



A Message from our

Managing Director

I'm hazarding a guess that you are like us at Quartz Consulting and a part of you can't believe that we are at the end of financial year again already, and at the midpoint for 2026 (which may still feel like the new year to a lot of us).

In the world of workplace relations, we are seeing the impact of current global instability and how this is driving up domestic cost of living. This background has led to the Fair Work Commission's recent 4.75% annual Award wage increase taking effect after 1st July 2026 with other increases announced for both the national minimum wage and also the introductory level pay levels. Many businesses have noted that these sizeable wage increases will place additional pressure on them at a time when many are already struggling in a low-growth economy.

The essentials of building a successful organisation remain unchanged. Investing in high-quality people and building high-performing teams remains the key to success. This doesn't just happen, but needs a considered and strategic approach which puts people and innovation at the centre of your business.

At Quartz Consulting, we pride ourselves on building long-term partnerships with our clients – large and small – and in helping businesses to navigate the ever-increasing complexities of people management and workplace relations.

In this edition of In The Know, we have a range of articles to help you and your team remain ahead of the curve with the very latest news and updates.

Kind regards

Tracey Doedens

Managing Director

Fair Work Commission's **ANNUAL WAGE DECISION**

The Fair Work Commission has today handed down its 2026 Annual Wage Review increasing most minimum Award wage rates by 4.75% effective from the first full pay period on or after 1 July 2026.

Effective from 1 July 2026, the National Minimum Wage has increased to \$1,004.90 per week (or \$26.44 per hour) which is an increase of more than 4.75%.

The introductory level pay rates are also increasing by more than 4.75% to \$978.10 per week (or \$25.74 per hour).

The full decision is available at:
www.fwc.gov.au



Please reach out to Quartz Consulting if you have any further queries. info@quartzconsulting.com.au or 1300 936 223

Significant Recent Decisions: Serious Misconduct but still an unfair dismissal

Mr Daniel Thomas v Bin Boy Environmental Pty Ltd [2026] FWC 917

A recent decision of the Fair Work Commission determined that, even in instances which would normally constitute serious misconduct, a finding of serious flaws in the investigation process and in the procedural fairness afforded to a dismissed worker may still result in a finding that the dismissal was unfair (harsh, unjust and unreasonable).

In the matter of Mr Daniel Thomas v Bin Boy Environmental Pty Ltd [2026] FWC 917 (23 March 2026), Commissioner Tran was highly critical of the lack of procedural fairness afforded to Mr Thomas, who was a truck driver, who had been dismissed for a culmination of matters including admitting to placing pornographic material in a staff area and making inappropriate comments in work-related WhatsApp groups.

Mr Thomas was a self-represented Applicant in this matter, with the employer, who failed to make written submissions in the matter other than their initial response materials, being granted permission to be represented by their external payroll and human resources support.

Commissioner Tran found that the employer, who was not a small business, did not satisfy the procedural fairness requirements of section 387 of the Act as follows, “Bin Boy never warned Mr Thomas that it proposed to dismiss him for any of the above reasons, and so he was not notified of the reasons and did not have any opportunity to respond to or provide explanations about them. On 13 November 2025, Mr Barton called Mr Thomas into a meeting after his work for the day was completed. He was handed the letter of termination and asked to read it. Mr Thomas was then asked to return his key, which he did, and he left the workplace.”[1]

[1] Mr Daniel Thomas v Bin Boy Environmental Pty Ltd [2026]
FWC 917, paragraph 37.

It was significant that the two incidents relied upon as reasons for the dismissal had in fact occurred several months earlier on 10 March 2025 (relating to pornographic materials in the staff room) or 22 July 2025 (relating to leaving the hard waste in an inappropriate location) – with the dismissal itself occurring on 13 November 2025.

Although the employer purported to have issued written warnings to Mr Thomas at the time of each of these incidents – the Applicant denied having ever received these warnings during the course of his employment. Commissioner Tran noted in the decision in relation to these purported warnings:

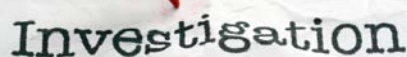
I am troubled by the possibility that the employer fabricated the warnings, which Mr Thomas says he saw for the first time when the employer responded to his application. The 10 March 2025 warning refers to Mr Thomas signing the Workplace Behaviour policy three days prior. However, the employer was clear that the policy did not exist until after a WorkSafe Victoria audit in July 2025. The employer was on notice that Mr Thomas' argument about why his dismissal was unfair was that he had never received any warnings about conduct or performance. They chose to supply warnings with their response materials but chose not to file any witness statements, and the named signatory on the warnings and termination letter did not attend the determinative conference. I do not give the warnings any weight.[1]

[1] Mr Daniel Thomas v Bin Boy Environmental Pty Ltd [2026] FWC 917, paragraph 39.

