



FairWork
Commission

President's statement

The Fair Work Commission's Coronavirus (COVID-19) response

Justice Ross, President

Melbourne, 7 August 2020

- [1] On 31 March 2020 and 8 May 2020 the Fair Work Commission released statements setting out the steps we have taken to continue to deliver services to the community. This statement provides an update on our actions and operations.
- [2] As at 5 August 2020, Australia had a total of 19 444 cases of COVID-19, of which 10 935 people have recovered and 247 have died. In response to a substantial rise in new cases in Victoria, and to a lesser extent New South Wales, state governments have re-imposed restrictions on movement and activities. Detailed information is covered in the Commission's *COVID-19 situation update* information note.¹
- [3] The Commonwealth Government has announced changes to the JobSeeker Program and announced that a pandemic leave disaster payment will be available to eligible Victorians who do not have available leave and are required to isolate. Further information on this, as well as changes to the funding of child care, can be found in the Commission's note on Government responses to the COVID-19 pandemic.
- [4] The Australian Bureau of Statistics has released a range of new data sources which provide relevant and timely insights on households, business and community responses to the pandemic.² One of these new products is the Weekly Payroll Jobs and Wages in Australia which provides administrative data for 2020. Some of this data is set out in the Commission's note on weekly payroll jobs and wages.³
- [5] Between 14 March and 11 July 2020, the administrative data recorded that the number of employee jobs declined by 5.6% and total wages declined by 4.8%.

¹ Fair Work Commission (2020), Information note - COVID-19 situation update August 2020, 6 August.

² See: ABS (2020), ABS responds to COVID-19, 30 June.

³ Fair Work Commission (2020), Information note - COVID-19 and Weekly payroll jobs and wages, 6 August.

Although this was an improvement from the declines experienced in April and May, it only captures the early period in which Stage 3 lockdowns were re-introduced in Victoria and does not reflect the implementation of Stage 4 restrictions.⁴

- [6] The administrative data also indicates that the age groups most impacted by the decline in jobs were those aged 70+ years and 20–29 years. There was a considerable improvement in employee jobs for those aged under 20 years in June and early July. This has likely occurred following the easing of restrictions among businesses in industries such as Accommodation and food services, Arts and recreation services and Retail trade that were significantly impacted by the imposition of the initial restrictions.⁵

Awards varied in response to COVID-19

- [7] The Commission has continued to play a role in providing flexibility for employers and employees to make workplace changes in response to COVID-19.
- [8] On 8 April 2020, a Full Bench varied 99 modern awards to insert a schedule providing for unpaid pandemic leave and flexibility to take twice as much leave at half pay (Schedule X). A statement issued on 23 June 2020 ([\[2020\] FWCFB 3281](#)) invited parties wishing to extend the operation of Schedule X beyond 30 June 2020 to make applications to the Commission. Applications were received seeking to extend the operation of the schedule in 64 awards.
- [9] On 1 July 2020, the Commission issued a decision ([\[2020\] FWCFB 3444](#)) extending the operation of Schedule X in 15 awards for various periods taking into account the particular circumstances of the relevant industries. On 2 July 2020, the Commission issued a decision ([\[2020\] FWCFB 3490](#)) extending the operation of Schedule X in each of the remaining awards for which an application was received to 30 September 2020, with the exception of the Electrical Power Industry Award. A submission was filed opposing the insertion of the schedule in this award and following a hearing on 3 July 2020 the matter was adjourned so that the interested parties could have further discussions.
- [10] On 27 July 2020, the Commission issued decisions extending the operation of Schedule X in four retail industry awards⁶ ([\[2020\] FWCFB 3933](#)) and in the Manufacturing and Associated Industries and Occupations Award and Graphic Arts and Printing and Publishing Awards ([\[2020\] FWCFB 3925](#)), in both instances to 30 September 2020. In the latter case, the Schedule had ceased

⁴ See: [Information note – Government responses to COVID-19 pandemic](#), 6 August 2020.

⁵ Borland J (2020), [The Labour market in Australia – Update to June: A step to recovery](#), Labour market snapshot #64, 17 July; Lowe P (2020), [COVID-19, the labour market and public sector balance sheets](#), address to the Anika Foundation, 21 July.

⁶ The General Retail Industry Award, Fast Food Industry Award, Storage Services and Wholesale Award and Hair and Beauty Industry Award.

operation on 30 June 2020 and the Full Bench concluded that they were unable to backdate the operation of the schedule from the date of the decision.

