

HR'S INDUSTRIAL RELATIONS COMPLIANCE CHECKLIST



Make sure you're across the recently passed and upcoming changes to the industrial relations and employment law landscape.

Important dates and details to keep on your agenda:

Important changes

- Ensure employers are aware of their 'positive duty' to eliminate sexual harassment at work in line with the *Respect@Work* Bill. *Effective since November 2022.*
- Ensure everyone is aware that the time limit for sexual harassment complaints has been increased from six to 24 months. *Effective since November 2022.*
- Educate managers/leaders and employees about the new protected attributes under discrimination laws (breastfeeding, gender identity and intersex status). *Effective since December 2022.*
- Pay secrecy clauses are now abolished. Remove any from employment contracts to avoid civil penalties. *Effective since December 2022.*
- The FWC can now issue bargaining orders if it considers that a party is not bargaining in good faith. *Effective since December 2022.*
- Add 10 days' paid family and domestic violence leave to comply with new legal obligations. *Effective since 1 February 2023 for non-small businesses.*

- Ensure employers don't record 'domestic violence leave' on a payslip, to protect employees' privacy. *Effective since 1 February 2023.*
- Provide training to employees around 'stop sexual harassment' orders and update current sexual harassment policies, as the FWC now has the power to make compensatory orders to deal with sexual harassment complaints. *Effective since March 2023.*

Upcoming changes

- Update policies around access to flexible work arrangements and be careful when denying flexible work requests, as employees will soon have more legal recourse. *Effective as of June 2023.*
- Ensure employers are aware that if they ignore a flexible work request for 21 days, they could face the Fair Work Commission. *Effective as of June 2023.*
- Be aware of cooperative workplaces forming, which means a group of employers can enter into multi-enterprise bargaining agreements. *Effective as of June 2023.*
- Changes to the Better Off Overall Test (BOOT). The FWC will have greater flexibility to consider the views of bargaining parties as to whether an agreement passes the BOOT. *Effective as of June 2023.*

- Update leaders on the enhanced small claims process. The monetary cap has been increased from \$20,000 to \$100,000 and successful employees will be able to get any filing fees paid to the court back from the other party. *Effective July 2023.*
- Stop using fixed-term contracts that go beyond two years or for more than two consecutive contracts (whichever is shorter). *Effective as of December 2023.*
- The end of 'zombie agreements' and Work Choices-era agreements. Pre-Fair Work Act enterprise agreements will be terminated. Employers can apply for an extension if their agreement is deemed beneficial to employees. Employers to advise employees covered by these agreements, in writing, before 7 June 2023 that the agreement will be terminated. *Effective 7 December 2023. ...*

This information has been verified by lawyer Will Snow, Employment and Workplace Safety Partner at Finlaysons Lawyers.