your network are looking for a professional venue.

In the Workplace Relations and Fair Work Commission space, the year has kicked off with several updates and continued activity. We're monitoring developments closely and will keep providing practical guidance to help you stay compliant and informed.

Thank you for your ongoing support—I'm looking forward to a productive year ahead.

Warm regards,

Tracey Doedens
Managing Director

Rostering and Substituting Public Holidays

The first part of the year can be a great time for employees as it brings a number of public holidays, but not necessarily for employers. January to April have between 6 and 8 public holidays, depending on whether you have a regional holiday or an entitlement for Easter Tuesday. Rostering and paying employees correctly can be a complicated process.

Different rates of pay and entitlements apply for permanent and casual employees who are requested to work, and some employees will be entitled to a public holiday payment when they are not required to work.



Often people don't mind working on a public holiday as they are paid great penalty rates, but we can't assume that they always want to work every public holiday. All employees have a right to be absent on a public holiday which means employers must confirm with their employees in advance that they are available and willing to work on a public holiday roster.

Employers cannot direct an employee to work on a public holiday, even if the employee is scheduled to work on a public holiday as part of their regular roster. Where this occurs, the employee has a right to say no to working on the public holiday, but only if the refusal to work is 'reasonable'.

There is a list of things that would be considered 'reasonable', and that could be because they have personal carer or family responsibilities on that day, or they haven't been given enough notice to work and have other commitments. There are other reasons, and Quartz can help you decide whether a refusal to work is 'reasonable' if this situation occurs.

For employers who have shift workers, the process you should follow is to ask your employee if they are available to work on a public holiday before finalising the roster. Employers are able to issue a roster that includes a public holiday and allocate an employee to the shift, however the roster must be treated as a 'draft version' until confirmation has been received that the employee has accepted the shift.

Employees may also be able to substitute a public holiday if their Award or Enterprise Agreement allows it, and the Australia Day public holiday and Royal Regatta Day in Hobart are examples of where employers could receive this request.

If you have questions relating to public holidays, give one of our Workplace Relations Consultants a call, or contact the office on 1300 936 223 or info@quartzconsulting.com.au

Public Holidays (first half of 2026)

Hobart Regatta Day: Monday, 9 February 2026 (Hobart area only)

Eight Hours Day: Monday, 9 March 2026

Good Friday: Friday, 3 April 2026

Easter Monday: Monday, 6 April 2026

Easter Tuesday: Tuesday, 7 April 2026 (Public Service and selected Awards/Agreements)

ANZAC Day: Saturday, 25 April 2026 (no additional public holiday applies on the Monday)

Kings Birthday: Monday, 8 June 2026

For our Victorian clients, you also have:

Easter Saturday: Saturday, 4 April 2026

Easter Sunday: Sunday, 5 April 2026



General Protections Applications on the Rise

For employers receiving a general protections claim is often a time-consuming, expensive and stressful process – involving many hours of preparation which takes you and your key managers away from operations.

The Fair Work Commission (the Commission) have identified a ‘rapid and sustained increase’ in general protections (GP) dismissal claims over the past year including:

- In the 2024/25 financial year, 6,209 GP applications were received – a 27% increase above the 5-year average.
- In the first quarter of the 2025/2026 financial year, 2,012 GP applications were received – a 57% increase on the 3-year average for the same quarter.

The recent increase in applications is thought to be at least partially driven by the increased use of AI to generate GP applications and through the use of Paid Agents who operate by offering to represent sacked employees on a ‘no win-no fee’ basis.

In the past, GP claims were often pursued by applicants if they were ineligible to bring an unfair dismissal claim due to not meeting the minimum employment period or for some other reason linked to eligibility. Many of these claims were ultimately not successful because applicants fundamentally misunderstood the nature of general protections claims which involve a claim that an employer has taken adverse action against a person which is a breach of the *Fair Work Act 2009* (the Act).



Breaches involve an adverse action being taken because of a prohibited reason including but not limited to adverse action (such as termination of a person's employment) in response to the person making a complaint about their employment (such as a bullying complaint or a complaint about underpayment) or because a person has taken personal leave due to an illness or injury etc.

The Commission has announced immediate procedural reforms to address the significant increase in applications:

- New forms will require a higher standard of detail and clarity from both applicants (largely dismissed employees) and respondents (generally the former employee).
- Requests for permission to be represented by a lawyer or paid agent will be determined before the conciliation conference takes place (which precedes arbitration) and will be decided by the Commission on the basis of the papers submitted.
- The Commission will review any application which appears to be out of time or incomplete before it is served on the employer and the matter may be dismissed at that preliminary stage.

