

## Mediation and *Employment* Relations Services

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### LSA UPDATE AUGUST 2023

#### Industrial Relations Changes Timeline

The Industrial Relations changes continue because of legislative changes by the Federal Government. The timeline for the changes announced so far are:

#### 1. 6<sup>th</sup> June 2023

##### **Secure Jobs, Better Pay workplace laws.**

These are changes to 'flexible working arrangements' extending unpaid parental leave 'agreement-making' bargaining and being introduced at various times in the last half of 2023.

#### 2. 1<sup>st</sup> July 2023

##### **2.1 Minimum wage increase**

National minimum wage increased to \$882.80 per week or \$23.23 per hour. Please note that the Award rate for Farm and Livestock Hand Level 1 is \$859.30 per week or \$22.61 per hour. The award rate is the applicable rate and not the Minimum Wage. This has come about as the Commission has ended the link between the national minimum wage rate and the C14 classification rate in the Modern Award system.

##### **2.2 Superannuation Contributions.**

Increase to superannuation guarantee The superannuation guarantee increased from 10.5% to 11%.

##### **2.3 New monetary cap for small claims court.**

The monetary cap for small claims court increases to \$100,000.

##### **2.4 Unpaid parental leave changes.**

The Fair Work Act will include greater flexibility for employees when taking unpaid parental leave.

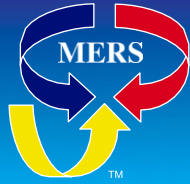
##### **2.5 Paid parental leave changes.**

The current entitlement to 18 weeks paid parental leave pay will be combined with the current Dad and Partner Pay entitlement to 2 weeks' pay.

#### 3. 1<sup>st</sup> August 2023 Paid family and domestic violence leave for employees of small employers.

Employees employed by small business employers (employers with less than 15 employees) can access paid leave from 1 August 2023.

Paid family and domestic violence leave employees of small business employers can access 10 days of paid family and domestic violence leave in a 12 month period.



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This paid leave also applies to casual employees, but unused leave does not carry over to following years.

A You Tube segment outlining who is eligible and how this leave operates is at <https://youtu.be/E2qgpOLTrAg>

#### 4. 6<sup>th</sup> December 2023

##### **Fixed Term Contracts**

Limits to fixed contracts Limits to fixed term contracts, with requirements for employers to issue employees the new Fixed Term Contract Information Statement.

#### 5. 30<sup>th</sup> December 2023 Employee deductions from wages.

Authorised employee deductions Employees will be able to authorise salary deductions made by their employer that are recurring and for amounts that vary from time to time.

### **Handy Tips for Employers**

#### **Fair Dismissal Process**

Small employers are those with 15 and fewer employees based on a head count of casual, part time, and fulltime employees on the day the termination occurs.

Small employers are exempt from unfair dismissal claims when the employee has worked for less than one year. Prior to termination you should seek advice and access [Small-Business-Fair-Dismissal-Code-2011.docx \(live.com\)](#)

Large employers (more than 15 employees) are exempt from unfair dismissal claims for six months but should also seek advice prior to termination and use the Fair Dismissal Code as a guide.

#### **Redundancies**

A redundancy occurs when a position is no longer required to be performed in the way it has been. It does not occur when an employee is not performing.

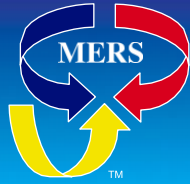
Small employers are exempt for paying severance pay but must pay a period of notice according to the NES.

Large employers are exempt from paying severance pay ONLY if the employee is casual or other employees have been employed for less than a year.

Genuine redundancies are exempt from unfair dismissal claims for ALL employers regardless of size.

#### **Information Statements**

On commencement of employment or prior, all employee must be provided with the Employment Information Statement which can be accessed at [employment information statement - Search \(bing.com\)](#).



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Casual employee should also be provided with [casual employment information statement - Search \(bing.com\)](#) as well as the employment information statement.

### **Letter of employment**

The award states in Clause 8.2 that “At the time of engagement an employer will inform each employee of the terms of their engagement and in particular whether they are to be full-time, part-time, or casual.

### **Members’ Industrial Relations Advice**

LSA members are entitled to contact MERS for a free half hour consultation, per member per year. Our telephone number is 08 83312422) and email [info@mers.com.au](mailto:info@mers.com.au)

**Chas Cini**  
**Principal**