

Personal/Carers leave (Q14)  
Definition of immediate family (Q15)  
Separation of personal/carers leave entitlements (Q17)  
Unpaid carers leave (Q16)  
Other variations (Q19)

## SUMMARY OF SUBMISSIONS

This submission summary document has been prepared by staff of the Fair Work Commission (**Commission**) to assist with the Work and Care stream of the Modern Awards Review 2023-24. The summary document does not represent the concluded view of the Commission on any issue.

This document been prepared to assist parties in **Consultation Day 4** dealing with the following issues:

### Morning Session: Personal/Carer's Leave

- **Discussion question 14 – Personal/carers leave** - Are there any specific variations to personal/carers' leave provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?
- **Discussion question 15 – Definition of immediate family**- Noting the Work and Care Final Report Recommendation 17, that the definition of immediate family should be expanded, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?
- **Discussion question 16 – Unpaid carer's leave**- Having regard to the Productivity Commission's suggestion for more flexible working arrangements as an alternative to extended unpaid carer's leave, are there any specific variations in the modern awards that are necessary to ensure they continue to meet the modern awards objective?
- **Discussion question 17 – Personal/carers leave separate entitlements** - Noting Senate Committee Recommendation 18, to consider separating personal/carers' leave entitlement, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

### Afternoon Session: Other Variations

- **Discussion question 19 – Other variations to modern awards** - Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?
  - Working week
  - Lactation/nursing
  - Parental leave



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## Glossary

<b>ABI/BNSW</b>	Australian Business Industrial (ABI) and Business NSW
<b>ACCI</b>	Australian Chamber of Commerce and Industry
<b>ACTU</b>	Australian Council of Trade Unions
<b>AHA</b>	Australian Hotels Association
<b>AHEIA</b>	Australian Higher Education Industrial Association
<b>Ai Group</b>	Australian Industry Group
<b>AMWU</b>	Australian Manufacturing Workers' Union
<b>ANMF</b>	Australian Nursing and Midwifery Federation
<b>ARA</b>	Australian Retailers Association
<b>ASU</b>	Australian Municipal, Administrative, Clerical and Services Union
<b>Carers Tas</b>	Carers Tasmania
<b>CEPU</b>	Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia
<b>CFW</b>	Australia Institute - Centre for Future Work
<b>CGCL</b>	Circle Green Community Legal
<b>CLC Group</b>	South-East Monash Legal Service, WEstjustice CLC and Jobwatch
<b>CPSU</b>	Community and Public Sector Union - Public Services Union Group
<b>CPSU-SPSF</b>	Community and Public Sector Union - State Public Service Federation Group
<b>FAAA</b>	Flight Attendants Association of Australia
<b>HSU</b>	Health Services Union
<b>LCA</b>	Law Council of Australia
<b>MEU</b>	Mining & Energy Union
<b>MTO</b>	Motor Trades Organisations
<b>NECA</b>	National Electrical and Communications Association
<b>NTEU</b>	National Tertiary Education Union
<b>SDA</b>	Shop, Distributive and Allied Employees' Association
<b>UWU</b>	United Workers Union
<b>WFPR</b>	Work and Family Policy Roundtable

### Personal/carers' leave evidence requirements - Discussion Question 14

Are there any specific variations to personal/carers' leave provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ANMF	1.	113-115 p21	Reduce evidentiary burden for taking personal/carers' leave - ANMF	ANMF supports an approach that reduces evidentiary burden on employees, stating it is difficult for employees to balance the current requirements with unsociable work hours. Note that there are public and private sector enterprise agreements that exempt employees from providing documentation when the absence is less than 3 consecutive days, or for a single day's absence for 3 occasions in any one year of service. These enterprise agreements also allow employees to provide evidence of chronic illnesses that are valid for a period of 12 months.	<b>Proposal Summary:</b> No variation proposed.
Carers NSW	2.	p14	Reduce evidentiary burden for taking personal/carers' leave - Carers NSW	Carers NSW submit carers face significant difficulties in providing evidence for their caring roles due to the cost of obtaining medical certificates, the availability of GPs, and the need for consent from the person receiving care.	<b>Proposal Summary:</b> Addressing the evidence requirements for carers to access leave or flexible working arrangements by exploring alternative, less burdensome proof of caring responsibilities. This could include recognising a broader range of evidence or implementing a uniform carer identification system across Australia.
SDA	3.	261-263 p46-47	Enable enduring evidence for long-term carers - SDA	SDA submit evidence requirements under FW Act are prescriptive and allows employers to request fresh evidence on each occasion of an absence which can be any evidence that satisfies a reasonable person. SDA submit this is a burden on those who provide regular care, particularly to someone with a known and ongoing condition. This can be difficult when the need for care does not require a medical appointment. Costs of attending the GP just to get a medical certificate for the purposes of carers leave is another burden.	<b>Proposal Summary:</b> The evidence requirements for the purpose of carers' leave where an employee is caring for a person who is frail or aged or has a long-term disability or illness should be changed so they can provide evidence for an enduring period of time rather than requiring evidence on each occasion.



