

'Pay secrecy' is a way of saying that your employment contract prohibits you from discussing your pay with your co-workers. From 7 June 2023 the law has changed.

No more pay secrecy!



See Fair Work Act s. 333B - 333D for more information

Unions have campaigned for and won changes to the Fair Work Act. All workers now have a workplace right to share information about your pay and employment conditions. This is an important change that will improve transparency, stop concealing gender pay discrimination, and will hopefully lead to pay increases for working women.

Can I talk about my pay with my co-workers?

Yes!

All workers now have the right to share (or not share) information about how much you are paid at work.

You can also share information about your terms and conditions at work, such as any allowances and bonuses, and other important entitlements.

You can ask and discuss your pay with any other worker, including co-workers who have left, without fear that something bad might happen to your job.

How can we use this new workplace right?

We know that there is a gender pay gap in every industry and profession. Let's do something about it. This might include:

- Talk about your pay and conditions with your co-workers
- Increase transparency about pay and conditions in your workplace
- Use this information to discuss the gender pay gap and sex discrimination with your employer
- Use this information to negotiate a higher rate of pay for yourself and your co-workers
- Use this information to start a Union negotiated Enterprise Agreement.

My contract still says that I can't talk about my pay. What should I do?

You can ignore it. Some employment contracts say that workers can't talk about their pay with anyone. This is called a "pay secrecy term".

From 7 June 2023, the Fair Work Act now says that these "pay secrecy terms" in employment contracts, policies, awards and Enterprise Agreements cannot be enforced.

If your contract or Enterprise Agreement includes a pay secrecy term, the Fair Work Act says it has no effect. This means you can ignore it.

The Act also says that in the future, your employer cannot enter into a new employment contract that tries to stop you from talking about your pay.

Is this discrimination? I asked my co-worker about their pay. It now feels like my employer is targeting me. What should I do?

The Fair Work Act says that your employer must not target you or treat you badly because you exercised your right to share information about your pay or asked for information about another workers' pay. This might include things like:

- Telling you not to talk to co-workers about your pay
- Not employing you because you talked about rates of pay
- Threatening to fire you
- Changing the terms of your employment
- Terminating your employment.

This kind of treatment is called "adverse action" and it is against the law.

"Women are paid less than men and not viewed as being as physically capable. We are told we are not as strong, not as skilled and therefore not able to complete work quickly; and the quicker work is completed the more profit is generated. A lack of confidence to advocate for higher wages due to feeling less skilled leads to an imposter syndrome; our industry makes us feel like we don't 'belong'."

- Painter and Decorator

"When I started in this role, I was paid a trainee wage despite not having 'trainee' in my title. During this time my salary was less than the EBA stated. [My manager let me know as he was leaving that they were ripping me off]... Every year my company has had to give me a pay rise due to this. I know for a fact they hired men after me and their starting salaries were higher than mine despite my years of service and the fact we were doing the same job (confirmed by said males sharing their salary with me now)"

- Control Room Technician

"When I was starting my apprenticeship, my male counterpart got paid more"

- Apprentice Fitter

Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.



Rights at work resources here

"Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change."

- Trades Assistant

"I just think women thrive in this industry and we're bloody good at it!"

- Bus Operator

**Workplaces
FOR Women**
EQUALITY RESOURCES

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Australian Government



weareunion.org.au/w4w