



President's statement

Spans of hours research published — outcome of the Modern Awards Review 2023-24 (Work and care stream)

Justice Hatcher, President

Sydney, 15 August 2025

[1] This statement concerns the finalisation of one of the identified outcomes of the Modern Awards Review 2023–24 (Review).

[2] On 18 July 2024, the Full Bench of the Review issued its Final Report (Final Report)¹ and identified six ‘priority areas’ where the Commission would commence proceedings on its own initiative. Five of these priority areas were commenced in August and September 2024, with the final priority area (relating to a review of award provisions regulating part-time employment) initiated in July this year.²

[3] In addition to the six priority modern award matters, the Full Bench identified areas for further research. One of these areas was the potential issue of gender-based differences in the span of hours provisions across modern awards.³

[4] In the work and care stream of the Review, the ‘Gender Prism’ analysis identified key differences in entitlements relevant to balancing work and care responsibilities between female- and male-dominated awards.⁴ Other findings included a tendency for there to be a broader span of hours in female-dominated awards in contrast to male-dominated awards. The Full Bench observed that these differences in spans of hours between awards had the potential to perpetuate structural gender inequalities if employees covered by female-dominated awards are less likely to receive overtime due to their working hours falling within broader spans of ordinary hours.⁵

[5] As foreshadowed in the Final Report, Commission staff have prepared a research paper on the potential issue of gender-based differentiation in spans of hours provisions across modern awards.⁶ This research paper has now been finalised and is published with this statement.

[6] In the Final Report at [127], it was indicated that submissions in response to the research as to span of hours would be invited once it was complete and published. I have

¹ Fair Work Commission, *Modern Awards Review 2023-24* (Final Report, 18 July 2024).

² Fair Work Commission, *Modern Awards Review 2023-24 — Final Report* (President’s Statement, 18 July 2024) [5]–[6].

³ Fair Work Commission, *Modern Awards Review 2023-24* (Final Report, 18 July 2024) [126].

⁴ Fair Work Commission, *Overview of the Gender Prism* (Analysis, 18 July 2024).

⁵ Fair Work Commission, *Modern Awards Review 2023-24* (Final Report, 18 July 2024) [125].

⁶ Fair Work Commission, *Modern Awards Review 2023-24* (Final Report, 18 July 2024) [126]–[127].

decided not to proceed with this further step at this time. There are a number of significant award matters before the Commission at the current time, and I consider it would be placing too heavy a burden on parties, and the Commission itself, to now embark upon a review of the matters dealt with in the research paper in these circumstances. I may revisit this at a future time but certainly not before 2026. However, it of course remains open for any party with standing to make an application to vary a modern award pursuant to ss 157 and 158 of the *Fair Work Act 2009* (Cth) to deal with any issues raised in the research report.

PRESIDENT