

[2024] FWC 213

The attached document replaces the document previously issued with the above code on 29 January 2023.

The date 19 February 2024 appearing in paras [13] and [15] has been replaced with the date 21 February 2024.

Associate to Deputy President O'Neill



STATEMENT

Fair Work Act 2009

s 157—FWC may vary etc. modern awards if necessary to achieve modern awards objective
s 576(2)(aa)—Promoting cooperative and productive workplace relations and preventing disputes

Modern Awards Review 2023-24

(AM2023/21)

DEPUTY PRESIDENT O'NEILL

MELBOURNE, 29 JANUARY 2024

Modern Awards Review 2023-24 – work and care – discussion paper published – next steps.

[1] On 15 September 2023, the President issued a statement¹ initiating the Modern Awards Review 2023-24 (Review) following a request from the Minister for Employment and Workplace Relations.² The matter was initiated on the Commission's own motion under ss 157(3)(a) and 576(2)(aa) of the *Fair Work Act 2009* (Act).

[2] The President's statement set out the key issues raised by the Minister to be considered in the Review. Relevantly, this includes commencement of a consultation and research process considering the impact of workplace relations settings on work and care, having regard to relevant findings and recommendations of the Final Report of the Senate Select Committee on Work and Care.³ I am the Member responsible for conducting consultation for this aspect of the Review.

[3] The President issued a further statement on 24 November 2023⁴ providing an update on the progress of the Review as well as further information about how the Review is being conducted and how people can be involved in the Review. This included reference to a literature review conducted by the Western Sydney University and a survey of employers to support the research and consultation into the work and care stream of the Review.

[4] The literature review will analyse existing literature on modern awards and its impact on work and caring responsibilities, identify and synthesise key findings, trends and emerging themes in the field, as well as analyse existing literature to highlight various factors influencing the relationships between modern awards and employees' abilities to balance their caring responsibilities. This literature review will be published on **Friday, 8 March 2024**. Interested parties will have an opportunity to make submissions on the literature review during the consultation window 11 March to 12 April 2024.

[5] The survey will be conducted by the Commission with the objective of gathering information about variations to modern award provisions that may assist in offering greater flexibility to employees in respect of balancing work and care. The survey will include

questions about working from home and other flexible workplace practices. The results from the survey will help to inform the Final Report of the Review. Interested parties may provide oral submissions to inform the survey at a mention and directions hearing before the Commission on **10:00am (AEDT) on 21 February 2024**.

[6] As foreshadowed, a discussion paper concerning work and care has been published alongside this statement. The discussion paper has been prepared by staff of the Commission to support the Full Bench's consideration of the work and care stream of the Review.

[7] A series of questions are posed throughout the discussion paper and summarised at the end of the discussion paper. The questions are intended to guide discussion during the consultation process and interested parties are invited to provide responses to these questions as part of their submissions.

[8] Guidance about the process of the Review and how to participate has been published on the Commission's website to assist interested parties: [Modern Awards Review 2023–24 | Fair Work Commission \(fwc.gov.au\)](#). There is also a submissions template to use when making a submission. The Commission generally publishes all correspondence and submissions relating to the review on the [Commission's website](#).

Next steps

Responses to discussion paper

[9] Interested parties are invited to file submissions in response to the work and care discussion paper. In the President's statement on 4 October 2023, the timetable for the conduct of the Review directed parties to file responses to the work and care discussion paper by Tuesday, 11 March 2024.⁵

Consultation

[10] I have set aside the following dates for the consultation process:

- 21 March
- 22 March
- 3 April
- 4 April

[11] Interested parties are invited to comment on their intention to participate in the consultation process, the conduct of the consultation process, and the desirability of any additional consultation dates, by no later than **12:00pm (AEDT) on Monday, 12 February 2024**.

[12] Parties filing a submission in response to the discussion paper are to include any comments regarding the consultation process in the same document.

[13] A mention to finalise arrangements for the consultation process and hear any submissions from interested parties on the survey of employers will be held at **10:00am (AEDT) on Wednesday, 21 February 2024**. A Notice of Listing is published with this Statement.

[14] All correspondence and submissions should be emailed to awards@fwc.gov.au.

Updated timetable

[15] The timetable for next steps in the work and care stream of the Review is set out below:

29 January 2024	Work and Care discussion paper published.
12 February 2024	Intention to participate in consultation due.
21 February 2024	Mention and directions for any interested parties wishing to make submissions on the survey and to finalise consultation.
8 March 2024	Literature Review paper published.
12 March 2024	Submissions in response to discussion paper due.
18 March – 12 April 2024	Consultation window with interested parties.



DEPUTY PRESIDENT

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¹ [President's statement](#).

² [Letter](#) from the Hon Tony Burke, Minister for Employment and Workplace Relations and Minister for the Arts to Hatcher J, President of the Fair Work Commission, 12 September 2023.

³ [President's statement](#) at 3.

⁴ [\[2023\] FWCFB 218](#).

⁵ [\[2023\] FWCFB 179](#).