Further reforms will focus on the conduct of conciliation conferences, with the changes expected to be rolled out by the end of the year.

Key Takeaways for Employers

GP claims can be problematic for employers as there is a reverse onus of proof on the employer to prove that they did not act in the way the employee has alleged in their application (rather than the employee being required to prove that the employer's actions have adversely affected their employment).

Unlike Unfair Dismissal claims, GP claims:

- can be submitted by employees who are still working in the business - not just employees who have had their employment terminated;
- can be brought by independent contractors (not just employees);
- may be made regardless of the employee's length of service (with no minimum employment period to be eligible to make a claim); and
- the financial settlements are uncapped.

To minimise the risk of receiving GP claims, employers should:

- Provide training to managers in 'adverse action' and 'general protections' provisions under the Fair Work Act 2009 to ensure that managers do not make decisions (especially decisions to terminate the employment of an employee) because of a prohibited reason under the Act;
- Maintain detailed records of how complaints are dealt with and ensure they have been resolved in a valid and a procedurally fair way, in accordance with any relevant internal policies; and
- If remedial action is taken against an employee, be clear as to the reasons why that course of action has been chosen and ensure that other employees have been consistently treated in the same way in similar circumstances.

If you would like more information, or would like to arrange training for your people managers to avoid adverse action and general protections breaches, please reach out to us at **Quartz Consulting**.



Changes to Superannuation Processing

If you haven't heard of "Payday Super" and "qualifying earnings" yet, this will be an important article for employers to start planning ahead for the forthcoming 1 July 2026 changes.

- Payday Super is a change to how employers calculate and pay employees' super guarantee (SG) contributions.
- Qualifying earnings (QE) is a new term that for the types of payments employers make to employees that are used to calculate the SG under Payday Super. It brings together ordinary time earnings (OTE), salary sacrifice contributions and other amounts that are currently included in an employee's salary and wages for SG purposes.



From 1 July 2026, employers must pay employees their SG on pay day, at the same time as their salary/wages are paid.

SG will be calculated at 12% of QE (SG does not increase as at 1 July 2026), paid to an employer's Super Fund on payday, and must be received by the Super Fund within **7 business days** (unless an extended timeframe applies, such as for new employees). That is a considerable change from employers paying SG contributions each quarter at the end of October, January, April and July each year.

Employers will report both QE and super liability payments through Single Touch Payroll (STP).



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Super Guarantee Charges (SGC) in the form of penalties will apply to employers when SG amounts are not received by a Super Fund within 7 business days of payday (unless covered by an exception such as the first payment for new employees).

This will require employers to review their payroll systems and super guarantee processes to ensure they are ready to meet the new payment requirements from 1 July 2026.

Further changes to stapled funds are anticipated, and Quartz Consulting will keep our clients updated as the changes are announced.

Outdated Employment Contract?

YOUR RISK STARTS THERE.

Is your business relying on outdated employment contracts? In today's compliance-driven environment, clear, current agreements aren't just helpful—they're essential.

Why it matters:

- Reduce disputes and compliance risks
- Strengthen trust and consistency across teams
- Ensure clarity around responsibilities, pay, conduct and confidentiality
- Stay legal up to date as your business grows and legislations shifts

Contact **Quartz Consulting** for clear, current and compliant employment contracts.

info@quartzconsulting.com.au



OFFICE SPACE FOR HIRE

Modern - Professional - Convenient



ROOM HIRE RATES

The Ross Boardroom

Hourly Rate - \$90
 ½ day (4 hours max) - \$200
 Full Day - \$300

The Meeting Room

Hourly Rate - \$65
 ½ day (4 hours max) - \$180
 Full Day - \$280

The Bangor Room

½ day (4 hours max) - \$180
 Full Day - \$280

**no hourly rate available*

Features

- High speed wireless NBN Connection
- Large boardroom table
- TV/Screen for presentations
- Whiteboard & markers
- Complimentary tea & coffee
- On-site amenities
- Central, easy-access location
- Friendly reception service

BOOK NOW

Contact Us ☎ 1300 936 223 ✉ info@quartzconsulting.com.au

Location Unit 1 - 442 Elizabeth Street, North Hobart

• all room rates are exclusive of GST