

In the Fair Work Commission

Matter No.: AM2020/95

**S. 157 Variation of a Modern Award to achieve the Modern Award's
objective**

Clerk – Private Sector Award 2020

**Submission of the Australian Services Union regarding the Working
from Home Employer Survey**

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1. The ASU writes to respond to the FWC Draft Survey document the FWC tabled at the Conference on the 27th October 2020. The ASU will respond to each of the Questions in the Survey as they arise.
2. Question 1 – Agree
3. Question 2 – Agree
4. Questions 3-5 – The ASU prefers that the question says “How” many employees and not “Approximately” how many employees
5. Question 6 – The ASU believes it is critical to retain the question on Gender. This is an Award where the majority of the employees are low paid women who usually carry the bulk of family caring responsibilities. We need to have this employee profile. Similarly, we do want the additional question on whether employees are full-time, part-time or casuals included as this will give us a fuller picture on the types of employees that are working from home.
6. Question 7 – The ASU prefers an additional question be asked regarding whether the change in the pattern of work was initiated by the employer or the employee.

Also regarding the ACCi addition to this question, we say it needs refining, so that it reads as follows:

Yes – working longer hours on some days

Yes – working shorter hours on some days

Yes – working same hours but at different times
7. Question 8 – The ASU suggests that 2 questions be asked here:
 - a. How many of your employees that are covered by the Clerks Award and who have been working from since 1st July 2020 have changed their total overall hours?
 - b. How many of your employees that are covered by the Clerks Award and who have been working from home since 1st July 2020 have changed their pattern of hours worked?
8. Question 8 – ACCi suggestion – Agreed.
9. Question 9 – ACCi suggestion – Agreed, but remove the options of Both and Other, otherwise the question does not give us valuable information.
10. Question 9 – ACCi suggestion – Agreed. However the ASU would like an additional question regarding whether the employer conducted a risk/ergonomic assessment of the employee workplace as required by the OHS Acts and Regulations. This would

help us to understand the level of protection for the employee and the level of compliance by employees.

11. Question 10 – The ASU suggests an additional question:

Has your working from home policy been circulated to your employees?

Yes

No

12. Question 11 – Agreed

13. Questions 12 & 13 – The ASU agrees with the original FWC document. It is very important we retain the word “regularly” in the questions because we need to know what regularly happens as opposed to what might happen on an ad hoc or one off basis.

14. Questions 14-16 – Agree with the additional questions asked by ACCi. This is consistent with the ASU submission that the Survey should not just look at what is happening at working from home in the Covid crisis but look to future arrangements.

Other Issues

15. The ASU supports the FWC view that the employers need to prepare a Statement for the ASU and the Commission on how they will conduct the Survey.

16. The ASU thanks the Commission for its offer in the 27th October 2020 Conference to assist the ASU in conducting an employee working from home survey, but we respectfully decline the offer. The ASU is thinking about our own processes on how best to interrogate our membership on this working from home matter.