

# Force majeure events - information for employers

Within the Pacific Australia Labour Mobility (PALM) scheme, force majeure provisions allow for PALM scheme employers to temporarily suspend their obligations in specific circumstances that are beyond their control.

This factsheet provides PALM scheme employers with guidance on notifying the Department of Employment and Workplace Relations (DEWR) of a force majeure event and seeking a suspension of obligations due to the impacts of an event. Under clause 70 of the [PALM scheme deed](#), if DEWR considers that an employer is prevented from meeting their obligations due to a force majeure event, DEWR may issue a temporary suspension of obligations.

A force majeure includes any of the following:

- an act of God, including a natural disaster such as a bushfire, an earthquake, a flood, a landslide, or a cyclone
- war, invasion, acts of foreign enemies, hostilities between nations, a terrorist act, civil insurrection or riots
- a pandemic or epidemic
- industrial action or labour disturbance other than in the PALM scheme employer's workforce
- action or inaction by a government body including by executive or administrative order.

The [PALM scheme guidelines](#) (section 13.5.3) outline that employers must provide notice to DEWR advising of a force majeure event as soon as possible, but within 24 hours of becoming aware. The notice must contain:

- full details of the force majeure event, including its nature, likely duration, and reference to relevant state/territory notifications or directions
- details of your obligations affected by the force majeure event
- a plan outlining the workaround procedures that you propose to undertake during the force majeure event, including
  - any alternative work workers may be able to undertake to enable them to continue to earn an income
  - any assistance (financial or otherwise) you intend to provide to workers
- information on any state/territory temporary arrangements in the case of an emergency.

DEWR has developed a template at **attachment A** to assist you with completing the notice.

Before requesting a suspension of obligations during a force majeure event, the PALM scheme employer must continue to take all precautions, measures and actions reasonably within its control to continue to carry out any obligations and mitigate the effects of a force majeure event.

This includes finding PALM scheme workers alternative work or implementing a contingency plan. In the case of an emergency, the PALM scheme employer should contact their relationship manager for assistance. DEWR will work flexibly with employers to ensure employers and workers are appropriately supported.

## Attachment A: employers' notice template

The following template is to support PALM scheme employers to meet their force majeure notice requirements and provide relevant information for the Department of Employment and Workplace Relations (DEWR) to consider the suspension of any PALM scheme deed obligation.

When completing your notice in the PALM information system (PALMIS), please create an incident report with incident title 'force majeure event' and select the 'unable to provide minimum hours of work' drop down option for the incident type. In the summary section, please provide a short overview of the event, then upload this completed template as a supporting document.

Notice requirement	Employer information
<p>Details of the force majeure event including:</p> <ul style="list-style-type: none"> <li>• nature and likely duration of the event</li> <li>• reference any state/territory notifications or directions.</li> </ul>	
<p>Details of the actions you have taken to mitigate and/or reduce the impact of the force majeure event. This may include:</p> <ul style="list-style-type: none"> <li>• enacted contingency plans</li> <li>• attempted worker redeployment</li> <li>• moved workers to safe accommodation</li> <li>• continued to meet safeguard obligations for \$200 net pay</li> <li>• delayed deductions.</li> </ul>	



<p>Please outline why the above actions have not been successful to mitigate the impact of the force majeure event.</p> <p>Why is the suspension of obligations required?</p>	
<p>Please provide details of the impact of the force majeure on your PALM scheme obligations including:</p> <ul style="list-style-type: none"> <li>• which worker placements are affected?</li> <li>• what obligations are you seeking to suspend?</li> </ul> <p>How long are you seeking to suspend these obligations for?</p>	
<p>Please provide details of workaround procedures that you propose to undertake while your obligations are suspended. This should include:</p> <ul style="list-style-type: none"> <li>• enhanced worker welfare protection</li> <li>• confirmation that workers will not face significant financial hardship as a result of obligations being suspended</li> <li>• any alternative work PALM scheme workers may be able to undertake to enable them to continue to earn an income during the force majeure event</li> <li>• any assistance (financial or otherwise) you intend to provide to workers</li> <li>• information on any state/territory temporary arrangements in the case of an emergency.</li> </ul>	