



Small business

What has changed?

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* amends the *Fair Work Act 2009* (the Act) to provide a range of measures that apply to businesses of all sizes.

Fact sheets covering all amendments can be found on the [Department of Employment and Workplace Relations' website](#). Amendments of particular interest to small business are summarised below.

Bargaining

Changes to the bargaining framework

- A number of changes have been made to the bargaining framework, aimed at making bargaining more accessible and attractive for both employees and employers.
- These include simplifying enterprise agreement approval requirements, including the Better-Off-Overall-Test, and empowering the Fair Work Commission (the Commission) to assist bargaining parties to overcome bargaining disputes and reach agreements.

Cooperative Workplaces Bargaining Stream

- The existing multi-enterprise bargaining stream has been renamed the Cooperative Workplaces Stream and continues to be available for businesses of all sizes, but is expected to be particularly beneficial for small businesses.
- Small businesses have often not had access to the benefits of bargaining due to limited resources at the firm level. Improved access to multi-enterprise bargaining allows small businesses, which often lack specialist human resources departments, to pool resources with other similar businesses, leading to greater efficiency and economies of scale.
- Protected industrial action is not available under this stream. Dispute resolution options, such as conciliation and arbitration, can occur with the consent of all parties.
- The Government has also committed \$7.9 million over four years to expand the Fair Work Commission's capacity to proactively assist small businesses to negotiate agreements with their employees.

Single Interest Bargaining Stream

- The Act has been amended to remove unnecessary limitations on common interest employers bargaining for single interest employer agreements.
- Small business employers (fewer than 20 employees) cannot be compelled to bargain in the Single Interest Bargaining Stream.
- Small business employers can voluntarily bargain in this stream.

Job security and gender equality

Right to request flexible working arrangements

- The Act has been amended to strengthen the right to request flexible working arrangements to assist eligible employees to negotiate workplace flexibilities that suit both them and their employer.
- There is no change to the longstanding reasonable business grounds on which a request for a flexible work arrangement can be refused by an employer.
- In recognition that small businesses may not have the same capacity as larger employers to accommodate these requests, the legislation clarifies that the specific circumstances of the employer, including the size and nature of the employer's business, are relevant when considering whether the employer has reasonable business grounds for refusing a request.
- There is increased access to dispute resolution for employees through the Commission if they cannot resolve disputes about flexible working arrangements at the workplace level.

When will these changes come into effect?

These changes will come into effect on 6 June 2023 (or an earlier date to be fixed by proclamation, in the case of the bargaining changes).

For more information on the *Secure Jobs, Better Pay* package visit:

www.dewr.gov.au/workplace-relations