- [11] An application seeking the insertion of an entitlement to paid pandemic leave for health care workers was the subject of a decision ([\[2020\] FWCFB 3561](#)) on 8 July 2020. The Full Bench initially decided to adjourn this application as the degree of success in controlling the COVID-19 pandemic at that time meant potential risk to health care works was reduced. However, after a significant increase in COVID-19 cases in residential aged care in Victoria, the Full Bench issued a statement seeking urgent submissions on its *provisional* view that it should now vary the Aged Care Award to provide paid pandemic leave. Following initial submissions, a further statement was issued on 24 July expressing the *provisional* view that any paid leave entitlement should also be extended to employees who work in residential aged care facilities who are covered by the Nurses Award and the Health Professionals Award.
- [12] On 27 July the Full Bench issued a decision ([\[2020\] FWCFB 3940](#)) granting paid pandemic leave for aged care employees covered by the Aged Care Award, Health Professionals and Support Services Award and the Nurses Award. The paid pandemic leave provision provides for up to 2 weeks' paid leave on each occasion an employee is required to self-isolate because they display symptoms of COVID-19 or have come into contact with a person suspected of having contracted COVID-19. This provision operates until 29 October 2020.
- [13] On 31 July 2020, the ASU and the HSU wrote to the Commission seeking the extension of the paid pandemic leave entitlement to employees in the Social, Community, Home Care and Disability Services Industry Award. The Victorian Ambulance Union made a similar submission in relation to the Ambulance Award. On 3 August 2020, the Commission issued directions seeking submissions in response to these proposals by midday on Monday, 10 August 2020.
- [14] There have also been a number of recent decisions making industry specific changes to awards including in the Hospitality Industry (General) ([\[2020\] FWCFB 3405](#)), Restaurant Industry ([\[2020\] FWCFB 3401](#)), and Vehicle Repair, Services and Retail Awards ([\[2020\] FWCFB 3416](#)). While the nature of the variations differ, they generally provided employers and employees excluded from the JobKeeper scheme with similar access to workplace flexibility.
- [15] On 9 July 2020, a Full Bench issued a decision ([\[2020\] FWCFB 3443](#)) to vary and extend the operation of Schedule I – Award Flexibility During the COVID-19 Pandemic in the Clerks – Private Sector Award until 30 September 2020. The modified Schedule I maintains some of the flexibilities available under the existing schedule and includes greater protections for employees. In making its decision, the Full Bench considered the increase in COVID-19 cases in Victoria and the associated uncertainty and downside risk in the short to medium term.
- [16] On 28 May 2020, the Commission received a joint application to vary the Building and Construction General On-Site Award, Joinery and Building Trades Award and the Mobile Crane Hiring Award to insert a new Schedule – Award

flexibility during the COVID-19 Pandemic. The proposed schedule sought to include a range of flexibilities in the 3 awards for employers, and their employees, who are not entitled to access the Commonwealth Government's JobKeeper scheme. This matter was heard before a Full Bench on 14 and 15 July 2020. On 6 August 2020, the Commission issued a decision ([\[2020\] FWCFB 4126](#)) granting the claims for unpaid pandemic leave and the taking of double annual leave at half pay, the rest of the claims were rejected.

- [17] On 4 August 2020, the Commission issued a decision ([\[2020\] FWCFB 3946](#)) to vary the Real Estate Award to insert a new Schedule I – Award flexibility during the COVID-19 pandemic. The Schedule varies the requirements for the annual review of commission-only arrangements under the award and places a temporary prohibition on engaging an employee as a commission-only salesperson between 6 August 2020 and 1 November 2020 if they are not already engaged as such.

