

# 2023 KEY EMPLOYMENT DEVELOPMENTS

This factsheet outlines the latest regulatory developments in employment law.

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visit our website | [legalvision.com.au](https://legalvision.com.au)

email us | [info@legalvision.com.au](mailto:info@legalvision.com.au)

## PAY SECRECY CLAUSES



- Pay secrecy terms in employment contracts are prohibited and employees have a right to share or not share information about their pay.

## PROFESSIONAL EMPLOYEES AWARD



- Employees covered by the Professional Employees Award 2020 will be entitled to overtime and penalty rates from 16 September 2023.
- Employers will be required to maintain records of employee overtime or penalty rate hours (except for employees paid at least 25% above their relevant minimum pay rate).
- Employers, particularly those in the IT, engineering and medical research industries, should complete a salary review and, where appropriate, put record-keeping procedures in place.

## CHANGES TO THE FAIR WORK ACT



- There are greater restrictions on using maximum-term and fixed-term contracts for employees.
- The FWC can now resolve disputes over flexible work arrangements and parental leave.
- Changes to bargaining rules have resulted in sunseting 'zombie agreements'.

## FAMILY AND DOMESTIC VIOLENCE LEAVE



- Family and Domestic Violence leave entitlements now include 10 days of annual paid leave. This leave does not accrue nor carry over.
- The definition of "Family and Domestic Violence" also now includes the behaviour of a current or former partner of an employee or a member of the employee's household.

## LONG SERVICE LEAVE (NSW/VIC)



- Recent court decisions in NSW and Victoria have affected how employers should calculate the length of service for Long Service Leave (LSL). An employee's service must have a substantial connection to one of these states to earn LSL. For example, the time an employee works interstate or overseas may not be counted towards LSL.
- Similar decisions in other states may follow.

## SEXUAL HARASSMENT AND DISCRIMINATION



- Employers are legally required to eliminate sexual harassment in the workplace.
- To ensure compliance, government bodies such as the AHRC will have new regulatory powers, including conducting investigations.
- A new prohibition on sexual harassment in the workplace under the Fair Work Act.