



STATEMENT

Fair Work Act 2009

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

Variation of *Professional Employees Award 2020* on Commission’s own motion

(AM2022/7)

JUSTICE HATCHER, PRESIDENT
DEPUTY PRESIDENT SAUNDERS
COMMISSIONER P RYAN

SYDNEY, 6 JULY 2023

Professional Employees Award 2020 – Commission acting on its own motion – hours of employment and overtime – coverage – correction to determination.

[1] On 20 January 2023 we issued a decision¹ in which we decided to vary the *Professional Employees Award 2020* (Award) to address concerns in respect of hours of work and overtime and the coverage of the Award. On 16 March 2023, following submissions from interested parties, we issued a decision² finalising the variations and a determination³ giving effect to our decision.

[2] The variation in respect of the coverage of the Award came into operation on 23 March 2023. To allow employers time to make necessary adjustments, we delayed the commencement of the variations in respect of hours of work and overtime until 16 September 2023. These changes include a variation to Schedule C of the Award, which provides a summary of hourly rates of pay, to include overtime and penalty rates payable to employees under new provisions in the Award.

[3] The overtime and penalty rates included in the determination were based on the minimum rates payable under the Award at the time of issuing the determination. The minimum rates of pay in the Award have since been increased by the decision of the Expert Panel in the *Annual Wage Review 2022–23*.⁴ The increase to the minimum rates of pay came into effect on 1 July 2023.

[4] Accordingly, a correction to the determination to include the *Annual Wage Review 2022–23* increase in the summary of hourly rates will be published in conjunction with this statement. The determination will come into operation on 16 September 2023.



PRESIDENT

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¹ [2023] FWCFB 13.

² [2023] FWCFB 58.

³ [PR760322](#).

⁴ [\[2023\] FWCFB 3500](#).