QUARTZ CONSULTING

March 2026

IN THE KNOW

Quartz Consulting Monthly E-News

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A Message from our Managing Director

In reflecting as a team, we were struck by how close we are to the end of March and how quickly the year is progressing.

March is a month that invites both reflection and celebration. It marks **International Women's Day on 8 March**—a global opportunity to recognise and honour the social, economic, cultural, and political achievements of women, while also recommitting ourselves to equity, respect, and opportunity for all.

This month also sees the end of **Ramadan** and the continuation of **Lent**, two significant periods of spiritual reflection, discipline, and community for some people within our organisation and the broader community.

Together, these moments remind us of the rich diversity that exists within our workplaces and communities. They highlight how our differences—across gender, culture, faith, and lived experience—shape who we are, how we work, and how we support one another.

Creating an **inclusive workplace** is not about treating everyone the same; it's about recognising difference, listening with intent, and responding with empathy and flexibility. It means making space for a range of perspectives, supporting individual needs, and finding ways to come together through shared values of respect, understanding, and collaboration.

I encourage everyone to take a moment to reflect on what inclusion looks like in practice—how we support our colleagues, how we challenge assumptions, and how we contribute to a workplace where **everyone feels valued** and able to thrive.

Tracey Doedens
Managing Director

Changes to Government Funded Parental Leave

From 1 July 2026, the Government-paid parental leave scheme will introduce further changes, and employers who have a Parental Leave Policy in place may need to review their policy to ensure compliance with the latest changes.

Forthcoming changes include:

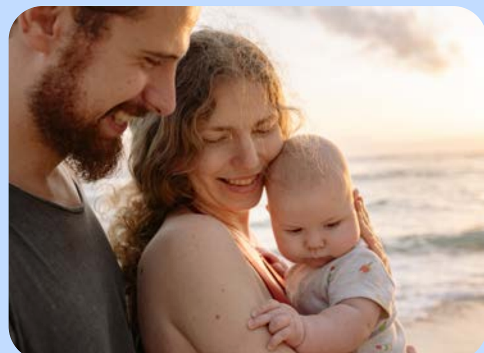
- Parental Leave Pay (PPL), which is based on the National Minimum Wage, will increase from 24 to 26 weeks (130 days) for eligible parents, based on the standard 5-day work week.

- For children born or adopted after 1 July 2025, employees receiving PPL will receive superannuation contributions on their PPL. The Australian Taxation Office will pay superannuation contributions – not the employer – and this will be based on the National Minimum Wage (rather than an employee’s regular salary or wages).

- Superannuation contributions will be paid after the end of the financial year in which the employee receives PPL.

Many employers may not be aware that in the last tranch of changes to Government Paid Parental Leave - the amount of simultaneous leave that parents can take at the same time increased from two weeks to four weeks – meaning parents have a greater opportunity to share parenting over this period.

Unpaid Parental Leave entitlements as well as the Government Paid Parental Leave Scheme have evolved in recent years. If you have any questions about current or forthcoming entitlements and best practice for parental leave, give us a call on 1300 936 223 or email info@quartzconsulting.com.au



Workplace Investigations – Debunking the Myths

For many employers, the prospect of taking on workplace investigations can be daunting to ensure that the process is fair to the Respondent, while also protecting the confidentiality and well-being of the Complainant and the witnesses.

In this month's "In The Know", we will debunk a few of the widely misunderstood myths about workplace investigations.

Do we need to give the Respondent the complainant's name and the identity of the witnesses?

No. The Respondent needs to be given the opportunity to respond to the specific detail of the allegations made in the complaint, but is not required to be provided with the name of the person who has made the complaint nor the identity of those who have been interviewed ("the witnesses").

Can we access digital data to ascertain the facts relevant to allegations?

In general, yes, as long as the records have been legitimately obtained. The employer is able to access security and payroll data including CCTV footage, photographs and video footage, time and location data collected from Apps and other systems in order to verify facts which are relevant to an investigation.

Care should be taken to verify the source, validity and integrity of any digital or electronic data gathered. Increasingly it is easy to use AI to produce "fake" information to attempt to mislead workplace and other investigations – so never simply accept information as being accurate if you are unable to verify where the information has come from and to establish its providence.

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Additionally, if you intend to rely upon digital data collected in the course of an investigation, it is best practice to alert the Respondent to the information which has been collected and to allow the Respondent an opportunity to also respond in relation to the information. This may involve requiring the Respondent to attend a meeting to show CCTV footage and respond, or to show printouts of payroll data about where and when a person clocked off from a shift in question etc.

Are the Complainant and the Respondent entitled to a copy of the final investigation report?