JobKeeper dispute jurisdiction

- [18] Since the commencement of the JobKeeper dispute jurisdiction on 9 April 2020, and as at 31 July 2020, the Commission had received 639 applications. In the initial stages a high proportion of the applications were outside the Commission's jurisdiction. Indeed, only about 29% of all finalised applications have *not* raised jurisdictional issues, though the proportion of applications within jurisdiction has increased over time. In July, 60% of applications lodged did not raise early jurisdictional issues.
- [19] Of the applications that do not raise any jurisdictional issues (noting that some applications relate to more than one of the subjects below):
- 39% relate to a dispute about a JobKeeper enabling stand down direction (s.789DC)
 - 38% relate to a dispute about a request to make an agreement about change to an employee's days or times of work (s.789GG)
 - 35% relate to a dispute about a request to make an agreement to take annual leave (s.789GJ)
 - 26% relate to wage condition, minimum payment guarantee or hourly rate of pay guarantee (ss.789GD, 789GDA, 789GDB)
 - 13% relate to a dispute about a direction about duties of work (s.789GE)
 - 8% relate to a dispute about a direction about location of work (s.789GF)
 - 4% relate to a dispute about a request for secondary employment or training etc (s.789GU).
- [20] At 31 July 2020, 98% of cases had been finalised. Of the finalised cases:
- 69% were withdrawn
 - 23% were resolved by mediation or conciliation
 - 6% were dismissed
 - 0.6% were resolved by arbitration
 - 0.3% had orders issued to substitute JobKeeper direction
 - 0.3% had orders issued that JobKeeper direction desirable

- 0.2% had orders issued setting aside a JobKeeper direction
 - 0.2% were finalised pending application under another matter type
- [21] Of the applications that raised early jurisdictional issues (again noting that some applications relate to more than one subject):
- 49% relate to whether a casual employee is an “eligible employee” (an employee for whom the employer can claim JobKeeper payments)
 - 17% relate to the “one in all in” principle and nomination of employees for JobKeeper payments
 - 5% relate to a stand down that occurred before 9 April 2020
 - 11% relate to a dismissed employee who seeks re-engagement in order to become an eligible employee
 - 32% relate to other jurisdictional issues.
- [22] The greatest number of cases involve the Accommodation and food services industry (26%), followed by the Retail (20%), Arts and recreation services (10%), Education and training (private) (9%) and Health care and social assistances (private) industries (8%).
- [23] Thirty-five per cent of cases involved employers with more than 100 employees, 26% involved employers with between 15 and 99 employees, 22% with between 1 and 14 employees and the employer size was not known in 16% of cases.
- [24] In approximately 81% of cases, applicants have been self-represented.
- [25] On 5 May 2020 the following timeliness benchmarks were implemented for the JobKeeper dispute jurisdiction. The table below summarises the Commission’s performance against the timeliness measures from 5 May 2020 to 31 July 2020:

Table 1: JobKeeper dispute application performance

Event	Benchmark	Performance from 5 May
Lodgment [^] to first conference/hearing	Within 48 hours from lodgment	45.3 hours = median lodgment time to first listing
Decision issued	Decisions are issued ex tempore wherever possible	78% decisions issued within 48 hours of listing.
	Reserved decisions issued within 48 hours of hearing	18.4 hours = median time last proceeding to decision
Lodgment to finalisation (all cases)	90% within 4 days 100% within 14 days	82% 97%

[^] Lodgments between 8am-8pm AEST Monday to Friday and 9am-5pm AEST weekends and public holidays.

- [26] As at 31 July 2020 there had been 48 decisions in relation to JobKeeper disputes, including 3 significant decisions summarised below.
- [27] On 3 July 2020, Deputy President Anderson considered the reasonableness of a JobKeeper enabling stand down direction which reduced the applicant's contracted hours by 40%, from 80 to 48 hours per fortnight (Allan Jones v Live Events Australia Pty Ltd).⁷
- [28] The Deputy President was not satisfied that the direction was reasonable, as it was issued at a time when the respondent expected to continue, and did continue, to roster the applicant to work in excess of 48 hours per fortnight. He said the direction was precautionary in nature, with the respondent seeking flexibility to reduce the applicant's ordinary hours by 40% should it need to do so. He observed that a reasonable level of contingency would not of itself render a direction unreasonable, but a contingency which is so disproportionate from the actual circumstances is an unreasonable direction.
- [29] The Deputy President made an order substituting the direction with a new direction that the applicant's minimum hours of work would be no less than 64 per fortnight where in all the circumstances this reduction was necessary and reasonable.
- [30] On 13 July 2020, a Full Bench in Transport Workers' Union of Australia v Prosegur Australia Pty Limited⁸ quashed the first instance decision that found a JobKeeper enabling stand down direction to be reasonable. The respondent in that case had given all its JobKeeper-eligible employees (full-time, part-time and long-term regular casuals) a JobKeeper enabling stand down direction to change their working hours to 50 per fortnight. This was more hours than some casual employees had worked prior to the COVID-19 pandemic.
- [31] The Full Bench directed the parties to have further discussions, taking into consideration a number of propositions, including:
- if the direction meant that the ordinary hours of a part-time employee increased but full-time employees had their ordinary hours reduced, that would be unreasonable and unfair
 - there is no need to issue a direction to reduce the ordinary hours of work of casual employees, as casual employees ordinarily do not have any defined number of ordinary hours but are engaged to perform work as required. However, for long-term regular casual employees, it is reasonable to provide some guarantee of hours to maintain their connection with the workplace and so the employer can derive commercial value from the JobKeeper subsidy it receives in respect of them
 - the assessment of reasonableness must take into account the pre-existing entitlements of the employees affected by the direction, including whether