## Quantum of personal/carers leave - Discussion Question 14

Are there any specific variations to personal/carers leave provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ACCI	4.	202-206 p37	Quantum of carer's leave should not be increased - ACCI	<p>ACCI submit is not apparent why a NES entitlement would need to be specifically varied for award-covered employees in the context of this Review. as a matter of principle, entitlements directed at addressing “universal” employee needs are more appropriately addressed within the NES. ACCI submit creation of an “enhanced” set of NES standards solely for award-covered employees is not conducive to a simple and easy to understand award system, nor does it seem fair.</p> <p>ACCI submit FWC will be restricted in what it can consider in relation to any proposed award changes in this context by section 55 of the FW Act, which says that modern awards may include terms that supplement the NES only to the extent that the effect of those terms are not detrimental to an employee in any respect. FWC would not likely be able to simply split personal leave and carer's leave in modern awards. ACCI submit only likely available course to avoid the effect of section 55(4) would be to provide more carer's leave to award-covered employees than is provided under the NES and ACCI state would be unfair, unnecessary and opposed.</p>	<p><b>Proposal Summary:</b> Any proposal to provide more carer's leave to award-covered employees is opposed.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• NECA (p1)</li> <li>• Clubs Australia (p1)</li> </ul>
ACTU	5.	132-140 p49-52	Personal/carers leave issues - ACTU	<p>ACTU submit personal and carer's leave has a number of limitations including that the entitlement is narrow in scope, with the definition of carer and its limited applicability to immediate family and household members being narrowly defined, and the entitlement being limited to situations where there is illness, injury or unexpected emergency. They also lack flexibility, provide insufficient time for leave and employees lose access to leave entitlements when taking personal leave to care for others, seeing insufficient leave balances to provide care and look after their own health and wellbeing.</p> <p>ACTU submit definition of carer excludes many workers with caring responsibilities. ACTU concurs with Recommendation 17 of the Work and Care Final Report, with the addition of kinship care and foster children. ACTU state personal and carer's leave is paid at base rates that are less than what the employee would earn had they worked the</p>	<p><b>Proposal Summary:</b> To ensure these provisions meet the modern awards objective, the following variations to modern awards are required:</p> <ul style="list-style-type: none"> <li>• Payment during paid leave should not fall below reasonable expectations of take-home pay over the same period to ensure that workers taking paid personal and carer's leave do not suffer a diminution in the amount they ordinarily earn.</li> <li>• Workers should have the ability to use enduring forms of evidence for enduring illness, injury or caring responsibilities to demonstrate their need to take personal or carer's leave, rather than being required to produce evidence on each occasion such leave is requested.</li> <li>• The amount of dedicated carer's leave should be increased by 10 days.</li> <li>• An additional entitlement to unlimited unpaid personal and carer's leave should be provided where paid personal and carer's leave has been exhausted, and all other forms of flexible workplace arrangements have been explored.</li> </ul>



