

## **ISSA Member Notice: Changes to the Fair Work Act as Part of the New 'Closing Loopholes' Laws**

During 2024 and 2025 the Australian government will introduce new workplace laws which form part of the 'closing loopholes' legislation. This comes on the back of changes which were made during 2022- 2023 Secure Jobs Legislation.

Major changes are on topics such as

- Labour hire workers
- Criminalising intentional wage underpayments
- New discrimination protections
- Small business redundancy exemptions
- Workplace delegates rights and
- Compulsory conciliation conferences in protected action ballot matters
- Right to disconnect.

### **1. Same job same pay**

The Fair Work Commission is empowered to make orders requiring certain employers who supply labour hire workers to pay their employees the same rate of pay as employees of the host who perform similar work covered by an Enterprise Agreement (exception is service contractors). There are some exceptions to this. For more information.

Introduction 15 December 2023 – 1 November 2024 Labour hire orders made by the FWC can come into effect.

### **2. Underpayment compliance**

Intentional underpayment of wages and superannuation will become a criminal offence. A new Voluntary Small Business Wage compliance Code will be established where compliance with this code means a small business won't be prosecuted if they underpay.

Introduction 15 December 2023.

1 January 2025 unless an earlier date is announced criminalisation of wage theft.

### **3. New Discrimination Protections**

Stronger protections available for employees who have been or continue to be subjected to family and domestic violence.

Introduction 15 December 2023.

### **4. Small Business redundancy**

Business who initially not a small business but gradually become one during bankruptcy or liquidation may still be required to pay redundancy.

Introduction 15 December 2023.

### **5. Workplace Delegation rights**

New requirements on employers to allow delegates paid time to attend training and reasonable time and facilities at the workplace to communicate with employees (who are union members or prospective union members).

Introduction 15 December 2023.

### **6. Compulsory conciliation conferences changed in protected ballot matters.**

This occurs when negotiation an EBA, the Fair Work Commission can order a protected action ballot. Where an order for industrial action is made the bargaining representatives must attend conciliation (both representatives from the employee and the employer).

Introduction 15 December 2023.

### **7. Right to disconnect**

Employees are able to ignore unreasonable contact outside of work hours and the FWC can issue 'stop orders' to enforce this workplace right.

Introduction 6 months after the Bill passes. Small business time to comply will differ.

For more information, visit [Fair Work website](#).

*Note, this notice is for informational purposes only and is not intended to be legal advice. If you are unsure about how it applies to your situation you can call The Fair Work line on 13 13 94 or seek out a professional HR or Industrial Relations lawyer to support your business situation.*