⁷ [2020] FWC 3469

⁸ [2020] FWCFB 3655

the deprivation or reduction of hours of work disproportionately and unfairly affects one category of employee over another, and

- it is relevant that permanent employees might have access to leave entitlements to supplement their income in the face of reduced hours of work.

- [32] On 23 July 2020 the matter was reheard by the Full Bench ([2020] FWCFB 3865). The Full Bench found that parties reached an agreement that ordinary hours of full-time employees be reduced to a minimum of 60 hours per fortnight and that there was no need to make a JobKeeper enabling direction in respect of part-time or casual employees. The Full Bench ultimately found that Prosegur's proposed direction should be adopted in resolution of the dispute, as it substantially addressed the concerns which gave rise to the dispute proceedings.
- [33] An order was issued that the Jobkeeper enabling direction issued by Prosegur to employees at its Moorooka depot on 9 June 2020 be set aside effective from 27 July 2020 and replaced by the Jobkeeper enabling direction proposed by Prosegur to take effect on 27 June 2020 and remain in effect until 28 September 2020.
- [34] In a decision regarding a dispute about a request to make an agreement to take annual leave under s.789GJ of the *Fair Work Act 2009* (McCreedy v Village Roadshow Theme Parks Pty Ltd),⁹ Commissioner Hunt found that the applicant's refusal of the request was unreasonable.
- [35] The applicant's employer had requested that permanent employees agree to take annual leave for half their ordinary hours of work, until their leave balance was reduced to 2 weeks. The applicant refused. She argued that her refusal was reasonable on a number of grounds, including: her lengthy period of service and substantial leave accrual, her future travel plans, the size and financial position of her employer, and her medical condition.
- [36] In finding the applicant's refusal of the request unreasonable, the Commissioner noted that the JobKeeper provisions are available for all eligible employers, small or large. She did not consider the applicant's medical condition to be serious enough to warrant the requirement of a paid annual leave balance of more than 2 weeks. With regard to the applicant's future travel plans, the Commissioner considered that the applicant would not be left without any access to paid leave, and that she could request leave in advance or use long service leave.
- [37] On 10 July 2020, the Commission revised its JobKeeper dispute webpage. The new content includes examples of disputes the Commission can and cannot deal with and sample applications to help parties fill out forms correctly. It also includes more links to the JobKeeper disputes benchbook to make the benchbook more accessible to self-represented users.

⁹ [2020] FWC 2480

Maintaining service provision during COVID-19

- [38] The Commission has maintained its focus on providing an efficient and effective dispute resolution service as applications have continued at elevated levels during the pandemic period. From 16 March 2020, when the effects of COVID-19 began to be felt in the Australian economy and labour market, to 31 July 2020, the Commission's substantive case load has increased by almost 25% compared with the same period last year.
- [39] The Commission has managed to source short term additional resources and taken other steps to maintain high levels of performance despite the increase in lodgments.
- [40] Unfair dismissal applications are at much higher levels compared to last year. Since 16 March 2020, unfair dismissal applications are more than 1,901 higher compared with the same period last year. The largest spike was seen in April 2020 when unfair dismissal applications were almost 67% higher compared with April 2019. General protections dismissal applications are also 11.4% higher since 16 March 2020.
- [41] The Commission has implemented a number of initiatives to deal with the increase in unfair dismissal lodgments including reallocating resources to the case management and conciliation teams.
- [42] The Commission also piloted a different approach to dealing with the approximately 10% of matters that are lodged after the 21-day time limit. Applications lodged more than 21 days after the employee's dismissal has taken effect can only proceed if the Commission is satisfied there are exceptional circumstances. In 2018-19 late applications were granted permission to proceed in 18 out of 92 such cases.
- [43] Under the pilot, most cases that were lodged outside the time limit were allocated directly to a Member, rather than to staff-conducted conciliation. Under the pilot 95% of cases were resolved within a median of 18 days from lodgment. This case management approach will be continued in light of this positive trial.
- [44] The Commission's actions to deal with the large increase in unfair dismissal matters have been effective to this point in time, with applications moving from lodgment to conciliation within a median of 34 days, meeting the Commission's Portfolio Budget Statement (PBS) target.
- [45] Stand down dispute applications have also significantly increased during the COVID-19 period. Since 16 March 2020 the Commission has received 228 stand down dispute applications, noting that a dispute can relate to more than one employee. In comparison, only 10 stand down disputes were received in the entirety of 2018-19. Other disputes such as those arising under an enterprise agreement have also increased by 45.8%, symptomatic of the serious challenges facing many Australian workplaces.

