



# STATEMENT

*Fair Work Act 2009*

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

## ***Clerks–Private Sector Award 2020***

(AM2020/98)

Clerical industry

JUSTICE ROSS, PRESIDENT

MELBOURNE, 11 FEBRUARY 2021

*Clerks—Private Sector Award 2020—survey results published—future programming.*

[1] On 28 March 2020 the Commission issued a decision (the March 2020 Decision) granting a joint application filed by the Australian Industry Group (Ai Group) and the Australian Chamber of Commerce and Industry (ACCI) to insert a new schedule, ‘Schedule I- Award flexibility during the COVID-19 pandemic’, into the Clerks – Private Sector Award 2020 (the Clerks Award). The application was supported by the Australian Council of Trade Unions (ACTU) and the Australian Services Union (ASU). The new schedule came into operation on 28 March 2020 and was to cease to operate on 30 June 2020, unless extended.

[2] Since the March 2020 Decision the Commission has granted four applications to extend the operation of Schedule I.<sup>1</sup> The current version of the Schedule is due to cease operation on 30 June 2021.

[3] The most recent decision in relation to the Schedule was on 22 December 2020. This decision also varied the Schedule to include a provision dealing with remote working arrangements.

### **Survey**

[4] On 14 October 2020 the Full Bench constituted to deal with this matter issued a statement in which interested parties were invited to comment on the draft survey.<sup>2</sup> The survey instrument was finalised in a decision dated 20 November 2020.<sup>3</sup> A final version of the survey instrument and covering email was attached to the statement issued on 26 November 2020.<sup>4</sup>

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<sup>1</sup> [\[2020\] FWC FB 3443](#), [\[2020\] FWC FB 5199](#), [\[2020\] FWC FB 6078](#), [\[2020\] FWC FB 6985](#)

<sup>2</sup> [\[2020\] FWC FB 5484](#)

<sup>3</sup> [\[2020\] FWC FB 6208](#)

<sup>4</sup> [\[2020\] FWC 6339](#)

[5] The survey was administered through an online platform (Alchemer) and was sent out by ACCI and the Ai Group to the relevant members of those organisations. The survey was open from 26 November until 24 December 2020. A report has now been prepared by staff of the Commission and will be published on the Commission's website at the same time as this Statement.

### **Next steps**

[6] In a statement issued on 18 December 2020, the Full Bench constituted to deal with this matter, noted that the extension of the Schedule until 30 June 2021 will provide time for the parties to give further consideration to the form of an award term to operate after the expiry of Schedule I.

[7] At the conference on 17 December 2020, the parties requested a conference in mid-February 2021 to continue discussions in relation to the form of any future award term dealing with working from home.<sup>5</sup> Parties are requested to notify the Commission by **4pm on Thursday 18 February 2020** whether this conference is still required. Responses should be sent to [Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au).

### PRESIDENT

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<sup>5</sup> [Transcript](#) 17 December 2020 PN27