

Joint Media Statement



28 March 2020

FWC Full Bench varies Clerks Award to address COVID-19 challenges

The Fair Work Commission has today decided to vary the *Clerks Private Sector Award* to insert a Schedule of special conditions to assist employers and employees adapt to the COVID-19 Pandemic.

Today's decision of the Fair Work Commission allows those special conditions to operate until 30 June 2020.

The special conditions were agreed between the Australian Industry Group, the Australian Chamber of Commerce and Industry, The Australian Services Union and the Australian Council of Trade Unions.

They provide flexibilities around hours of work and annual leave to facilitate businesses and their employees being in the best position possible to adjust to the COVID-19 pandemic, while retaining the rates of pay for work performed.

Key elements of the special conditions include:

- Flexibility around the range of duties that employees can perform;
- Minimum shift and working hours flexibilities for employees that are working from home;
- Temporary reductions in working hours where agreed by 75% of the affected employees, with consideration to be given by employers to secondary employment and personal development sought by employees;
- Facilitating representation and advice for employees' consideration of proposals to reduce working hours;
- The capacity to take longer periods of leave at proportionally reduced rates of pay; and
- The capacity for employers to close down operations while employees are on leave, or direct employees to take leave having regard to their personal circumstances.

Employees will continue to accrue their entitlements on the usual basis if their working hours are reduced, and any unpaid leave taken during a close down will count as service.

Quotes from Robert Potter, National Secretary, Australian Services Union

"We're talking to members every day and they're telling us their number one priority right now is to protect their jobs.

"These changes are practical, recognise the reality of the crisis and are temporary so we do not lose any of the rights and entitlements workers have fought for in the long term.

"We've also delivered a win for workers who will have enhanced access to online training and professional development at this difficult time.

"Given the flexibility the union and workers are showing now, we expect to see the same level of engagement with workers through their unions when this crisis subsides."

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