Enterprise agreements

- [46] The timeliness with which enterprise agreements are approved continues to improve. Applications that are compliant and complete at lodgment are now finalised within a median of 13 days. The median time for approval of all agreements, including those agreements requiring submissions, undertakings or where the application involves contested proceedings, is now 33 calendar days, down from 79 days in early 2019. The Commission has met its PBS target (agreements approved without undertakings in a median of 32 days) with a result of 17 days.
- [47] The Commission's current performance reflects a significant improvement in timeliness, as Table 2 shows.

Table 2: Timeliness performance, medians

	Benchmark	2017–18	2018–19	2019–20	1 July 2020 – 31 July 2020
All agreements approved (with & without undertakings)		76 days	79 days	33 days	24 days
Agreement approved without undertakings	32 days ^a	32 days	30 days	17 days	17 days
Simple applications ^b					
• Approved in 3 weeks	50%		60%	77%	77%
• Approved in 8 weeks	100%		89%	97%	100%
Complex applications					
• Approved in 10 weeks	50%		21%	76%	94%
• Approved in 16 weeks	100%		62%	90%	100%

^a This is the Portfolio Budget Statement Key Performance Indicator set in the [2019–20 Budget Papers](#) [at p.127]

^b Where 'simple applications' are complete and compliant applications that can be approved based on the material provided at lodgment. 'Complex applications' are all other applications, including those that require an undertaking or follow up by the Commission after lodgment.

- [48] The Commission's caseload of applications for approval of agreements that have been lodged but not finalised has reduced from a peak of 2063 in January 2019 to approximately 200 in July 2020. The age of the oldest applications in the system has also reduced significantly. Table 3 shows that, by 31 July 2020,

there were no longer any agreement applications older than 16 weeks, and only 4 applications older than 8 weeks.

Table 3: Timeliness performance – weeks to finalisation

	Matters on hand			
	As at 30 Jun 2018	As at 30 June 2019	As at 31 Dec 2019	As at 31 July 2020
No. of applications not finalised within 16 weeks of lodgment	101	168	14	0
No. of applications not finalised within 8 weeks of lodgment	544	369	49	4