### Quantum of personal/carer's leave - Discussion Question 14

Are there any specific variations to personal/carer's leave provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
				<p>period of leave, which can be a disincentive to taking leave and also devalues time taken away from work to care.</p> <p>ACTU submit evidence requirements for taking personal and carer's leave are onerous, requiring evidence on each occasion if required even where illness, injury or caring responsibilities may be ongoing over a long period of time. The evidence requirements are costly, time consuming and can be a significant disincentive to taking the leave.</p>	<p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• MEU (3, p2)</li> <li>• CEPU (6, p3)</li> <li>• AMWU (para 37)</li> </ul>
ACTU	6.	146-148 p53-54	<b>Increase quantum of paid carer's leave - ACTU</b>	<p>ACTU submit combined nature of entitlement to carer's and personal leave can mean carers have insufficient leave balances to access time off when they are unwell, making it more difficult for carers to manage their own health and wellbeing.</p> <p>ACTU submit entitlements should not be separated without an increase in the quantum as this would raise complex issues of how much leave an employee could take for each purpose, and result in unfairness to employees who have less dedicated leave entitlements for each purpose.</p>	<p><b>Proposal Summary:</b> Awards should be varied to provide for an additional amount of 10 days paid carer's leave that can only be taken for caring purposes. Employees should retain ability to access personal/carer's leave for caring purposes if they have exhausted the 10 days carer's leave and need more paid leave for caring purposes.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• MEU (3, p2)</li> <li>• CEPU (6, p3)</li> <li>• CPSU-SPSF (80, p12)</li> </ul>
AMWU	7.	Rec 5, 30-34	<b>Quantum of leave equivalent to ordinary time shifts - AMWU</b>	<p>AMWU submit personal/carer's leave should be equivalent to an employee's ordinary time shifts (regardless of length). The High Court decision in <i>Modelez</i> [2020] HSCA 29 has adverse consequences for workers who work longer shifts, meaning carers may be penalised for taking personal/carer's leave.</p>	<p><b>Proposal Summary:</b> Vary awards to introduce that an employee's entitlement to personal/carer's leave should be equivalent to 10 ordinary time shifts (regardless of length).</p>
ANMF	8.	106-110 p20	<b>Increase quantum in Nurses Award to 20 days - ANMF</b>	<p>ANMF submit their proposal meets the objective of balancing work and care by enabling full workforce participation, current 10-day entitlement is exhausted too rapidly for working carers.</p>	<p><b>Proposal Summary:</b> Vary the Nurses Award to provide 20 days of paid personal/carer's leave per year.</p>
Carers NSW	9.	14	<b>Expand leave provisions - Carers NSW</b>	<p>Carers NSW highlights that the existing leave entitlements for carers—both paid and unpaid—are insufficient to meet the demands of caregiving responsibilities. Carers often resort to using their annual</p>	<p><b>Proposal Summary:</b> Carers NSW suggests reviewing and potentially expanding the current leave provisions to more effectively accommodate the unique needs of carers, ensuring they do not have to sacrifice their well-being and personal time off for caregiving responsibilities.</p>

### Quantum of personal/carer's leave - Discussion Question 14

Are there any specific variations to personal/carer's leave provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
				leave for caregiving, which depletes their ability to use such leave for rest and recovery, as initially intended.	
FAAA	10.	168 p40	Increase quantum of paid carer's leave - FAAA	FAAA supports ACTU submissions in the work and care stream on additional carer's leave.	<b>Proposal Summary:</b> No variation proposed.
SDA	11.	251-260 p43-46	Quantum of personal leave to include penalties and loadings - SDA	<p>SDA state working carers are particularly prevalent in low paid industries and occupations such as retail, accommodation and food services, hair dressing and beauty, and pharmacy. SDA submit any financial detriment for employees taking personal leave has a significant impact on the take home pay of working carers. Half of respondents to a survey agreed with the statement that "I rely on penalty rates to make a living". As personal leave is paid at the base rate of pay, exclusive of penalty rates, this arrangement is financially punitive to caregivers.</p> <p>SDA submit recent change to the NES to provide paid family and domestic violence leave includes an entitlement for that employee to be paid as if they had worked that shift recognises the importance of continuation of income for those workers.</p>	<b>Proposal Summary:</b> The minimum standard for the payment of personal leave in awards should be at an employee's full rate of pay, inclusive of penalties and loadings.
UWU	12.	48 p13	Increase personal/carer's leave entitlements - UWU	<p>UWU submit the current leave entitlements within modern awards fall short in addressing the needs of workers with caring responsibilities. There's a call for a significant overhaul to ensure these workers can adequately attend to their caring duties, including caring for relatives overseas and attending funerals.</p> <p>UWU suggests to recognise the high exposure to illnesses workers face in sectors like ECEC and aged care, and the consequent depletion of leave for personal or caring needs.</p>	<b>Proposal Summary:</b> Increase paid personal/carer's leave entitlements across all modern awards.

