



# 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, 27 MARCH 2024

*Modern Awards Review 2023-24 – work and care – revised topics for discussion at the consultation sessions.*

[1] On 29 January 2024, the Fair Work Commission (Commission) published a discussion paper concerning work and care as part of the Modern Awards Review 2023-24 (the Review). On 21 February 2024 I issued a [statement](#) outlining a timetable for consultations according to discussion question topics raised in the work and care discussion paper. Submissions in response to the discussion paper were received on 12 March 2024 with reply submissions due 26 March 2024.

[2] In my [statement](#) on 21 February 2024, I indicated that the consultation process may need to be adjusted following the filing of submissions in response to the discussion paper. A response to the proposed consultation timetable was received from the Australian Council of Trade Unions (ACTU). The ACTU said the discussion should not be limited to specific proposals to vary modern awards and suggested an open approach to the discussion would be more productive.

[3] I have reviewed the submissions and to make effective use of the consultation dates I am revising the schedule as follows:

### **Consultation 1 on 3 April in Sydney:**

- **Morning session (9:30AM to 12:30PM AEDT): Part-time employment**
  - discussion question 1 – part-time employment:
    - part-time provisions.
    - right to say no to additional hours.
    - other issues related to part-time employment.
  - discussion question 9 - availability and guaranteed regular hours.
  - discussion question 10 - overtime for part-time employees.

- **Afternoon session (2:00PM to 4:30PM AEDT): Workplace flexibilities**
  - discussion question 2 – individual flexibility agreement.
  - discussion question 3 – facilitative provisions.

#### **Consultation 2 on 4 April in Sydney:**

- **Morning session (9:30AM to 12:30PM AEDT): Working from home**
  - discussion question 4 – working from home (WFH):
    - WFH minimum payment periods and span of hours.
  - discussion question 6 – minimum payment periods.
  - discussion question 7 – span of hours.
- **Afternoon session (2:00PM to 4:30PM AEDT): Rostering**
  - discussion question 8 – rosters:
    - notice of rosters.
    - variation to rosters.
    - other roster issues.

#### **Consultation 3 on 9 April in Melbourne:**

- **Morning session (9:30AM to 12:30PM AEDT): Hours of work**
  - discussion question 10 – overtime, TOIL and make-up time.
  - discussion question 11 – on-call and recall to duty.
  - discussion question 12 – travel time.
- **Afternoon session (2:00PM to 4:30PM AEDT): Leave arrangements**
  - discussion question 13 – annual leave:
    - annual leave at half-pay.
    - annual leave loading.
    - annual leave length.
  - discussion question 18 – ceremonial leave.
  - discussion question 19 – other submissions on leave.

#### **Consultation 4 on 10 April in Melbourne:**

- **Morning session (9:30AM to 12:30PM AEDT): Personal/carers leave**
  - discussion question 14 – personal/carer’s leave:
    - evidence requirements.
    - quantum of personal/carers leave.
    - other submissions on personal/carer’s leave.
  - discussion question 15 – definition of immediate family.
  - discussion question 17 – personal/carer’s leave separation.
  - discussion question 16 – unpaid carer’s leave:
    - extending unpaid carers leave.
    - other submissions on unpaid carers leave.
- **Afternoon session (2:00PM to 4:30PM AEDT): other variations**
  - other variations to modern awards:
    - working week.
    - lactation/nursing.
    - parental leave.
    - other.

[4] There are no changes to the dates listed for the work and care consultations.

*Updated Timetable and next steps*

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

26 March 2024	Submissions in reply due.
3 and 4 April 2024	Consultations with interested parties in Sydney.
9 and 10 April 2024	Consultations with interested parties in Melbourne.
11 April 2024	Tentative date set aside for consultations with interested parties.

[6] To assist the parties, I also publish with this statement, submission summaries prepared by Commission staff for day 1 and day 2 of the consultation sessions. Submission summaries for day 3 and 4 will be published in due course.

[7] All correspondence and submissions on the work and care stream of the review should be emailed to [awards@fwc.gov.au](mailto:awards@fwc.gov.au).



DEPUTY PRESIDENT

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