

There have been a significant number of changes to HR-related legislation over recent times (particularly from December 2022, with further changes coming throughout 2023). This checklist is designed to help you understand key changes and meet your obligations as an employer. Of course, reach out to us if you need further assistance, we're here to help!

PAY & SUPERANNUATION

- Increases to national minimum wage and Award rates apply from first pay in July 2023. Be sure to check you are paying at or above new minimum rates of pay.
- The rate of the Superannuation Guarantee Contribution increases from 10.5% to 11% from July 2023.

EMPLOYMENT CONTRACTS

- Pay secrecy clauses have been prohibited in new & amended contracts since December 2022.
- From December 2023, fixed-term contracts cannot go beyond 2 years, or for more than 2 consecutive contracts, whichever is shorter. Limited exceptions apply. Staff on fixed-term contracts will be required to be provided with a Fixed Term Contract Information Statement.

SEXUAL HARASSMENT / RESPECT AT WORK

- Stronger measures are now in place to prohibit sexual harassment in connection with work. Protection now extends to employees, contractors, work experience students, volunteers and future workers.
- Importantly, employers now have a "positive duty" to prevent sexual harassment. This requires employers to, for example, undertake risk assessments and mitigate identified risks, implement appropriate policies, provide info/training, implement appropriate complaint mechanisms and appropriately address any risks/concerns. Businesses/employers may be liable if they have not taken all reasonable steps to prevent sexual harassment.
- Victims of sexual harassment can now seek recourse through the Fair Work Commission.

Note:

This information is general in nature and is not formal or legal advice. It provides key information only and is not exhaustive. Publication date is 28/06/2023.

FLEXIBLE WORK & DISCRIMINATION

- From June 2023, the right to *request* flexible work arrangements has expanded to include employees who are pregnant and those directly facing or supporting a member of their immediate family or household who is experiencing family & domestic violence.
- Employers need to genuinely consider ALL requests/alternatives for flexible work from eligible employees, and formally respond. The Fair Work Commission can be asked to intervene in disputes. We suggest employers centralise the handling of these requests to ensure a consistent approach.
- The range of protected attributes under workplace discrimination laws has been expanded to include breastfeeding, gender identity and intersex status.

LEAVE ARRANGEMENTS

- Enhancements to Family and Domestic Violence Leave (FDVL) entitlements have been effective since Feb 2023 (Aug 2023 for small businesses of <15 staff): 10 days paid leave for ALL employees, including casuals. Note that payslips MUST NOT record FDVL (to protect privacy).
- Changes to relevant Award provisions regarding shutdowns apply from May 2023: Employers need to provide minimum 28 days notice, and cannot direct an employee to take LWOP during a shutdown.
- From July 2023, there are significant changes to parental leave entitlements, including the right to request an extension of parental leave from 12 to 24 months, plus removal of limitations to parents taking concurrent leave.

BARGAINING AND AGREEMENTS

- Existing Zombie (pre-2010) Agreements will by default terminate 7 December 2023 (notice needs to be provided 6 months prior).
- Significant changes have been made to stimulate bargaining: changes include opportunity for unions to instigate multi-employer bargaining in businesses with 20+ staff and subsequently "rope in" other businesses, changes to Better Off Overall Test, and increased powers for Fair Work Commission to resolve bargaining disputes.

For additional info, refer www.fairwork.gov.au and / or www.hrsuccess.com.au.

Contact HR Success on 1300 783 211 for further assistance or book a call via <https://timesync.novocall.co/hrsuccess/discoverycall/>

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