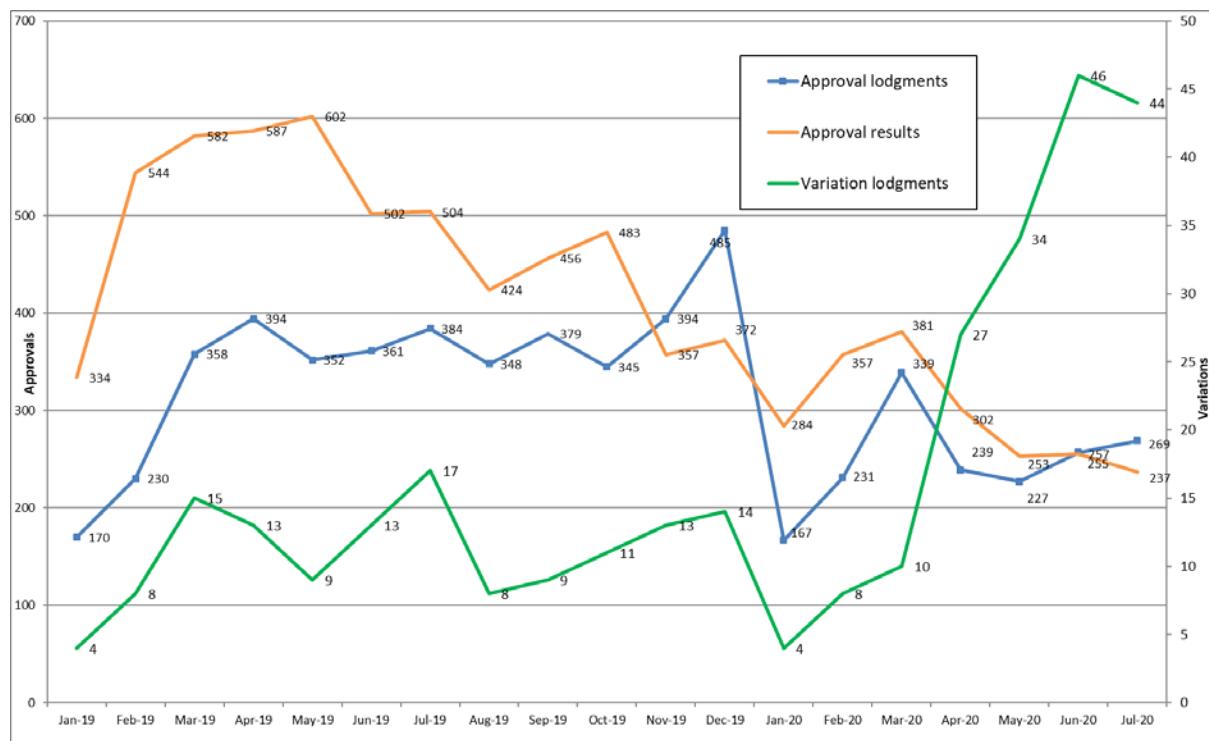
[49] The improvement in timeliness has been achieved through a combination of initiatives focussed on the Commission's processes, together with providing better tools, information and assistance to parties.¹⁰ Recent initiatives include:

- Consolidating all agreement-related resources in one location on our website.
- Simplifying the language used on the Notice of employee representational rights generator.
- Updating the Employer guide to making an enterprise agreement to clarify that the operative date for an agreement can be specified by the employer to be other than 7 days from approval to assist with payroll arrangements.
- Updating the Form F17 (Employer's declaration in support of an application for approval of an enterprise agreement – other than a greenfields agreement) to make it easier to complete and less burdensome for employers.

[50] In the first half of 2020 there has been a decline in the number of enterprise agreements lodged for approval, with a reduction of around 30% from 16 March 2020 to 31 July 2020 in comparison with the same time last year. While the number of enterprise agreement applications received by the Commission in any given year fluctuates depending on industry-specific bargaining cycles, there has been a noticeable decline in applications relating to bargaining and agreement-making during the pandemic period.

¹⁰ Enterprise Agreements Update: February 2020; Enterprise Agreements Update: August 2019; Making Compliant Agreement Applications Guide

Chart 1: Applications lodged and finalised 1 January 2019–31 July 2020



- [51] The one notable exception has been agreement variation applications, discussed further below. Variation applications have almost tripled between 1 April and 31 July 2020 compared with the same period in 2019. The most common variation sought was to remove or defer a scheduled wage increase, with many of these increases due to come into effect on 1 July 2020. The primary changes sought in the variation applications are set out in Table 4 below.

Table 4: Agreement variations, subject matter, 1 April to 31 July 2020

Nature of change sought	Number of applications ^c
Remove or defer scheduled wage increase	51
Extend nominal expiry date and remove or defer scheduled wage increase	6
Extend nominal expiry date and insert new later wage increase	24
Extend nominal expiry date with other change	6
Insert new wage increase or payment only	3
Decrease wage rates	8

Nature of change sought	Number of applications ^c
Changes to leave (including pandemic leave entitlement or ability for employer to direct employees to take annual leave)	17
Reduction in ordinary hours	4
Change to overtime & shift loadings	6
Building code compliance	18
Superannuation or Income protection fund changes	6
Other change	38

^c Note the total number of changes is greater than the number of applications lodged as some applications sought more than one change; does not include applications subsequently withdrawn

