



SADA IR UPDATE



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Zombie Employment Contracts

A Zombie Agreement is an enterprise agreement made before the commencement of the *Fair Work Act 2009*. These agreements continue to apply until they are terminated or varied by an Enterprise Agreement made after 1 January 2010.

Zombie agreements include those agreements made in the State and Federal jurisdictions. All these agreements will automatically terminate on 7 December 2023.

In the period prior to 31 December 2009, several Zombie agreements were made within our Industry. If you have one of these Agreements, and you want to continue it to apply, you must make an application to the Fair Work Commission before 7th December 2023, otherwise the Zombie agreement will terminate, and your employees will then be covered by the Pastoral Award 2020.

Employers who are covered by Zombie agreements are also required to give each employee written notice regarding the changes before 7 June 2023. Failure to notify employees may result in significant financial penalties.

If you wish to check the list published by the Fair Work Commission, go to <https://www.fwc.gov.au/about-us/news-and-media/news/list-zombie-agreements-published>

Fair Work Ombudsman Audits

The Fair Ombudsman's Office has reported that it has conducted audits in the Western Australian region. In its media release on 1 March 2023, the Office of the Fair Work Ombudsman made surprise inspections of agricultural businesses around Western Australia's Bunbury region to check workers were paid correctly. About 20 farms and labour companies were assessed by Inspectors that week. Some of these inspections include anonymous complaints including potential underpayment of entitlements of agriculture workers, or because of being employed under the provisions of a visa.

These audits usually include the following:

- a) time and wage records are kept and compliant with the Award.
- b) access to the pays for the previous month or two.
- c) copy of pay slips are provided to employees every pay day.
- d) that pay slips are compliant with the requirements.
- e) that the employing entity on the pay slip is the actual employer and has the correct ABN.
- f) leave records are maintained.
- g) that superannuation payments are correct and processed on time.

If you have any queries, please don't hesitate to contact the SADA Office on 8293 2399 or email sada@sada.asn.au

SADA members are entitled to contact MERS for a free half hour consultation, per member per year.



**Mediation and Employment
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