Lessons for employers to be drawn from this decision include:

- Employers need to act promptly in relation to any instances of misconduct and, if they fail to do so at the time, cannot rely on adding together a list of previous instances of misconduct which were not acted on at the time as being a valid reason for dismissal in the future.
- If deciding that the issuing of a warning is the appropriate action in relation to an incident involving misconduct or serious misconduct – an employment cannot ultimately use the same misconduct as the grounds for dismissal at a later stage.
- No matter how grave the conduct (including matters which may constitute serious misconduct), employers cannot fail to offer an employee the opportunity to respond prior to making the decision to terminate employment. In this case, the employee was not asked to respond in relation to the conduct, but was instead handed a pre-prepared letter of termination at the meeting to dismiss him.

If you have questions concerning whether conduct is likely to constitute a valid reason for the termination of employment, or about the procedural fairness steps required to ensure that an employee is fairly treated – *Quartz Consulting* are available to assist with all of your human resources and workplace relations needs. **Email: info@quartzconsulting.com.au or 1300 936 223**



Investigation

EXPLOSION IN FAIR WORK COMMISSION Dismissal Claims

The Fair Work Commission (FWC) has issued a statement signaling further changes to assist it with managing a record workload in the current year (2025-2026).

In a statement made on 29th May 2026, Fair Work Commission General Manager, Murray Furlong, indicated that through to the end of April 2026, the Commission has already received 44,039 lodgments this year – being just shy of the total number of lodgments for the full 2024 - 2025 year which saw the largest number of claims made on record (being 44,075 lodgments). Given this trend, it is forecast by the FWC that, “...by the end of financial year 2025–26, it is likely that the Commission’s total workload will have increased by over 70% in the space of 3 years.”

Mr Furlong went on to note that this number of claims was “unsustainable” despite the best efforts of Members and staff of the FWC, and is forecast to continue to grow into the future.

Consistent with earlier announcements made by the Commission, the reasons outlined for the increased number of claims as including:

- The proliferation of generative AI (GenAI) assistance tools which has had a significant impact on the Commission’s work;
- a significant increase in the number of persons representing themselves in Commission cases who may possess very little knowledge of workplace relations and this jurisdiction; and
- budget constraints and resourcing challenges.

Accordingly, the Commission has announced that a number of changes will be required to address the increases. These changes include:

- Throughout this year, the FWC has been piloting a new alternative dispute resolution (ADR) process in general protections cases involving dismissal;
- Introduction of a new online portal for lodgements: MyFWC portal;
- A new document search function which went live in February 2026; and
- Development of an Agreement Checklist Assistant which uses GenAI to assist the FWC with pre-approval checks for enterprise agreement applications.

Further changes are expected which may include the increased use of generative AI to assist with providing assistance to the public.

Employers should be aware of the increased number of dismissal-related claims being lodged with the FWC – both unfair dismissal and general protections claims – and ensure that both the reasons for any termination of employment are valid and are strictly in accordance with requirements under the Fair Work Act (the Act) and that any termination of employment is handled in a way which is procedurally fair and meets the legislative requirements. Accordingly, it is important that information and advice about these aspects of any employer-initiated terminations of employment is sought and carefully considered prior to terminating the employment of any employee.

Quartz Consulting are here for all of your workplace relations and human resources needs. Email: info@quartzconsulting.com.au or 1300 936 223



Pay Day **SUPER**



1 July 2026 will see a big change to superannuation with employers needing to pay employees their super guarantee on each payday at the same time as their salary and wages. Super payments will need to be received by the super fund within 7 business days of payday. Some exceptions may apply including for new employees (with a 20 day deadline for the initial payment).

Quartz Consulting keeping you informed on all your workplace relations and human resources needs.

