



# SADA IR UPDATE



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## Public Holidays

Over the next few months there will be several public holidays.

Dairy Workers required to work on a public holiday will be paid 200% of the ordinary hourly rate (double time).

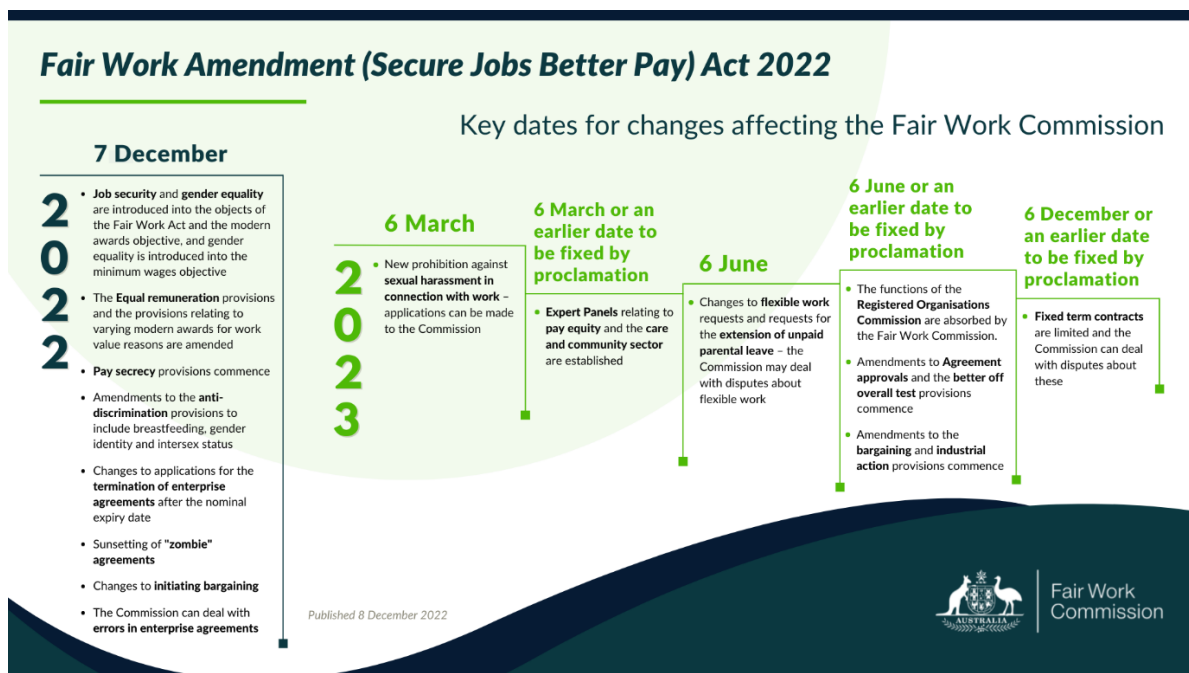
Sub-clause 25.2 of the Pastoral Award 2020 allows an employer and employee may agree to substitute another day for a day that would otherwise be a public holiday. By agreement they may agree to substitute another part-day for a part-day that would otherwise be a part-day public holiday under the National Employment Standards: [www.fwc.gov.au/documents/awardmod/download/nes.pdf](http://www.fwc.gov.au/documents/awardmod/download/nes.pdf)

## New Industrial Relations Laws

On 6 December 2022 the Fair Work Legislation Amendment (Secure Jobs Better Pay) Act 2022 received Royal Assent - [www.legislation.gov.au/Details/C2022A00079](http://www.legislation.gov.au/Details/C2022A00079)

The amendments will commence in stages over a 12 month period.

These Federal Government changes are the most significant changes to the *Fair Work Act* since 2010. There will be several major changes which are too detailed to provide in one Update but an overview and timelines are as follows;



## What to expect in 2023

The following changes are identified for implementation this year;

1. Multi-employer bargaining and enterprise bargaining – this is expected to have minimal impact on small employers at least at this stage;
2. Flexible working arrangements;
3. Pay secrecy- employers will not be able to put in contracts that employees will not be permitted to discuss their pay with their colleagues at work. It is now unlawful for an employer to issue a contract requiring employees to keep their remuneration details secret;
4. Fixed-term contracts – these will be limited to a term not exceeding 2 years (MPs appear to be exempt) and the number of times you will be able to roll over those contracts;

5. Sexual harassment in the workplace-as an employer you are a Person Conducting a Business Unit (PCBU). PCBU's are now accountable for the actions of their agents and employees who sexually harass others in the workplace. Employer will be required to prove that *all reasonable actions* were taken to prevent the activity.;
6. Paid family and domestic violence leave;
7. Anti-discrimination and special measures; and
8. FWC compliance and enforcement.

#### **New paid family and domestic violence leave**

All employees (including part-time and casual employees) will be entitled to 10 days of paid family and domestic violence leave in a 12-month period. This new entitlement will replace the existing entitlement to 5 days of unpaid family and domestic violence leave under the National Employment Standards (NES).

Casual employees will be paid at their full pay rate for the hours they were rostered to work in the period they took leave.

Employees will be entitled to the full 10 days upfront, meaning they won't have to accumulate it over time. The leave won't accumulate from year to year if it isn't used.

The new leave entitlement will be available from:

1. 1 February 2023, for employees of non-small business employers (more than fifteen employees);
2. 1 August 2023, for employees of small business employers.

#### **MERS Office has shifted**

After 20 years at Fullarton Rd Rose Park, we have shifted to new and bright offices located at; Suite 21, 239 Magill Rd Maylands SA 5069 (Bus Stop 8) with 2 hour parking in Adelaide Street. Our email and telephone numbers remain unchanged.

**If you have any queries, please don't hesitate to contact the SADA Office on 8293 2399 or email [sada@sada.asn.au](mailto:sada@sada.asn.au)**

**SADA members are entitled** to contact MERS for a free half hour consultation, per member per year.



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