No. The Complainant and Respondent are not entitled to receive a copy of the full investigation report which is likely to contain witness identities, witness accounts of incidents and also the weighing up of such evidence in terms of whose evidence has been preferred and why.

Both the Complainant and the Respondent should be provided with the findings in writing – noting whether or not the specific allegations have been substantiated on the balance of probabilities, or have been found to not be substantiated on the balance of probabilities -as well as being advised of any next steps following the conduct of the workplace investigation.

Additionally, it is recommended that meetings should be conducted with both the Complainant and the Respondent after the investigation has been concluded in order to provide a debrief of the investigation and to answer any questions.

Who makes the decision about any actions to be taken after the investigation?

A workplace investigation determines only whether or not the specific allegations have been substantiated on the balance of probabilities, or have been found to not be substantiated on the balance of probabilities. A workplace investigation report does not contain decisions about what sanctions should apply in the event that the allegations have been found to be substantiated.

Usually the decision about the appropriate outcome (eg. whether the Respondent's employment will be terminated or they will be issued with a warning or counselling/retraining etc if the allegations have been found to be substantiated) is made by a senior line manager (such as the CEO, Section Head etc) – and is not made by the investigator who is usually independent of the ultimate outcomes.

In making the final decision, it is important to take into consideration, factors including:

- the gravity of the substantiated allegations,
- the person's disciplinary history or whether this is a first offence, and
- any other factors which the Respondent may have raised for consideration.

The decision-making process needs to be undertaken with full procedural fairness – ensuring the Respondent is afforded a proper chance to respond before the final decision is taken and also that there is a valid reason if termination of employment is being contemplated.

Quartz Consulting bring experience and expertise in the conduct of workplace investigations – ensuring both professionalism and independence for complex workplace investigations.

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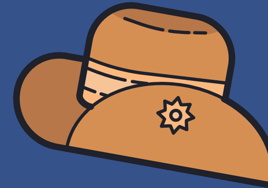
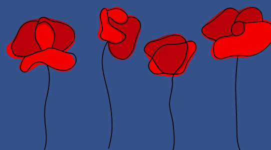
Anzac Day 2026



In 2026, Anzac Day falls on Saturday, 25 April which is a public holiday in Tasmania and applicable public holiday rates of pay and arrangements apply for those rostered to work on that day.
In both Tasmania and Victoria, when Anzac Day falls on a weekend (as is the case in 2026), it should be noted that there is no long weekend as there is no additional public holiday granted on the following Monday.
In NSW, there is an additional public holiday on Monday, 27th April 2026.

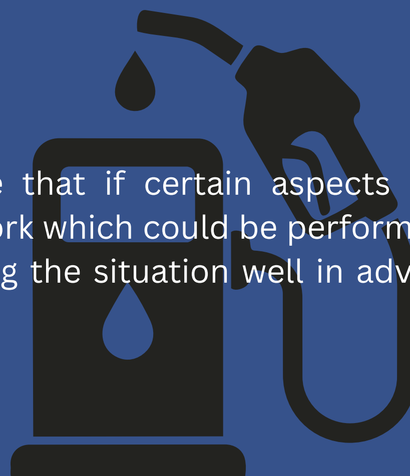


POSSIBLE WORK STOPPAGES AND THE SPECTRE OF WORK FROM HOME

Given the current escalation of tension in the Middle East, we have been asked for advice in relation to possible impacts to workplaces from either potential petrol shortages or an inability to perform some operations due to shortages (such as the diesel shortages).

A few tips for employers:

- Plan Effectively – Plan ahead to ensure that if certain aspects of your operations are effected – is there other work which could be performed over the short term? Ensure you are monitoring the situation well in advance of any impacts.



- Keep your employees informed – If it is likely that some aspects of your operations may be impacted by supply shortages, try to keep employees appraised of likely impacts by forecasting this in advance. This could be raised at Team Meetings or in an update email to employees advising that, for example, you have sufficient supplies to ensure that operations are secure through the coming fortnight or month, but, in the event that this changes, staff will be kept appraised of the situation. Remember that everyone is feeling the pinch of rising costs of living and try to ensure your employees feel supported through this time.

- Requests to Work from Home (WFH) due to possible fuel shortages – Make an early assessment of work which can (and cannot) be performed from home and start to plan how this may operate. Ensure that any temporary WFH arrangements are covered by a written agreement with the employee which notes that this is a temporary arrangement only for the duration of the fuel shortages and that, when resolved, it is agreed that work will return to the ·to the substantive arrangements.

