

What you need to know about proposed changes to 103 modern awards

1

How did this come about?

The FWC issued a statement on 1 April 2020 proposed varying 103 modern awards in industries most impacted by the COVID-19 pandemic on its own initiative (no application was made to the FWC).

2

Which awards are affected?

Phase 1 is proposed to vary 103 modern awards in industries that have been adversely affected by COVID-19 to date, including Aged Care, Banking, Finance and Insurance, Clerks, MAIO, SCHADS and Professional Employees.

3

Are there any excluded sectors?

Yes – the construction, maritime and mining and resources sectors are not part of phase 1, as these sectors are not regarded to have been adversely impacted by COVID-19 to date and use EAs more widely.

4

How would the awards be varied?

The variations would be part of a new Schedule X to be inserted in each of the affected awards. Schedule X will apply until 30 June 2020.

5

What happens next?

The FWC will receive written submissions until **6 April 2020**. If the FWC receives submissions opposing the proposed variations, it will hold a hearing by telephone on **8 April 2020**.

Proposed Variation 1: Unpaid Pandemic Leave



Employees can take up to 2 weeks' unpaid pandemic leave.

Similar notice and evidence requirements to personal/carer's leave.

This does not affect other leave entitlements and counts as service.

Taking pandemic leave is a "workplace right".

Proposed Variation 2: Annual Leave at Half Pay



Employers and employees can agree to the employee taking twice as much paid annual leave at half pay.

Agreement must be in writing and kept as an employee record.

Requesting and taking annual leave at half pay is a "workplace right".