

**IN THE FAIR WORK COMMISSION**

**SUBMISSION**

**AM2021/15 AND ORS: HEALTH SECTOR AWARDS  
PANDEMIC LEAVE**

**FILED ON BEHALF OF:**

- Australian Chamber of Commerce and Industry
- Australian Business Industrial
- the NSW Business Chamber Ltd
- Aged & Community Services Australia
- Leading Aged Services Australia

**25 MARCH 2021**

1. These submissions are made on behalf of the Australian Chamber of Commerce and Industry, the NSW Business Chamber Ltd, Australian Business Industrial, Aged & Community Services Australia and Leading Age Services Australia.
2. On 24 March the Full Bench issued Decision [2021] FWCFB 1596 (**Decision**).
3. The Decision at [17] states:

*The emergency circumstances which caused us to award the paid pandemic entitlement for aged care employees do not appear to have pertained for some time now. It is therefore our provisional view that Schedule Y should not be further extended.*
4. Interested parties were invited to file written submissions in response to the provisional view on or before 5pm Thursday 25 March 2021.
5. The Australian Chamber, ABI, NSWBC, ACSA and LASA support the provisional view.
6. Unambiguously, Schedule Y was intended to be a temporary provision, introduced as a result of a particular scenario which arose in Victoria in the middle part of 2020.
7. Consistent with the findings of the Commission in the Decision, the emergency situation which gave rise to the Commission's decision to introduce the entitlement has passed.
8. While it is undoubtedly correct that the COVID-19 situation in Australia could change, the Commission should have regard to the stability of the current situation and the likelihood that the current roll-out of vaccination programs will improve that situation further.
9. Schedule Y was introduced as a result of a "*significant change in circumstances*"<sup>1</sup>. Given that those circumstances have now past, in our view, the position should be restored to that identified by the Commission in Decision [2020] FWCFB 3561 in AM2020/13 – that is, before the introduction of Schedule Y.
10. We do not oppose the provisional view with respect to Schedule X.

On behalf of Australian Chamber of Commerce and Industry, Australian Business Industrial, the NSW Business Chamber Ltd, Aged & Community Services and Leading Age Services Australia.

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<sup>1</sup> Statement [2020] FWCFB 3834