- Standdown if work ceases due to a factor for which the employer cannot reasonable be held responsible:

  - Check the applicable enterprise agreement or Award for any provisions relating to stand-down requirements if work ceases due to circumstances outside the employer’s control and where employees cannot usefully be deployed to undertake other work.
  - Ensure that the requirements provided under sections 524 (Employer may stand down employees in certain circumstances) and 525 (Employee not stood down during a period of authorised leave or absence) of the Fair Work Act 2009 are reviewed and observed.
  - Ensure that employees are aware of the ability to access their annual leave and if applicable long service leave entitlements as an alternative to being stood down.

Certainly it is hoped that the current events will be resolved before the above measures are required to be put in place by employers, but planning ahead is important to support good decision taken, rather than decisions being made on the fly.

significant recent DECISION

Resignation not forced despite “excessively hard job”

[Emily Martin v Scentre Pty Limited [2026] FWC 881 (17 March 2025)]

A worker, who was engaged as a Westfield Community Engagement Assistant and who had changed her employment status from casual to full-time, has failed to overcome the employer’s jurisdictional objection to a general protections claim involving dismissal that her resignation was not forced, although the worker believed that she had an “excessively hard job”.

Hearing the jurisdictional objection, Commissioner Tom Crawford rejected the former employer’s jurisdictional arguments, albeit noting that “Ms Martin genuinely felt like she had no option other than resigning from her employment with Scentre.”[1]

Crawford C noted in the decision that the relevant test under section 386(1)(b) is focussed on whether the employer intended its conduct to “force” the Applicant to resign – finding as follows:

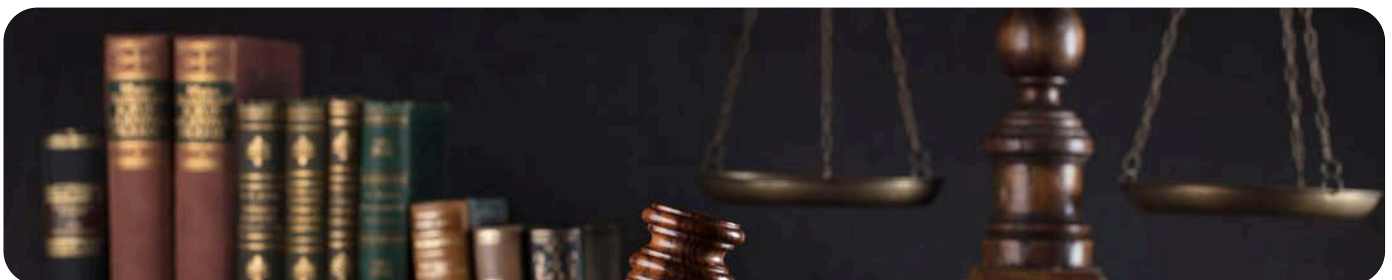
> *However, the words used in s.386(1)(b) of the FW Act and the authorities make it clear that the assessment of whether an employee was forced to resign is focused on the conduct of the employer.3 That means it is the conduct of Scentre which must be assessed, not the subjective impact of Scentre’s conduct on Ms Martin. Specifically, I am required to assess whether Scentre intended to force Ms Martin to resign, and whether Ms Martin’s resignation was the probable result of Sentre’s conduct.[2]*

Therefore, it was not the “genuinely” held views of the Applicant about her workload which was central to the decision, bur rather there was an examination of the employer’s conduct which found as follows:

> *Although Ms Martin clearly felt that her workload was excessive, Ms Martin was generally able to start and finish work at her scheduled times, to take around 30 minutes to one hour for her lunchbreak, and to take a 15-minute walk in the afternoon. This was not a case where Scentre was expecting Ms Martin to perform many hours of unpaid overtime or to skip lunch and other breaks during the day. Ms Martin’s complaint appears to be that she had to work excessively hard during her normal working hours. I do not consider this is sufficient to establish that resignation was the probable result of Scentre’s conduct.[3]*

In line with the case law on this point, Crawford C also found that the Applicant did have other “options” other than resignation – including making a formal complaint in relation to her workload, raising the matter with the relevant work safety regulatory authority or even pursuing the matter via the anti-bullying jurisdiction.

Noting that an employee’s resignation is historically viewed as a very high bar for applicants to get over in trying to demonstrate that their resignation was “forced” by conduct or a course of conduct by the employer which had the intention of bringing about the resignation, this recent decision certainly continues that tradition of maintaining a “high bar” that employee resignations will not easily be accepted as a dismissal.



[1]Emily Martin v Scentre Pty Limited [2026] FWC 881 (17 March 2025), paragraph 6.
[2]Emily Martin v Scentre Pty Limited [2026] FWC 881 (17 March 2025), paragraph 7.
[3] Emily Martin v Scentre Pty Limited [2026] FWC 881 (17 March 2025), paragraph 9.