

SPEAKOUT

THE MAGAZINE FOR AUSTRALIAN SPEECH PATHOLOGISTS

JUNE 2023

**NATIONAL
CONFERENCE
2023**

From left: Former President Tim Kittel, newly appointed Life Member Chyrisse Heine, and President Kathryn McKinley.

Details about Speech
Pathology Week 2023

Aged care
presentations
and updates



Speech
Pathology
Australia

COMPLIANCE CHECKLIST

Major changes to workplace laws



The recent changes to the **Fair Work Act 2009** launched on 6 December 2022 under the **Secure Jobs Better Pay Act 2022** mark the most extensive industrial relations reform seen in Australia since the introduction of the **Fair Work Act** itself 13 years ago. To learn more about the **Secure Jobs Better Pay Act 2022**, please review our recent compliance alerts on **Major Changes to Workplace Laws**:

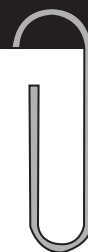
1. **Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022**
2. **Changes to employment contracts.**

In addition to considering the impact of the **Secure Jobs Better Pay Act 2022**, employers also need to consider the impact of recent changes to the following workplace laws:

- **The Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022**
- **Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022**
- **Paid Parental Leave Amendment (Improvements for Families and Gender Equality) Act 2023**
- **Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023** made amendments to the **Workplace Gender Equality Act 2012 (WGE Act)**
- **The Fair Work Commission's variation of 78 modern awards**
- **Model Code of Practice: Managing the risk of psychosocial hazards at work** enforceable under the **Work Health and Safety Act 2011**

Legislative changes impact your employer obligations!

The rollout of recent legislative changes is staggered over a 12 month period, with some amendments already in effect and others still looming on the horizon. It is important for practice owners and healthcare providers to keep track of their employer obligations and be prepared as each amendment takes effect. To assist with this, WorkPlacePLUS has developed a checklist of key dates and compliance reminders.



COMPLIANCE CHECKLIST FOR PRACTICE OWNERS AND HEALTHCARE PROVIDERS

Effective 7 December 2022

- Provide training to your managers and teams around the new protected attributes under discrimination laws (breastfeeding, gender identity and intersex status).
- Ensure you have removed any pay secrecy clauses from employment contracts.
- Be aware that the Fair Work Commission (FWC) can now issue bargaining orders if it considers that a party is not bargaining in good faith.

Effective 12 December 2022

- Be aware of your 'positive duty' to eliminate sexual harassment in the workplace.
- Conduct a Respect@Work risk assessment to ensure your practice is equipped to manage the risk of sexual harassment in the workplace.
- Ensure your employees are aware that the time limit for sexual harassment complaints has been increased from 6 to 24 months.

Effective 7 January 2023

- Review your job advertisements—they can't include pay rates that would breach the Fair Work Act, or a fair work instrument such as an award or enterprise agreement.

Effective 1 February 2023

(non-small businesses with 15 or more employees)

- Add 10 days of paid Family & Domestic Violence (FDV) leave to annual employee entitlements and update leave policies, payroll, and monitoring systems.
- Ensure you don't record 'domestic violence leave' on a payslip, to protect employees' privacy.
- Provide training to your managers and teams around family and domestic violence to ensure staff can safely and discreetly access appropriate information, options, and resources.

Effective 6 March 2023

- Provide training to your managers and teams 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 1 April 2023

- Be aware that a new Code of Practice for managing the risk of psychosocial hazards at work (published by Safe Work Australia) is being implemented across Australia. The Code clarifies and reinforces employers' existing obligations to eliminate or minimise psychosocial hazards in the workplace.
- Conduct a psychological safety risk assessment to ensure your practice is equipped to manage the risk of psychosocial hazards in the workplace.

Effective 1 May 2023

- Review the Health Professionals and Support Services Award 2020 and any other **applicable awards** to apply the new temporary shutdown provisions.
- Review your policies, processes, documentation, payroll systems, and employee management systems regarding accessing annual leave entitlements, temporary workplace shutdowns, and directing an employee to take leave.
- Provide notice, consultation, communications, and training to HR and payroll managers and impacted employees regarding the changes to shutdown clauses in applicable awards, and before implementing temporary workplace shutdowns.

Effective 6 June 2023

- Update policies around access to flexible work arrangements and an extension of unpaid parental leave, and be careful when denying requests as employees will soon have more legal recourse.
- Be aware that if you ignore a flexible work request for 21 days, you could face the FWC.
- Be aware that a group of employers can enter into multi-enterprise bargaining agreements.
- Be aware that the FWC will have greater flexibility to consider the views of bargaining parties as to whether an agreement passes the Better Off Overall Test (BOOT).

Notify by 6 June 2023

- Effective 6 December 2023, employment agreements made before the commencement of the Fair Work Act 2009 that are still in operation will automatically end. Written notice needs to be provided to affected employees before 7 June 2023.

Effective 1 July 2023

- Be aware that the monetary cap for recovering unpaid entitlements via the small claims process 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.
- To mitigate small claims, review your systems and processes and promptly address workplace issues.
- Be aware that Parental Leave Pay and Dad and Partner Pay will be combined into **one scheme** which will provide eligible parent couples or single parents up to 20 weeks of Parental Leave Pay at the National Minimum Wage.

Effective 1 August 2023

(small businesses with less than 15 employees)

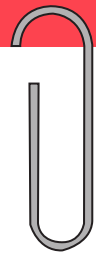
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Effective 6 December 2023

- Review your employment contracts. Stop using fixed-term contracts that go beyond 2 years or for more than two consecutive contracts (whichever is shorter).
- Be aware that a Fixed Term Contract Information Statement must be given to an employee before or as soon as practicable after they enter into a contract of employment that includes a Fixed Term Contract Term.

Effective Late 2023

- Private sector employers and Commonwealth public sector organisations with 100 or more employees must share their Workplace Gender Equality Agency (WGEA) Executive Summary Report and Industry Benchmark Report with their Board.



For assistance ensuring compliance with industrial relations reform and changes to employment laws, you can [contact the Fair Work Ombudsman](#) or seek advice from an HR consultancy that works closely with the allied health sector such as [WorkPlacePLUS](#).

As the preferred national HR and IR provider for Speech Pathology Australia, WorkPlacePLUS provides support to SPA members on employment matters affecting your practice. For more information, contact Anna Pannuzzo on (03) 9492 0958 or visit www.WorkPlacePLUS.com.au.

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