

ACTUS WORKPLACE LAWYERS

Insights into Current Workplace Relations Issues



2 September 2022

‘Wage theft’ laws to be introduced this year

The Government has committed to introducing a Bill into Parliament this year to criminalise ‘wage theft’. There are many important issues of detail that employers should be concerned about. [Read more](#)

FWO recovers half a billion dollars in underpayments by employers

The Fair Work Ombudsman has announced that it recovered a record \$532 million in unpaid wages and entitlements for 384,000 workers in the 2021-22 financial year. The amount was more than three times the record amount recovered in the previous financial year. In the 2021-22 year, the FWO filed a record 137 claims in courts, almost double the number of the previous year. [Read more](#)

The Government’s Jobs and Skills Summit

The Australian Government’s Jobs and Skills Summit is being held on 1 and 2 September at Parliament House, chaired by the Prime Minister. There are many major issues on the agenda, with enterprise bargaining, migration and skills issues attracting a lot of attention in the lead up to the Summit. There are major uncertainties and risks associated with the ACTU’s industry bargaining proposal and to date there appears to be a widespread lack of understanding about the adverse implications of the proposal. Pleasingly though there appears to be some welcome momentum behind changes to the Better Off Overall Test, with both the Federal Government and the ACTU now expressing some support for amendments to make the BOOT simpler and more workable.

The Government released an issues paper on 17 August dealing with various key themes that are being considered at the Summit. [Read more](#)

ACTU industry bargaining proposal is a ‘wolf in sheep’s clothing’

On 26 August, Actus Workplace Lawyers issued a [media release](#) and a [policy paper](#) which argue that the ACTU’s industry bargaining proposal is a ‘wolf in sheep’s clothing.’ The proposal is dressed up with deceptive assertions about being focussed on the low paid and being of benefit to small businesses but industry bargaining would be available across all sectors, including those with militant unions and where workers are highly paid. The unions have made no secret of their plan for lawful industrial action to be available across entire industries as a so called ‘last resort’. Protected action ballots to authorise industrial action at the enterprise level and the current laws which ban industrial action in pursuit of pattern bargaining would be cast aside. [Read more](#)

New analysis of FWC enterprise agreement termination decisions – The facts do not support the need for change

A new analysis by Actus Workplace Lawyers of FWC decisions terminating enterprise agreements shows that the facts do not support union arguments to change the Fair Work Act. The analysis shows that of 95 enterprise agreements that were terminated by the FWC in 2020, 2021 and 2022 with nominal expiry dates between 1 January 2020 and 1 August 2022, 97% (92 applications) were not contested by any party. [Read more](#)

Government plans to regulate platform work

In a speech to a TWU Conference on 26 August, Employment and Workplace Relations Minister Tony Burke provided some details about the consultation process that has commenced to develop minimum standards for gig/platform work. [Read more](#)

Enterprise agreement wage outcomes for agreements lodged in July

The Fair Work Commission has published a [statistical report](#) on enterprise agreements lodged for approval between 2 and 15 July. The average annualised wage increase in the 153 agreements lodged for approval in the fortnightly period was 3.2 per cent. However, there were large differences in wage outcomes across different industries. The FWC intends to publish similar statistical reports each fortnight. [Read more](#)

Employers should prepare now for new paid family and domestic violence leave legislation

New family and domestic violence leave legislation is expected to shortly be passed by Parliament. It is important for employers to review relevant policies and enterprise agreement provisions to take into account the new legislation. [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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