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FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

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

Health Sector Awards – Pandemic leave

(AM2020/XX)

SOCIAL, COMMUNITY, HOME CARE AND DISABILITY SERVICES INDUSTRY
AWARD 2010

MA000100

JUSTICE ROSS, PRESIDENT

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MELBOURNE, XX XXXX 2020

Schedule X—Additional measures during the COVID-19 pandemic.

A. Further to the decision [2020 FWCFB XXXX] issued by the Full Bench of the Fair Work Commission on XX XXX 2020, the above award is varied as follows:

1. By inserting new clause X.3 in Schedule X as follows:

X.3 COVID-19 CARE ALLOWANCE

(a) This clause applies to social and community services employees undertaking disability services work.

(b) Clause X.3 reflects the additional responsibilities and disabilities associated with specific duties that may arise due to the COVID-19 pandemic and does not set any precedent in relation to award entitlements after its expiry date.

(c) This clause operates from 4 May 2020 until 28 September 2020. The period of operation can be extended on application.

(d) Where an employer requires an employee to work with a client who:

- (i) is required by government or medical authorities to self-isolate or self-quarantine due to a reasonable suspicion, pending testing, that the client is likely to have COVID-19; or
- (ii) is required on the advice of a medical practitioner to self-isolate or self-quarantine due to a reasonable suspicion, pending testing, that the client is likely to have COVID-19; or
- (iii) the employer reasonably suspects has COVID-19; or
- (iv) has COVID-19;

the employee will be paid an hourly allowance of 0.5% percent of the Standard Rate.

(e) In this clause, the following words:

- self-isolate; and
- self-quarantine

has the meaning given to them by the government of the state or territory where the work described in clause X.3(d) is performed, and is distinct from general requirements for members of the community to stay at home during the COVID-19 pandemic.

[Draft Determination]

PRESIDENT