

## Albanese Government's Secure Jobs, Better Pay Bill passes Parliament

5 December 2022

On Friday 2 December 2022, the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022* (the Bill) passed both houses of Parliament.

The Secure Jobs, Better Pay Bill is a key pillar of the Albanese Labor Government's agenda which aims to enact the Government's election commitments as well as several proposals that emerged during the Jobs and Skills Summit held in September.

This is the first stage of the Government's workplace relations reforms and is designed to modernise Australia's workplace relations system by getting wages moving, boosting job security, tackling gender inequity, and restoring fairness and integrity in workplace relations institutions.

The Government has committed \$111.6 million over 4 years to support the implementation of measures in the Bill.

The Bill will amend the *Fair Work Act 2009* and related legislation to improve the workplace relations framework by:

- Improving job security and gender equity by including both concepts in the objects of the Fair Work Act, limiting the use of fixed-term contracts, introducing a statutory equal remuneration principle and prohibiting pay secrecy clauses.
- Abolishing the Australian Building and Construction Commission so that the Fair Work Ombudsman is the workplace relations regulator for the building and construction industry.
- Abolishing the Registered Organisations Commission and transferring its functions to the General Manager of the Fair Work Commission.
- Making the better-off overall test simpler and more flexible.
- Encouraging bargaining for single enterprise agreements by simplifying approval requirements.
- Opening up multi-employer bargaining for people unable to enter single enterprise agreements, particularly low-paid workers in female-dominated industries.
- Removing unnecessary limitations on access to the low-paid bargaining stream (and renaming it the supported bargaining stream) and the single-interest employer authorisation stream.
- Providing enhanced access to Fair Work Commission support for employees and their employers who require assistance to bargain.
- Sunsetting 'zombie agreements'.
- Improving workplace conditions and protections by providing stronger access to flexible working arrangements, stronger protections for workers, including victim-survivors of sexual harassment, and enhancing small claims procedures to enable unpaid entitlement recovery.
- Updating the workers' compensation presumptive liability provisions for firefighters in the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

The Government also adopted several amendments to the Bill put forward by the crossbench, including:

- Requiring majority support from employees of each employer for a single interest bargaining stream authorisation.
- Provide that businesses and workers cannot be compelled into an authorisation or single interest employer agreement when they have agreed to bargain for a proposed single enterprise agreement, and a 6-month grace period where there is a history of effective bargaining.
- Clarifying that the Fair Work Commission must be satisfied a minimum period of good-faith bargaining has occurred before moving to arbitrate.
- Giving business 12 months to adjust to changes to fixed-term contracts.
- Amend the definition of 'small business employer' to fewer than 20 employees in the single interest stream.
- Provide for a statutory review of the Bill to occur no later than two years after the bill becomes law.
- Increase the Fair Work Commission's discretion to refuse to issue a single interest authorisation from 6 months to 9 months from the nominal expiry date of an existing single enterprise agreement, where bargaining is occurring in good faith.
- The introduction of a "reasonably comparable" test that the Fair Work Commission must consider for all common interest employers.
- Empower the Fair Work Commission to remove a business with fewer than 50 employees from a single interest authorisation either where their circumstances change or where the majority of employees votes for it, subject to appropriate safeguards.
- Provide a new capacity for the Fair Work Commission to issue an order requiring a multi-employer agreement to be put to a vote of employees regardless of whether all employee organisations agree, if one or more employee organisations are unreasonably withholding agreement.
- Exclude Civil Construction from all new forms of multi-employer bargaining under the Bill.
- Provide a new capacity for the Minister to declare, by disallowable legislative instrument, that a particular industry or occupation is eligible for the supported bargaining stream.

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay)* Bill 2022 can be accessed [here](#).

The Hon Tony Burke MP, Minister for Employment and Workplace Relations' media release published following the Bill's passing on Friday can be found [here](#).

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