### Other submissions – personal/carers leave - Discussion Question 14

Are there any specific variations to personal/carer's leave provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
AHEIA	13.	14 p12	No variations to personal/carer's leave - AHEIA	AHEIA submit no variations are required for the higher education sector awards. AHEIA state in amending the Modern Awards Objectives and other NES provisions, it was open to the Commonwealth Government to also amend the NES to expand the entitlement and circumstances that personal/carer's leave could be accessed and did not do this. AHEIA state FWC should not substitute itself for the legislature.	<b>Proposal Summary:</b> No variation needed.
Ai Group	14.	220-221 p76	No variations to personal/carer's leave - Ai Group	Ai Group submit typically, modern awards do not deal with personal/carer's leave.	<b>Proposal Summary:</b> Any expansion or extension of existing entitlements is opposed.
CFW	15.	26-27 p7	Extend access to personal/carer's leave to casual employees - CFW	CFW submit casual employee's lack of personal/carer's leave is detrimental for worker-carers and is problematic for ensuring the safety of vulnerable people requiring care in sectors where casual employees work as direct care and support workers.	<b>Proposal Summary:</b> Personal/carer's leave should be provided to casual employees.
FAAA	16.	160-167 p39-40	Provide Upper Respiratory Tract Infection leave for casual employees - FAAA	FAAA supports the ACTU's submissions on personal/carer's leave generally. Cabin Crews are provided with Upper Respiratory Tract Infection (URTI) leave on top of personal leave because flying with URTI can lead to serious injuries, such as eardrums being damaged due to changes in cabin pressure. Casual loading does not take into account that permanent cabin crew members are provided with URTI leave. If a regular casual Cabin Crew member experiences URTI, they are not able to report fit for duty and are not paid for the illness while also not receiving any compensation for that leave in the casual loading.  FAAA state financial stability is a characteristic of secure work, which is important to improve for regular casuals. The proposal responds to the interaction of the permanent, part-time and casual classifications within the ACCA and promotes the capacity for Cabin Crew to be in good health.	<b>Proposal Summary:</b> Given ease with which URTIs are contracted, regular casuals who work regular and systematic rosters should be provided with URTI leave to improve their financial stability. Vary clause 21.2 and 21.5 to include access to URTI leave, which is an industry specific entitlement to additional sick leave.  <b>Proposed Wording:</b> <i>21.2 Clause 21 applies to full-time and part-time employees. Clause 21.5 applies to regular casuals.</i>  <i>21.5 URTI leave</i> <i>A cabin crew member will be granted up to 6 working days' leave per annum, not cumulative, for sickness associated with upper respiratory tract infection (URTI). If required by the employer, a medical certificate must be produced.</i>

### Other submissions – personal/carers leave - Discussion Question 14

Are there any specific variations to personal/carer's leave provisions in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
SDA	17.	286-298 p52-55	<b>Extend paid personal leave provisions to casual employees - SDA</b>	SDA submit casual employees provide a high level of care for others and this comes at a cost of their ability to participate in paid work and adversely impacts their income. SDA members who are causals have reported the punishing nature of their situation because they have no access to paid leave. Casual workers should not be penalised financially for the care they provide to others and the economic benefit this contributes to our society should be recognised.	<b>Proposal Summary:</b> Paid personal leave under awards should be extended to casual employees.

### Definition of immediate family - Discussion Question 15

Noting the Work and Care Final Report Recommendation 17, that the definition of immediate family should be expanded, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ABI/ BNSW	18.	97-105 p20-21	<b>No variations necessary to definition of immediate family - ABI/BNSW</b>	<p>ABI/BNSW submit the scope of this Review does not extend to varying the FW Act. ABI/BNSW submit the proposal to broad the definition of "immediate family" to include any member of an employee's household, any of the employee's children, any of the employee's siblings and any other person significant to the employee to whom the employee provides regular care would go beyond the practical and sensible operation of carer's leave as such a definition appears to include housemates and other persons who would not ordinarily be thought of having a sufficient connection to an employee so as to warrant paid time off work.</p> <p>ABI/BNSW submit is not apparent that there is a merit basis to specifically vary the operation of this entitlement simply for award-covered employees and is not apparent that award-covered employees require variation of this definition or that there are any merit grounds to restricting such a change to award-covered employees. ABI/BNSW submit a simple, easy to understand, stable and sustainable modern award system would not involve slight technical variations of category definitions which apply more broadly under the NES. The creation of an "enhanced" set of NES standards solely for award-covered employees is</p>	<b>Proposal Summary:</b> A proposal that the definition of "immediate family" in FW Act be amended and broadened for the purposes of an employee accessing personal/carer's leave is opposed.

