

# Key Takeaways from the 2022 Jobs and Skills Summit for Employers

## EMPLOYMENT AND INDUSTRIAL RELATIONS

### KEY TAKEAWAYS

- The outcome of the 2022 Jobs and Skills Summit shows us that we can expect to see amendments to the Fair Work Act as early as December this year.
- These changes are likely to include, stronger flexible working arrangements and unpaid parental leave; further protection against adverse action, harassment and discrimination; flexible options for reaching single and multi-employer agreements; ensuring single-employer agreements can be negotiated without impacting the agreement's validity; amending s 193 of the Fair Work Act regarding the better-off overall test; and ensuring the process for termination is for for purpose and fair.

The Labor government's 2022 Jobs and Skills Summit (the Summit) has wrapped up recently, teasing new changes on the horizon.

The Summit focused on current economic and labour market challenges, opening up a discussion on how legislation can address existing and emerging employment sector issues. It's clear from this that there are some significant changes to workplace legislation on their way, and employers looking to mitigate legal risk should be aware of these forthcoming changes.

The key takeaway from the Summit is that we can expect amendments to the *Fair Work Act 2009 (Cth)* (FW Act) as early as December this year.

### What Changes Can We Expect to See?

These changes will most likely include:

- Stronger access to flexible working arrangements and unpaid parental leave;
- Further protections against adverse action, harassment and discrimination;
- Flexible options for reaching an agreement, including the removal of limitations on entering into single and multi-employer agreements;
- Ensuring that employers who negotiate single-employer agreements are able to do so without the above-mentioned options impacting the validity of those agreements;

- Amending s 193 of the FW Act to remove complexity regarding the better-off overall test (also known as the BOOT test); and
- Ensuring that the process for termination under an enterprise agreement is fit for purpose and fair.

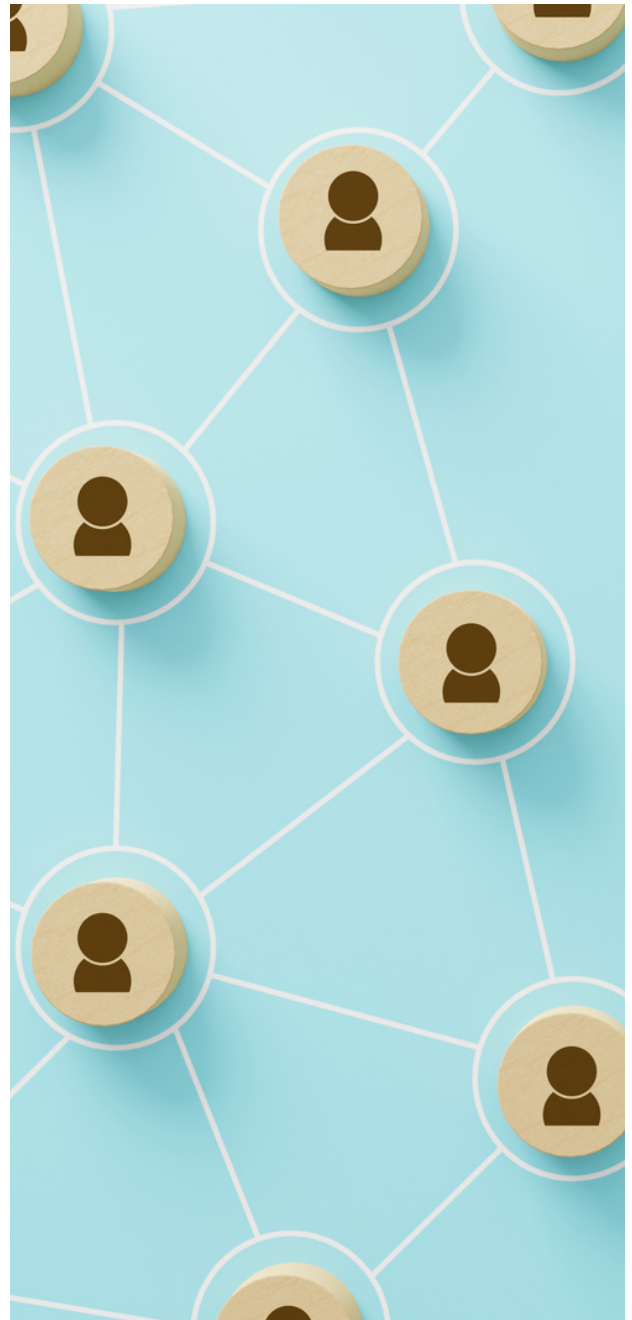
It's yet to be seen how these changes will be drafted into the FW Act. But we believe that they will undoubtedly impact employers once implemented.

## Will There Be More Changes in the Future

In terms of what's in store beyond 2022, the Summit proposed that further consultation is required on the introduction of a 'living wage', the award system, giving employees the right to amend unfair contractual terms, and ensuring employees have access to legal and/or union representation to address concerns.

## What Do Employers Need to Do?

At this stage, we don't see a need for immediate action from employers. But the impending changes may require reconsidering enterprise bargaining agreements and employment contracts in the new year.



## Conclusion

The expected changes aim to minimise and resolve some of the current issues in the employment sector, as well as any potential future issues. While no immediate action is required of employers, it's best to be prepared. Employers of any level of a business should keep an eye out over the coming months regarding these changes.

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