



SADA IR UPDATE



Email sada@sada.asn.au

Andrew 0419 037 569

Office: 8293 2399

Friday 19 May 2023

Minimum Wage Adjustment 2023

ACTU and Unions have submitted claims for a 7 per cent pay increase to be effective from 1 July 2023. The employer groups have counterclaimed "for an increase to be remitted to 3.5 per cent in the minimum wage". The Federal Government will be seeking an increase equal to the inflation rate.

Superannuation Guarantee Increase

The Superannuation Guarantee will increase by 0.5 per cent to 11 per cent on the first pay period commencing 1 July 2023.

'Zombie' Agreements

These Agreements were approved between 1 July 2009 and 31 December 2009 and generally under the Work Choices legislation. Zombie agreements that are not yet terminated will automatically terminate on 7 December 2023 unless you apply for and are granted an extension.

Employers who are covered by zombie agreements are also required to give each employee written notice regarding the changes before 7 June 2023. Failure to notify employees may result in significant financial penalties. If the extension is granted, the agreement will terminate on the date specified in the decision.

To do so go to <https://bit.ly/3VnOL7C>

If you are unsure you can find out whether a zombie agreement applies to your business, you should check the list published by the Fair Work Commission at <https://bit.ly/3LMzrMI>

These Agreements will be replaced by an Award or alternatively a new agreement.

Bullying, Discrimination, Harassment and Sexual Harassment Policy

Last month we advised that employers can be vicariously liable for sexual harassment claims and to minimise the risk of such claims, it is important that employers have a policy, procedure, and training available for staff and contractors to minimise that risk. It is important that policies be made available to both employees and contractors and that employees and contractors be asked to sign that they have read and understood it. That would be helpful in case of a claim, to minimise the risk of employers being vicariously liable.

Dairy Australia has drafted a Policy to cover these issues and it is available at this link [eliminate bullying, discrimination and harassment in the workplace template here](#).

Work on a Public Holiday

The full Federal Court recently found that an employer who required its employees to work on Public Holidays without giving them a choice, contravened the Fair Work Act 2009. On that basis, employers should request rather than direct employees to work on a Public Holiday.

If the employee (other than a casual) would ordinarily work on the day a Public Holiday occurs, but is NOT required to work on that day, that employee is to be paid for the length of the shift that they would otherwise have worked on that day. A farm and livestock hand who IS required to work on a public holiday, that employee is to be paid 200% of the ordinary hourly rate. A casual is to be paid 225% of the fulltime ordinary rate.

If you have any queries, please don't hesitate to contact the SADA Office on 8293 2399 or email sada@sada.asn.au

SADA members are entitled to contact MERS for a free half hour consultation, per member per year.



**Mediation and Employment
Relations Service**

135 Fullarton Road Rose Park SA 5067 Phone: 08 8331 2422

Email: chas@mers.com.au Website: www.mers.com.au