

PAY

SECRECY

What is it, and what is new?

These new rights empower employees to talk about their wages.

Previously employers could direct employees to keep their wages secret.

Employers now can't make employees agree to wage secrecy in new employment contracts or target employees for sharing information about wages.

What are the key rights and requirements?

- » Employees have new rights to discuss wages, contributing factors (such as hours of work) and ask other employees about their wages.
- » As these rights fall under Fair Work General Protections provisions, employees are protected from adverse action (i.e. employers targeting employees).

As of 7 December 2022:

- » New employment contracts and enterprise agreements must not include pay secrecy clauses.
- » Existing clauses in Enterprise Agreements and Awards that refer to pay secrecy are overruled by the provisions.

From 7 June 2023:

- » Employers who continue to include pay secrecy clauses in new written agreements and employment contracts are liable for penalties.

Who is excluded?

- » Employees on existing employment contracts signed prior to December 7, 2022 that specify wage secrecy must keep their wage secret until the contract is varied or ends.
- » Workers who are not employees (such as independent contractors) can't access these rights.
- » Pay secrecy terms in agreements with workers who are not employees are still allowed.

Strategic considerations

Coordinate:

- » How can unions work together to map wages in multi-union sites?
- » How can we work as a movement to use these rights to expose inequality in industries?
- » How can we coordinate with bargaining cycles to channel wage inequality into improved outcomes?
- » How can unions work together to use these rights during bargaining?

Growth:

- » How can we run growth campaigns around this issue?
- » How can we educate and support delegates to manage any conflict about wage differences and channel this as opportunities for growth and unity?
- » How can we promote this entitlement, and any litigation for violations of the right, in a way that drives growth (particularly for undervalued potential members such as women).

Precedent:

- » How can we embed this entitlement and address alternative measures employers may try to use to create secrecy or division about entitlements? Where are employers likely to challenge us?

**EQUIP
PLAN
WIN**

EQUIP

- **IR LAW FORUMS**
(7 - 19 Feb) - Respect, Equity,
Bargaining 1/2/3 and Electives
- **LEGISLATION
BRIEFING NOTES**
- **FACT SHEETS**

PLAN

- **STRATEGIC LEADERSHIP
MEETING (20 - 21 Feb)**
- **UNION INTERNAL
PLANNING**

WIN

- **MOVEMENT WIDE
EDUCATION**
- **COORDINATION**
- **GOOD PRECEDENTS**
- **GROWTH AND POWER**