

ACTUS WORKPLACE LAWYERS

Insights into Current Workplace Relations Issues



6 October 2022

Chaos looming for Christmas shutdowns this year

A recent Fair Work Commission (FWC) [decision](#) about the shutdown provisions in numerous awards could lead to chaos this Christmas for employers who shutdown their operations.

A Full Bench of the FWC has expressed the view that award shutdown provisions which give an employer the right to require an employee to take leave without pay if the employee does not have sufficient annual leave accrued, are not consistent with the Fair Work Act.

The Full Bench has also expressed the view that shutdown provisions which enable an employer to direct the taking of annual leave merely on the notification of a shutdown period, without any other considerations, are not consistent with the Fair Work Act. [Read more](#)

Latest enterprise agreement wage outcomes in the manufacturing industry

The Fair Work Commission's last two fortnightly [statistical reports](#) on enterprise agreements provide information about 49 enterprise agreements in the manufacturing and associated industries lodged for approval between 16 July and 12 August 2022. The results are insightful. [Read more](#)

New laws to impose a statutory obligation on employers to prevent sexual harassment

The Australian Government has introduced a Bill into Parliament to implement several recommendations in the Sex Discrimination Commissioner's 2020 *Respect@Work Report*. Significantly, the new laws will impose a statutory obligation upon employers to prevent sexual harassment, sex discrimination and victimisation at work. [Read more](#)

ACTU clarifies its sector-wide industrial action claims

In a speech to the National Press Club on 28 September, ACTU Secretary Sally McManus has clarified that the unions are pushing for workers to have the right to take industrial action in pursuit of sector-wide agreements. The ACTU is also pushing for the FWC to have more powers to intervene in bargaining disputes. [Read more](#)

FWC to address concerns about award superannuation clauses

The FWC is reviewing the superannuation clauses in all modern awards to bring them in line with recent legislative changes, including the 'stapled super fund' provisions. [Read more](#)

Minimum award wage increases in the hospitality, tourism and aviation sectors

Minimum award wages have increased from the first full pay period that starts on or after 1 October 2022 for some awards in the hospitality, tourism and aviation sectors. [Read more](#)

Should you wish to discuss any of the issues in this report or require any legal advice or assistance, please contact Stephen Smith, Principal of Actus Workplace Lawyers at stephen.smith@actuslawyers.com.au. If any other members of your staff would like to receive this regular report, please advise of the details through this link: <https://actuslawyers.com.au/contact-us>

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