

From: Fair Work Commission <FWCsubscriptions=fwc.gov.au@cmail19.com> on behalf of Fair Work Commission <FWCsubscriptions@fwc.gov.au>
Sent: Monday, 6 April 2020 5:30 PM
To:
Subject: FWC Update – COVID-19: variations to agreements, proposed Rule changes & recent applications & decisions

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Fair Work Commission
Australia's national workplace relations tribunal

COVID-19: variations to agreements, proposed Rule changes & recent applications & decisions

On 31 March 2020, the Fair Work Commission **published a statement** setting out how it is responding to the COVID-19 pandemic.

We will continue to update the **Coronavirus (COVID-19) updates & advice** page on our website with information about specific application types and any changes to our operations in response to COVID-19.

Variations to enterprise agreements

To help address the impact of the COVID-19 pandemic, some parties to enterprise agreements are considering varying their enterprise agreements to introduce additional flexibility. To assist parties making these applications, the Commission has published a **COVID-19 Fact sheet – Making an application to vary an agreement** and some general information about flexibility under enterprise agreements – see **COVID-19 & enterprise agreements**.

Urgent applications

For urgent applications to deal with the consequences of COVID-19, such as applications to vary enterprise agreements or other instruments, please email the Commission's dedicated mailbox (COVID19Applications@fwc.gov.au).

Proposed changes to the Fair Work Commission Rules 2013 for declarations

The **Fair Work Commission Rules 2013** provide that statutory declarations must be physically signed in the presence of an authorised witness. The Commission does not want people to risk

face-to-face contact during the COVID-19 pandemic in order to have statutory declarations signed in the presence of an authorised witness.

The Commission has **published proposed changes to the Rules regarding declarations** in order to minimise this risk.

The proposed changes would alter rules that require a statutory declaration to be lodged with the Commission, to instead require lodgment of a signed, but not witnessed, declaration.

Interested parties have until **Friday, 10 April 2020** to make any comments on the proposed changes.

Recent applications

Modern awards

In response to the impact of the COVID-19 pandemic, the Commission is acting on its own initiative to vary certain modern awards to achieve the modern awards objective. A **statement was issued on 1 April 2020** setting out the Commission's provisional views regarding the variation of 103 modern awards to provide an entitlement to 2 weeks' unpaid "pandemic leave" and the flexibility to take annual leave at half pay.

Submissions supporting or opposing the **provisional** views were due by 4pm today (Monday, 6 April 2020).

A Full Bench will determine this matter without holding a hearing unless a submission is received opposing the provisional views – in the event that a submission is received opposing the provisional views, the matter will proceed to a hearing at 2pm on Wednesday, 8 April 2020 by telephone.

Australian Services Union (Qantas Airways Limited) Agreement 11

An application to deal with a dispute involving stand downs was lodged by the Australian Municipal, Administrative, Clerical and Services Union (the ASU) in respect to thousands of its members employed by Qantas Airways Limited (Qantas). The employees are covered by the Australian Services Union (Qantas Airways Limited) Agreement 11 and have been stood down, or given notice of being stood down, as a consequence of the current COVID-19 pandemic.

A **statement in relation to this application** was issued on 3 April 2020.

Recent significant decisions

CVSG Electrical Construction Enterprise Agreement 2017

On 2 April 2020, the Fair Work Commission **granted an application to vary the CVSG Electrical Construction Enterprise Agreement 2017** to withhold the annual wage increase due under the Agreement in 2020.

A Full Bench was satisfied that each of the requirements of sections 211 and 212 of the *Fair Work Act 2009* relevant to this application for approval of the variation were met. The resulting variation operates from 2 April 2020.

Restaurant Industry Award 2010

On 31 March 2020, a Full Bench granted a joint application and **varied the Restaurant Industry Award 2010** to include a new schedule, Schedule I – Award flexibility, during the COVID-19 pandemic.

Schedule I provides flexibility in the relation to:

- the range of duties employees can be required to perform
- the ordinary hours of work for full-time and part-time employees
- directions to take accrued annual leave with 24 hours' notice, subject to an employees' personal circumstances
- employees, by agreement, being able to take up to twice the amount of the accrued annual leave at half pay
- a reduction in the notice period for a close-down.

The variation commenced operation on 31 March 2020 and will operate until 30 June 2020, unless extended.

Find out more

Visit the **Coronavirus (COVID-19) updates & advice** page on our website for information about specific application types and any changes to our operations in response to COVID-19.

To find out more about measures taken to restrict gatherings and non-essential business, and support for businesses, please read the latest **Information note – Government responses to COVID-19 pandemic (PDF)**.

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