



DRAFT DETERMINATION

Fair Work Act 2009

s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective

Applications to vary the Real Estate Industry Award 2020

(AM2020/14 and AM2020/23)

VICE PRESIDENT HATCHER
DEPUTY PRESIDENT ASBURY
COMMISSIONER SPENCER

SYDNEY, XX MONTH 2020

Applications to vary Real Estate Industry Award 2020 in response to COVID-19 pandemic.

A. Further to the decision [[2020] FWCFB 3946] issued by the Full Bench on XX August 2020, the above award is varied as follows:

1. By inserting Schedule I as follows:

Schedule I—Award Flexibility During the COVID-19 Pandemic

I.1 Where an annual review of a commission-only arrangement is undertaken pursuant to clause 16.7(h) after XX August 2020, the months of May, June, July, August, September and October 2020 (the COVID-19 months) may be disregarded in the calculation of the MITA for the preceding 12-month period under review if the work in those months has been impacted by COVID-19. The MITA will be adjusted accordingly in proportion to the number of months disregarded, provided that, where the commission-only employee's review date falls part way through any COVID-19 month, that month may only be disregarded where the review is due after the 14th of the month.

I.2 An employee who is not employed as a commission-only salesperson as at XX August 2020, shall not be eligible to be employed on a commission-only basis prior to 1 November 2020.

2. By updating the table of contents and cross-references accordingly.

B. This determination comes into operation on XX August 2020. In accordance with s.165(3) of the Fair Work Act 2009 this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after XX August 2020.

VICE PRESIDENT

Printed by authority of the Commonwealth Government Printer