

HR & Employment Law Update

Edition 22

PANETTA MCGRATH
LAWYERS

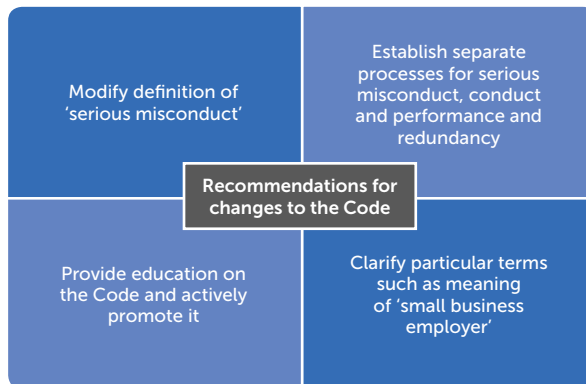
LATEST NEWS

Review of the Small Business Fair Dismissal Code

A review of the Small Business Fair Dismissal Code (the Code) has been released by the *Australian Small Business and Family Enterprise Ombudsman* (ASBFEO).

The aim of the review is to specially address ambiguity in the Code to ensure all steps are taken to achieve strict compliance.

Some of the recommendations proposed by the ASBFEO, include:



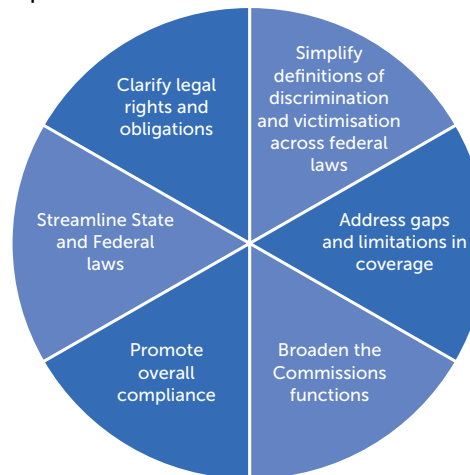
To review the list of recommendations proposed by ASBFEO, [click here](#).

Proposed reform of Federal Discrimination Legislation

The *Australian Human Rights Commission* (AHRC) plans to release a reform agenda at its 'Free & Equal' conference in October, proposing more robust human rights statutory protections. The purpose of the reform is to:

- improve consistency and efficiencies;
- ensure fairness and accessibility; and
- promote effective preventative measures.

AHRC priorities include:



To review AHRC's 'Discussion Paper', [click here](#).

LATEST DECISIONS

Public servants and political views

Facts: Michaela Benerji, while employed by the Australian Public Service (APS) anonymously tweeted several statements critical of the APS and its policies and administration.



Her employment was subsequently terminated for breach of the APS' Code of Conduct, which required she uphold APS values including:

- being apolitical; and
- performing functions impartially and professionally.

The High Court relevantly held:

1. No breach of Implied Freedom of Political communication was found given the need to have 'confidence in the ability of the APS to provide impartial professional advice' and to implement policies irrespective of an employee's individual beliefs; and
2. Anonymous communications are not excluded for the purpose of the Code of Conduct of policies because these posts could damage the 'integrity and good reputation' of the APS.

To read the High Court's decision, [click here](#).

FURTHER INFORMATION For further information or advice, please contact our employment and workplace relations team on (08) 9321 0522:



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