



STATEMENT

Fair Work Act 2009

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

Health Sector Awards—Pandemic Leave

(AM2020/13)

VICE PRESIDENT HATCHER
DEPUTY PRESIDENT CLANCY
DEPUTY PRESIDENT DEAN
COMMISSIONER SPENCER
COMMISSIONER LEE

SYDNEY, 20 OCTOBER 2020

Applications to vary Health sector awards – Pandemic Leave – award specific COVID-19 schedules – schedules due to cease operation.

[1] This Statement deals with the COVID-19 related paid pandemic leave schedules that have been inserted into the *Aged Care Award 2010* (Aged Care Award), *Nurses Award 2010* (Nurses Award) and the *Health Professionals and Support Services Award 2020* (Health Professionals Award) since July 2020.

[2] On 22 July and 24 July 2020, we issued statements¹ proposing to vary the Aged Care Award, Nurses Award and Health Professionals Award to include a new schedule: *Schedule Y – Industry Specific Measures During the COVID-19 Pandemic*. Schedule Y provides an entitlement to paid pandemic leave to employees working in the aged care industry covered by the Aged Care Award, Nurses Award and the Health Professionals Award.

[3] On 27 July 2020, we issued a decision² in which we determined to insert the proposed Schedule Y into the Aged Care Award, Nurses Award and the Health Professionals Award. Each of these awards were subsequently varied and the schedules took effect from 29 July 2020.³ This entitlement is due to cease operation on 29 October 2020.

[4] We have formed the provisional view that the operation of Schedule Y in each of three awards should be extended until 29 March 2021, consistent with the position applying to unpaid pandemic leave in a number of modern awards. This is not intended to limit the capacity of any party to make an application to remove Schedule Y in any of the awards from an earlier date. If such an application is made, it will be the subject of a full hearing before this Full Bench.

¹ [2020] FWCFB 3834 and [2020] FWCFB 3906

² [2020] FWCFB 3940

³ PR721362, PR721363, PR721364

[5] We invite interested parties to file written submissions in response to the above provisional view on or before **5.00pm** on **26 October 2020**.



VICE PRESIDENT

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