### Definition of immediate family - Discussion Question 15

Noting the Work and Care Final Report Recommendation 17, that the definition of immediate family should be expanded, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	RE F	THEIR REF	Issue	Commentary	Proposal
				<p>not conducive to a simple and easy to understand award system, nor does it seem fair.</p> <p>ABI/BNSW state FWC will be restricted in what can be considered in relation to any proposed award changes in this context by s 55 FW Act. In accordance with s 55, modern awards may include terms that supplement the NES only to the extent that the effect of those terms are not detrimental to an employee in any respect. The FWC would need to determine whether broadening of the scope of the definition of “immediate family” could leave employees with less relevant leave for the purposes of their entitlement under the NES.</p>	
ACCI	19.	191-197 p35-36	<b>No variations necessary to definition of immediate family - ACCI</b>	<p>ACCI submit the scope of this Review does not extend to varying FW Act. ACCI submit proposal to broaden the definition of “immediate family” to include any member of an employee’s household, any of the employee’s children, any of the employee’s siblings and any other person significant to the employee to whom the employee provides regular care would go beyond the practical and sensible operation of carer’s leave as such a definition appears to include housemates and other persons who would not ordinarily be thought of having a sufficient connection to an employee so as to warrant paid time off work.</p> <p>ACCI submit a simple, easy to understand, stable and sustainable modern award system would not involve slight technical variations of category definitions which apply more broadly under the NES. The creation of an “enhanced” set of NES standards solely for award-covered employees is not conducive to a simple and easy to understand award system, nor does it seem fair.</p> <p>ACCI state FWC will be restricted in what can be considered in relation to any proposed award changes in this context by s 55 FW Act. In accordance with s 55, modern awards may include terms that supplement the NES only to the extent that the effect of those terms are not detrimental to an employee in any respect. FWC would need to determine whether broadening of the scope of the definition of</p>	<p><b>Proposal Summary:</b> A proposal that the definition of “immediate family” in FW Act be amended and broadened for the purposes of an employee accessing personal/carers leave is opposed.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• NECA (p1)</li> <li>• Clubs Australia (p1)</li> </ul>



### Definition of immediate family - Discussion Question 15

Noting the Work and Care Final Report Recommendation 17, that the definition of immediate family should be expanded, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	RE F	THEIR REF	Issue	Commentary	Proposal
				“immediate family” could leave employees with less relevant leave for the purposes of their entitlement under the NES.	
ACTU	20.	132-140 p49-52	<b>Expand definition of immediate family - ACTU</b>	<p>ACTU submit personal and carer’s leave has a number of limitations including that the entitlement is narrow in scope, with the definition of carer and its limited applicability to immediate family and household members being narrowly defined, and the entitlement being limited to situations where there is illness, injury or unexpected emergency. They also lack flexibility, provide insufficient time for leave and employees lose access to leave entitlements when taking personal leave to care for others, seeing insufficient leave balances to provide care and look after their own health and wellbeing.</p> <p>ACTU submit definition of carer excludes many workers with caring responsibilities. ACTU concurs with Recommendation 17 of the Work and Care Final Report, with the addition of kinship care and foster children. Personal and carer’s leave is paid at base rates that are less than what the employee would earn had they worked the period of leave, which can be a disincentive to taking leave and also devalues time taken away from work to care.</p>	<p><b>Proposal Summary:</b> To ensure these provisions meet the modern awards objective, the following variations to modern awards are required:</p> <ul style="list-style-type: none"> <li>• Paid personal and carer’s leave should be made available to employees who care or expect to care for a dependent or any other person significant to the employee to whom the employee provides regular care (in line with Recommendation 17 of the Work and Care Final Report).</li> <li>• Paid personal and carer’s leave should be made available to foster parents to ensure they have access to entitlements to provide the necessary care and support to foster children in their care; and should also include kinship care.</li> <li>• Paid personal and carer’s leave should be extended to include a broader range of carer responsibilities that are not limited to illness, injury or emergencies, and include other caring activities such as organising formal care arrangements, attending medical and other appointments, and palliative care.</li> </ul> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• MEU (3, p2)</li> <li>• CEPU (6, p3)</li> <li>• CPSU-SPSF (78, p11)</li> <li>• AMWU (para 35)</li> </ul>
AHA	21.	14 p3	<b>No variations necessary to definition of immediate family - AHA</b>	AHA submit no variations are necessary to definition of immediate family in modern awards. These are NES provisions. AHA state not apparent why these provisions would need to be varied in the context of this Review.	<b>Proposal Summary:</b> No variation needed.
AHEIA	22.	p13	<b>No variations necessary to definition of</b>	AHEIA submit no variations are necessary to awards. AHEIA state in amending the Modern Awards Objectives and other recent amendments to the NES provisions, it was open to the government to amend the	<b>Proposal Summary:</b> No variation needed.

