



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, 8 MARCH 2024

Modern Awards Review 2023-24 – work and care – literature review published – proposed timeline for the employer survey – work and care data profile announcement.

[1] As part of the Modern Awards Review 2023-24 (Review), the President announced in his statement on 24 November 2023¹ that a literature review would be conducted by Western Sydney University and a survey of employers to support the research and consultation into the work and care stream of the Review.

[2] I issued a Statement on 29 January 2024² for the release of the work and care discussion paper, announcing that 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.

[3] I have now received the literature review: Sara Charlesworth and Meg Smith (2024). *Literature review for the Modern Awards Review 2023-24 relating to the workplace relations settings within modern awards that impact people when balancing work and care*. Sydney: Western Sydney University. The review will be published on the [Modern Awards Review 2023-24, Work and Care](#) page of the Commission's website along with this Statement.

[4] In my Statement of 29 January 2024, I indicated that parties will have the opportunity to make submissions on the literature review. These submissions can be made with the reply submissions currently due **by no later than 12:00PM on Tuesday, 26 March 2024**.

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

Survey of employers – proposed timeline

[6] At the mention before me on 21 February 2024, I advised parties that the proposed employer survey is intended to be a qualitative piece, canvassing working from home arrangements and barriers to workplace flexibilities. The survey will be undertaken by a third-

party provider with research expertise. Parties were invited to put forward any topics or questions for inclusion in the employer survey.

[7] The Australian Council of Trade Unions (ACTU) and Australian Business Industrial/Business NSW filed written submissions. The ACTU raised concerns over an imbalance with the survey on employers with no equivalent process for employees. The ACTU also requested parties be provided with proposed survey questions and content prior to the survey being finalised. ABI and Business NSW suggested that the survey should be designed to identify specific challenges faced by small to medium businesses and their capacity to offer flexibilities and accommodations to employees.

[8] To address some of the concerns raised, parties will be provided with an opportunity to provide comments on the draft survey questions. The timeline for comments on the draft survey is as follows:

5 April 2024	Proposed survey questions released for comment.
12 April 2024	Submissions in response to the proposed survey questions due.
31 May 2024	Final report on survey outcomes published.

Data profile

[9] To further support the work and care stream of the review, Fair Work Commission staff will publish a data profile setting out results from existing surveys that have canvassed workplace flexibilities, such as from the Australian Bureau of Statistics and the Household, Income and Labour Dynamics in Australia survey. The data profile is likely to include surveys of employees and may address some of the concerns raised by the ACTU as set out above. The data profile would be informational only and is intended to complement the survey and literature review as part of the consultation process.

[10] It is anticipated that the data profile will be published on 28 March 2024, prior to the commencement of the consultations in the work and care stream.

Next steps

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

12 March 2024	Submissions in response to discussion paper due.
26 March 2024	Submissions in reply due.
28 March 2024	Data profile on workplace flexibilities published.
3 and 4 April 2024	Consultations with interested parties in Sydney.
5 April 2024	Survey questions released.
9 and 10 April 2024	Consultations with interested parties in Melbourne.

11 April 2024

Tentative date set aside for consultations with interested parties.

12 April 2024

Submissions on survey questions due.



DEPUTY PRESIDENT

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¹ [\[2023\] FWCFB 218.](#)

² [\[2024\] FWC 213.](#)