

# Industrial Relations Reform Insights

## PAY EQUITY MEASURES







The reforms significantly strengthens employees' rights to request flexible work arrangements with an overhaul of the existing regime, which applies to all flexible work requests made six months after



The reforms introduce new workplace rights with respect to conditions of employment about rates of pay.

Firstly, all employees now have a right to ask other employees about their rates of pay (including matters required to ascertain pay such as a person's hours of work). This constitutes a workplace right (protected by the General Protections provisions of the Fair Work Act) under the reforms.

Secondly, all employees also have a right to disclose or not disclose their rates of pay (including matters required to ascertain pay such as a person's hours of work). This also constitutes a workplace right.

Thirdly, it is now unlawful to include in a contract of employment or industrial instrument any clauses prohibiting persons from discussing their pay. Any such clauses are automatically deemed invalid and will have no effect.

Existing contracts with pay secrecy clauses are not subject to the prohibitions on pay secrecy, however, once an existing contract is varied (including presumably through wage increases), it must comply with the new pay secrecy ban provisions. For existing contracts of employment that do not contain pay

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The reforms expand the existing provisions pertaining to sexual harassment and stop sexual harassment orders (orders 3/w 16 01 a)6.333 (o)32.2m b)39vis atxual harassment



The reforms have added three new forms of discrimination to the existing protections against discrimination in the Fair Work Act, to cover breastfeeding, gender identity and intersex status.

In particular, this means that the general protection provision, which makes it unlawful for an employer to terminate or take adverse action against an employee or prospective employee because they have a protected attribute (race, sex, age, marital status, pregnancy, religion, political opinion etc), now also cover breastfeeding, gender identity and intersex status.

The reforms introduce a new regime for responding to employee requests for an extension of unpaid



Under the reforms regulations will be made to requiring the taking of “paid domestic violence leave” to be reported as something else on an employee’s pay slip, for example ordinary time worked, overtime or allowance. This change is directed towards preventing perpetrators from drawing inferences about employees taking paid family and domestic violence leave and any associated risks.