### Definition of immediate family - Discussion Question 15

Noting the Work and Care Final Report Recommendation 17, that the definition of immediate family should be expanded, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	RE F	THEIR REF	Issue	Commentary	Proposal
			<b>immediate family - AHEIA</b>	definition of “immediate family” at s 12 and it did not do this. FWC should not substitute itself for the legislature.	
<b>Ai Group</b>	23.	37-39, 222-223 p16-17, 77	<b>Not appropriate for modern awards to expand definition - Ai Group</b>	Ai Group submit that Recommendation 17, which recommends the definition of “immediate family” in FW Act be amended and broadened for the purposes of an employee accessing carer’s leave, is an entitlement or issue that is a matter for the legislature. Ai Group submit any attempt to address matters which concern definitions in FW Act that underpin minimum entitlements is prone to cause difficulty and confusion in the application of those entitlements. For example, should some, or all, modern awards contain an altered definition of “immediate family” for the purposes of carer’s leave, an employer who employees both award-covered and award-free employees would be required to administer the NES against two separate definitions.	<b>Proposal Summary:</b> It is not appropriate for modern awards to seek to expand the definition of “immediate family”.  Recommendation 17 of the Final Report is predicated on a view of the Work and Care Senate Committee that “broader, nationally consistent definitions for leave entitlements would be of great benefit...” National consistency is not attainable by addressing the issue through this Review.
<b>ANMF</b>	24.	116-117 p21	<b>Expand definition of immediate family - ANMF</b>	ANMF submit a broadened definition is important to recognise and support first nations, CALD, and LGBTQIA+ employees, to participate fully in work while meeting caring needs.	<b>Proposal Summary:</b> Broaden definition of “immediate family” in FW Act.
<b>ANMF</b>	25.	111-112 p21	<b>Broaden definition of personal/carers leave in Nurses Award - ANMF</b>	ANMF submit the proposal will help to support employees to access sick leave when they need it and that this change in definition would align with a change in definition for immediate family which would reflect changes to social norms.	<b>Proposal Summary:</b> Vary Nurses Award so that personal/carers leave has a broader definition so that it can be used beyond episodic illness, injury, or emergency, such as attending appointments for vaccinations, tests and check-ups. Also, so that it can be used for attending to preventative health appointments for those for whom they provide care.
<b>Carers NSW</b>	26.	p13	<b>Harmonise NES definition of carers with Carer Recognition Act - Carers NSW</b>	Carers NSW points out the NES’s narrow definition of caring, limited to immediate family in case of illness or emergency, contrasting with the broader Carer Recognition Act 2010 definition. This discrepancy can confuse carers and depend on employer discretion for broader recognition.	<b>Proposal Summary:</b> Submission recommends harmonising the NES definition of carers with the Carer Recognition Act to include extended family and routine care, aiming to clarify entitlements and recognize diverse caregiving needs.



### Definition of immediate family - Discussion Question 15

Noting the Work and Care Final Report Recommendation 17, that the definition of immediate family should be expanded, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	RE F	THEIR REF	Issue	Commentary	Proposal
Carers Tas	27.	p10	Recognition of carers in modern awards and the NES	Carers Tas stress the importance of formally recognising carers in the workplace through the NES and modern awards, in alignment with definitions provided for in the <i>Carers Recognition Act 2010</i> and state-based legislation.	<b>Proposal Summary:</b> Submission recommends the explicit recognition of carers within the NES and modern awards, guided by the definition in the <i>Carers Recognition Act 2010</i> and corresponding state based legislation.
Carers Tas	28.	P8	Expand definition of immediate family - Carers Tas	Carers Tasmania supports the Senate Select Committee on Work and Care's Recommendation 17 to expand the definition of immediate family. This expansion acknowledges the diverse nature of family structures and caregiving roles, encompassing kinship children and other significant persons beyond traditional family boundaries.	<b>Proposal Summary:</b> Adopt an expanded definition of immediate family as proposed by Recommendation 17, including members of the employee's household for over 18 months, children (adopted, kinship, step, and ex-nuptial), siblings, and other significant persons to whom the employee provides regular care.
CFW	29.	28-30 p7-8	Expand definition of immediate family - CFW	CFW submit the definition is too narrow to provide for the diversity of circumstances and relationships in which care must be provided.	<b>Proposal Summary:</b> In support of Recommendation 17 from the Senate Report, all modern awards should contain a provision for access to carer's leave for any employee providing care for any person significant to the employee to whom the employee provides regular care.
CGCL	30.	7.2	Expand definition of immediate family - CGCL	CGCL agrees that the current definition of "immediate family" for the purposes of accessing carer's leave is inadequate and particularly affects marginalised cohorts, such as Aboriginal and Torres Strait Islander communities, people from CALD backgrounds and LGBTQIA+ communities, who are unlikely to have family structures that fall within the definition of a Western traditional concept of family or heteronormative family structures.	<b>Proposal Summary:</b> CGCL considers that any separate carer's leave entitlement should be broadened in line with Recommendation 17 of the Work and Care Final Report which recommends the definition of 'immediate family' in the FW Act be amended and broadened to include: <ul style="list-style-type: none"> <li>Any person who is a member of an employee's household, and has been for a continuous period of over 18 months.</li> <li>Any of the employee's children (including adopted, step and ex-nuptial children).</li> <li>Any of the employee's siblings (including a sibling of their spouse or de facto partner).</li> <li>Any other person significant to the employee to whom the employee provides regular care.</li> </ul>
City of Newcastle	31.	3	Expand definition of immediate family - City of Newcastle	City of Newcastle supports the Senate Report Recommendation 17 to expand the definition of "immediate family". Noted "any other person significant to the employee" is an important distinction given ageing population in Australia and increasing requirements for care of the elderly.	<b>Proposal Summary:</b> Supports Senate Report Recommendation 17 to expand definition of "immediate family".