- [52] There were 156 applications to vary agreements under s.210 of the Fair Work Act lodged between 1 April and 31 July 2020. In the 125 applications finalised from 1 April to 31 July 2020, 106 agreements were varied (including 39 varied with undertakings) while 19 applications were withdrawn. The remaining agreement variation matters are still being considered by a Commission Member. A summary of some commonly sought variation decisions are below.
- [53] On 26 June 2020, in decision [\[2020\] FWCA 3347](#) variations to the *East Gippsland Shire Council Enterprise Agreement No. 5* were approved. Variations extend the nominal expiry date of this agreement from 30 June 2020 to 30 June 2021 and include a pay increase of 2% or \$25 per week after 1 October 2020.
- [54] On 6 July 2020, variations to *The Laminex Group Gympie Plant Enterprise Agreement 2018* were approved in decision [\[2020\] FWCA 3521](#). This variation defers a scheduled pay increase from 1 July 2020 to 1 January 2021, as well as freezes any gainsharing payments, specifies redundancy calculations and enables the employer to direct employees to take paid annual leave in the event of business shutdown.
- [55] On 9 July 2020, variations to include a new COVID-19 Schedule within the *Monash University Enterprise Agreement (Academic and Professional Staff) 2019* were approved in decision [\[2020\] FWCA 3575](#). This new schedule includes job protection measures such as stand-down provisions, allocation of work, redeployment, limits on new external appointments, COVID-19 leave, ability to change employment conditions (eg reductions in salary or work hours and deferral of pay rises and incremental progressions) and the termination pay and requirements in relation to redundancy. Similar variations have also been sought by other Universities.

- [56] The Commission's arrangements to ensure applications to vary agreements during the COVID-19 pandemic are dealt with urgently include:
- a dedicated telephone support line
 - tailored information on our website, including a fact sheet
 - a dedicated email address for urgent COVID-related applications.
- [57] These measures have been effective and agreement variation applications finalised between 1 April and 31 July have been dealt with in a median of 18 days.

Reserved decisions

- [58] Improving reserved decision timeliness has been an important focus in 2019–20. I am pleased to report that, despite the increase in workload resulting from COVID-19, there has been a significant improvement in this area. As at 31 July 2020 there were only 6 reserved decisions that were outside the 12-week benchmark, compared with 29 decisions in late March 2020. Whilst this is a significant improvement, we will continue to focus on this area in order to further improve our performance.

The Commission has operated digitally throughout COVID-19

- [59] The Commission already holds the vast majority of conciliations and conferences in unfair dismissal, general protections and anti-bullying matters by telephone. When restrictions relating to COVID-19 were introduced across the country, the Commission moved quickly to ensure it was able to hold all conferences and hearings remotely.
- [60] During May 2020, the Commission commenced testing of Microsoft Teams to provide more convenient video conferencing, accessible by any device. Microsoft Teams was found to extend the capabilities of the Commission's previous software and is now widely used across the Commission. The benefits of using Microsoft Teams include the ability to project digital court books and video evidence. The Commission is now using Microsoft Teams for many remote hearings.
- [61] Even after COVID-19 restrictions are eased, the Commission will retain the capability to conduct hearings remotely, making it easier and more efficient for parties who are unable to travel to a Commission office due to distance or to meet the needs of their business or employment.

Digital transformation

- [62] The Commission is committed to continuously improving the services we deliver to the public and is currently engaged in a number of digital transformation projects in order to improve service delivery.

- [63] The Modern Awards Pay Database (MAP) automates the implementation of the annual wage review and contains every published wage and allowance for the 154 modern awards and enterprise awards. This tool streamlines what would otherwise be a manual process. The Commission plans to release the tool publicly and to engage with payroll software vendors and other stakeholders to explore further opportunities to use the MAP to increase wages and entitlements compliance and reduce the risks of underpayments.
- [64] The Commission is also exploring a partnership with Microsoft Australia to develop improved functionality for courts and tribunals in Microsoft Teams. Members and associates have identified changes to improve the platform's suitability in a tribunal setting, which may also lead to benefits for other Australian courts and tribunals that use the platform.

Urgent applications related to the COVID-19 pandemic

- [65] The Commission has established an email account for urgent applications to deal with the consequences of COVID-19 such as applications to vary enterprise agreements or other instruments. The email address for these applications is COVID19Applications@fwc.gov.au.

Improving our performance

- [66] The Commission remains focused on improving the services we provide the public. Feedback and suggestions for improvement are welcome and can be sent to stakeholderrelations@fwc.gov.au.

PRESIDENT