

**From:** Fair Work Commission <FWCsubscriptions=fwc.gov.au@cmail19.com> on behalf of Fair Work Commission <FWCsubscriptions@fwc.gov.au>  
**Sent:** Friday, 29 May 2020 3:00 PM  
**To:**  
**Subject:** FWC Update – COVIDSafe app, JobKeeper dispute decision, COVID-19 applications & decisions

[Web Version](#) | [Update preferences](#) | [Unsubscribe](#)

[f Like](#) [Tweet](#) [Forward](#)



Fair Work Commission  
Australia's national workplace relations tribunal

## COVIDSafe workplace rights, JobKeeper dispute decision, COVID-19 applications and decisions

### Online JobKeeper disputes benchbook launched

The Fair Work Commission has launched an interactive online version of our JobKeeper disputes benchbook.

The JobKeeper disputes benchbook has been prepared by Commission staff to assist parties who are lodging or responding to JobKeeper dispute applications under the *Fair Work Act 2009* (Cth).

The [online JobKeeper disputes benchbook](#) is now available on our website.

### COVIDSafe workplace rights

On 15 May 2020, the [Privacy Amendment \(Public Health Contact Information\) Bill 2020](#) received Royal Assent.

We have created a new [COVIDSafe workplace rights](#) page on our website and updated the [general protections involving dismissal](#) and [general protections not involving dismissal](#) pages to reflect the expansion of the workplace rights protected under the Commission's general protections disputes jurisdiction.

### JobKeeper dispute decision

#### Mathew Mazzitelli v Qantas Airways Limited [2020]

On 11 May 2020, Qantas Airways Limited (Qantas) lodged an appeal against a [decision issued by Deputy President Anderson](#) that rejected its jurisdictional challenge to the arbitration of an application made by Mr Matthew Mazzitelli concerning the application of the JobKeeper payment

rules to an employee who was stood down under general stand down provisions in the *Fair Work Act 2009*.

On 19 May 2020, a Full Bench refused the airline permission to appeal Deputy President Anderson's finding that he could consider the Mr Matthew Mazzitelli's claim.

On 21 May 2020, Deputy President Anderson arbitrated the merits (by phone) after being satisfied there was no prospect of a conciliated settlement.

The Deputy President said he would not determine whether Qantas complied with **section 789GD**, **section 789GDA** and rule 10 of the **Coronavirus Economic Response Package (Payments and Benefits) Rules 2020**, or make a payment order, as this would involve an "impermissible exercise of judicial power". The Deputy President considered it appropriate to deal with this dispute by expressing an opinion, by making two recommendations and by making an order.

The Deputy President recommended Qantas reverse a decision on how to allocate the manager's earnings when calculating his first JobKeeper payment. The Deputy President also recommended Qantas "takes into account" any accrued benefit from the manager's labour and its receipt of the full JobKeeper subsidy when making future assessments.

The Commission ordered that within 7 days Matthew Mazzitelli and Qantas confer in light of the Deputy President's opinion and recommendations with a view to resolving the dispute on the terms of the recommendations.

## Recent significant decisions

### Fast Food Industry Award 2010

On 19 May 2020, a Full Bench **granted an application to vary the Fast Food Industry Award 2010** to insert a new Schedule H: Award flexibility during the COVID-19 pandemic. The new Schedule H provides a temporary provision for flexible part-time employment. It also includes a clause that enables an employer to request that an employee take paid annual leave in certain circumstances and subject to safeguards.

The application sought the inclusion of a provision allowing an employer to direct an employee to take annual leave as part of a close down of its operation, however this part of the claim was rejected by the Full Bench.

Schedule H operates from 19 May 2020 until 31 July 2020, unless extended by application to the Commission.

## Urgent applications

### Building and Construction General On-Site Award 2010

On 27 May 2020, Master Builders Australia, the Housing Industry Association and the Australian Industry Group made a **joint application to vary** the Building and Construction General On-Site Award 2010, the Joinery and Building Trades Award 2010 and the Mobile Crane Hiring Award 2010.

The application seeks to vary each of the 3 awards to include a new Schedule – Award flexibility during the COVID-19 pandemic. The matter has been listed for directions hearing at 9:30am on 1 June 2020.

## Legal Services Award 2020 (AM2020/15)

On 21 May 2020, a [notice of discontinuance](#) was filed by a group of 13 law firms for their [joint application to vary the Legal Services Award 2020](#) to insert a new schedule: Schedule I – Award flexibility during the COVID-19 pandemic.

## Social, Community, Home Care and Disability Services Industry Award 2010

[Directions](#) were issued on 6 May 2020 for the filing of submissions and evidence in response to the [provisional views](#) set out in the [Statement issued on 5 May 2020](#).

A number of submissions and witness statements have been filed. The matter was [listed for directions](#), by telephone, on 28 May 2020.

## 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 \(PDF\)](#).

We remain focused on improving the services we provide the public during this time. Feedback and suggestions for improvement are welcome and can be sent to [stakeholderrelations@fwc.gov.au](mailto:stakeholderrelations@fwc.gov.au).

**29 May 2020**

You are receiving this email because you subscribed to receive updates from the Fair Work Commission. You can update or cancel your subscription at any time by clicking on an option below.

Fair Work Commission  
[www.fwc.gov.au](http://www.fwc.gov.au)  
[enquiries@fwc.gov.au](mailto:enquiries@fwc.gov.au)

Log-in to the Fair Work Commission site to [edit your preferences](#).  
[Unsubscribe](#)