### Definition of immediate family - Discussion Question 15

Noting the Work and Care Final Report Recommendation 17, that the definition of immediate family should be expanded, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	RE F	THEIR REF	Issue	Commentary	Proposal
CPSU	32.	72-77 p17-18	<b>Broaden carer's leave provisions including definition of family - CPSU</b>	CPSU states APS Statement of Common Conditions sets out principles in accordance with which all APS agencies have drafted or will draft their personal/carers leave clauses. In addition to establishing a minimum entitlement of 18 days paid personal/carers leave, the clause provides for relaxed evidence requirements and broad usage, and access to personal/carers leave at half pay. Personal/carers leave in APS agreements goes into some detail about what caring arrangements may look like, without limiting the use of carer's leave, by setting out that an employee may care for someone who has a medical condition (including when they are in hospital), has a mental illness, a disability, someone who is frail or aged, or is a child (not limited to a child of the employee).	<b>Proposal Summary:</b> To better support and protect carers to balance their work and care responsibilities, modern awards including modern enterprise awards must ensure: <ul style="list-style-type: none"> <li>Personal/carers leave provisions enable broad usage and a flexible approach.</li> <li>Broad provisions for access to carer's leave that acknowledge a wide range of caring responsibilities.</li> <li>Broad definition of family that includes traditional kinship to support relationship or obligations under the customs and traditions of the community or group to which the employee belongs.</li> </ul>
FAAA	33.	168 p40	<b>Expand definition of immediate family - FAAA</b>	FAAA supports the ACTU submissions on the definition of "immediate family".	<b>Proposal Summary:</b> No variation proposed.
SDA	34.	264-275 p47-5/	<b>Expand definition of immediate family - SDA</b>	SDA states the current definition leaves a gap for those who provide care to others in the community. SDA submit without access to paid leave to provide this care it must be done at an economic cost to the carer. Workers provide a range of care to many different people in their lives but are unable to access paid leave to do so.  SDA submit the entitlements need to be more inclusive and reflective of the different people in our workplaces, their backgrounds, and cultures – such as CALD backgrounds, Aboriginal and Torres Strait Islander peoples, and members of the LGBTIQ+ community.	<b>Proposal Summary:</b> Extend the definition of immediate family for the purpose of accessing paid personal leave to include care provided to a person significant to the employee who relies on them for care.
CLC Group	35.	p6	<b>Expand definition of immediate family - CLC Group</b>	CLC Group supports broadening the definition of immediate family in modern awards to include a wider range of family members and significant persons to whom an employee may provide care.	<b>Proposal Summary:</b> <ul style="list-style-type: none"> <li>Suggests removing the word "regular" to accommodate varying caring needs.</li> <li>Consider cultural nuances by including non-traditional family members and support networks prevalent in CaLD and indigenous communities.</li> <li>Reference the Family Violence Act 2008 (Vic) for its inclusive definition of a family member.</li> </ul>

### Definition of immediate family - Discussion Question 15

Noting the Work and Care Final Report Recommendation 17, that the definition of immediate family should be expanded, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	RE F	THEIR REF	Issue	Commentary	Proposal
					<ul style="list-style-type: none"> <li>Shorten the period for recognising household members under care from 18 months to 6 months to accommodate newly arrived migrants and students with caring responsibilities.</li> <li>Engage in further consultations with Aboriginal and Torres Strait Islander organisations to ensure kinship care and other culturally specific care arrangements are recognised.</li> </ul>