PH: 1300 936 223

www.quartzconsulting.com.au

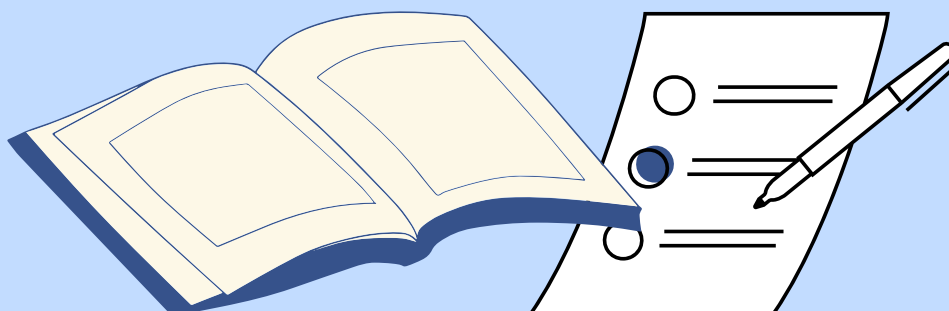


CLASSIFICATION AND MISCLASSIFICATION UNDER MODERN AWARDS

One of the frequently asked questions we receive on a regular basis concerns whether employees are correctly or incorrectly classified under a range of Modern Awards. This is clearly an area which many employers and even human resources. Here a few tips to assist with getting classifications right.

- 1** Get the right Award. One way to get your classification wrong is to start with an incorrect award. Ensure that the award is the correct one, including by seeking information and advice from a range of sources.
- 2** Don't make an assessment about classifications based on the salary range that you want the job to fall into. Classification is about the nature, scope and responsibility of the role (as well as identifying the correct Award to start with). It's not about your willingness or ability to pay a certain salary.
- 3** Is the Position Description (PD) up-to-date and reflective of what the position actually does? We often find that the PD may be either years old or was put together in a hurry just to get the recruitment process started. As the classification process is based on classifying the job as documented in the position description - if the PD is misleading or inaccurate, this may well result in the role being over- and under-classified.

4. Think about the autonomy of the role? Is the position closely supervised, or do they need to exercise considerable independent judgement without having access to more senior managers for guidance.
5. Is the position required to supervise others? This is likely to result in a higher classification with most awards specifying what is the minimum level at which an employee can supervise others.
6. Have regard for the qualifications which the incumbent of the position is required to possess, but not that this is different from the qualifications that an employee may possess but are not necessarily required to hold. For example, an employee who holds a PhD who works as a casual Food & Beverage attendant will not be classified at a higher level as a result of their qualification as it is not "required" to hold the position. This can be a common error.
7. Have we reviewed or audited our classifications on a regular basis to ensure that they remain compliant with the relevant award.
8. Finally, check both the Award coverage clause and the classification schedule to ensure that you understand the operation of these. Don't assume that you know them because you have always classified a certain position as, say, a Level 2.



SCHADS Award

*Gender-based undervaluation
Decision*



On 1 June 2026, the Fair Work Commission (FWC) released its much-anticipated decision in relation to the gender-based undervaluation priority awards review as it relates to the Social, Community, Home Care and Disability Services Industry Award 2010 (SCHADS Award). The review of the identified priority awards commenced in June 2024.

The decision announced that from 1st October 2027 (or in the case of the Disability Support sector with an initial tranche of pay increases effective from 1st October 2026), there will be a number of significant changes to the SCHADS Award which will lead to a significantly different-look Award including but not limited to the following key changes:

- Adoption of the Alternative Classification Structure (ACS) to replace current Schedules B, C, E and F, and which includes a single integrated classification structure based on the ACS. Once implemented, the ACS will be known as the Final Classification Structure (FCS).
- It has been determined that the entry level for Disability Support Workers will be Level 2.2 in the new classification structure with a minimum wage rate of \$1248.50 per week.
- The inclusion of a definition of ‘counsellor’ or ‘counselling work’ in the SCHADS Award: The decision included the intention to amend the definition of Caseworker/Practitioner to specifically include counselling work which will result in the entry level for Caseworker/Practitioners (including counsellors) to be Level 5.
- The implementation of the revised classification structure as at 1 October 2027 will result in changes from existing pay rates ranging from a reduction of 1 per cent to an increase of 17 per cent for employees performing social and community services work, administrative/operational support work, and crisis assistance and supported housing work. The wage rates for employees performing Disability Support work will be increased by up to 27 per cent (with an initial 15% increase payable effective after 1 October 2026).

The preliminary decision is available at: [Decision \[2026\] FWCFB 137](#)

Parties will have 28 days to file any submissions concerning the provisional view that the pay rates for employees engaged under Schedule E (Disability Services) will be increased by 15 per cent on 1 October 2026, with any remaining increases applying from the commencement of the FCS on 1 October 2027, or any technical issues with either the draft determinations or the draft order revoking the ERO.

Quartz Consulting will provide further and more detailed updates on this Award gender-underevaluation review in coming months.