### Personal/carers' leave separate entitlements - Discussion Question 17

Noting Senate Committee Recommendation 18, to consider separating personal/carers' leave entitlement, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ABI/ BNSW	36.	110-112 p22-23	Personal/carers' leave should not be separated - ABI/BNSW	<p>ABI/BNSW submit is not apparent why a NES entitlement would need to be specifically varied for award-covered employees in the context of this Review. Entitlements directed at addressing "universal" employee needs are more appropriately addressed within the NES. The creation of an "enhanced" set of NES standards solely for award covered workers is not conducive to a simple and easy to understand award system, nor does it seem fair.</p> <p>ABI/BNSW state FWC will be restricted in what it can consider in relation to any proposed award changes in this context by s 55 FW Act. In accordance with s 55, while modern awards may include terms that supplement the NES, it can only do so to the extent that the effect of those terms are not detrimental to an employee in any respect. The FWC would not likely be able simply to "split" personal leave and carer's leave in modern awards.</p>	<b>Proposal Summary:</b> No variation proposed.
Ai Group	37.	37-41, 226-227 p16-17, 79	Personal/carers' leave should not be separated - Ai Group	Ai Group submit Recommendation 18 is an entitlement or issue that is a matter for the legislature. Ai Group submit the implementation of this recommendation would likely impose additional employment	<b>Proposal Summary:</b> Senate Committee Recommendation 18 should not be adopted.

### Personal/carers' leave separate entitlements - Discussion Question 17

Noting Senate Committee Recommendation 18, to consider separating personal/carers' leave entitlement, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
				<p>costs, reduce flexibility, compound pre-existing complexities and/or increase the regulatory burden.</p> <p>Ai Group submit any attempt to address matters which concern definitions in FW Act that underpin minimum entitlements is prone to cause difficulty and confusion in the application of those entitlements. For example, an employer may be required to maintain separate personal and carers' leave accruals for award-covered employees whilst those for non-award covered employees are combined. Ai group state would lead to an outcome that is not consistent with the modern awards objective, insofar as it would lead to increased complexity in the administration of minimum entitlements for award-covered employees and increase the regulatory burden on employers. In addition to increases in direct costs associated with the expansion of entitlements, employers would likely also face indirect costs associated with adaptations of payroll and other business systems and procedures to accommodate the change.</p>	
ASU	38.	43-46 p13	<b>Separate paid personal leave and paid carer's leave - ASU</b>	ASU submit 10 days of paid personal leave is insufficient to cover an employee's caring responsibilities and their own personal sick leave. Many ASU members deal directly with other people and are more likely to get sick than other workers as a result. Many ASU members have to use their annual leave to maintain their income after having used all their paid personal leave entitlements.	<b>Proposal Summary:</b> Paid personal leave should be broken into separate paid sick leave and carers leave entitlements, 10 days each. This issue may better be addressed through amendments to FW Act.
Carers NSW	39.	p13	<b>Separate paid personal leave and paid carer's leave - Carers NSW</b>	Carers NSW submit current practice of combining sick and carer leave under one entitlement compromises carers' well-being by forcing them to choose between caring for their loved ones and their own health needs.	<b>Proposal Summary:</b> Advocates for separating sick and carer leave entitlements to acknowledge the unique challenges faced by unpaid carers.

### Personal/carers' leave separate entitlements - Discussion Question 17

Noting Senate Committee Recommendation 18, to consider separating personal/carers' leave entitlement, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
Carers Tas	40.	p9	Separate paid personal leave and paid carer's leave -Carers Tas	Carers Tasmania endorses the recommendation to consider the separation of carer's leave from personal leave entitlements.	<b>Proposal Summary:</b> Advocates for a distinct paid carer's leave entitlement, separate from personal leave, to better accommodate the responsibilities of working carers. Suggests a trial period to introduce a provision similar to Switzerland's model, where employees are entitled to leave on full pay for caregiving duties, up to three days per occasion with a maximum of ten days per year. This trial could provide valuable insights into the impact and feasibility of such a policy in Australia, addressing the needs of carers while balancing employment obligations.
CFW	41.	32-34 p8	Separate paid personal leave and paid carer's leave - CFW	CFW submit the current NES entitlement of 10 days of paid personal/carers' leave is not equitable for employees with caring responsibilities.	<b>Proposal Summary:</b> All awards should contain separate provisions for paid personal leave and paid carer's leave, 10 days each.
CGCL	42.	7.1	Separate paid personal leave and paid carer's leave - CGCL	<p>CGCL submit employees with caring responsibilities are more likely to be in insecure or casual employment arrangements, but these types of employees currently do not have access to paid personal leave or annual leave. As stated in the Select Committee Final Report, 'working carers are disproportionately concentrated in jobs lacking paid sick and holiday leave and yet, ironically, their need for paid sick leave and a holiday to rest and recover is great'.</p> <p>CGCL state based on their observation that working carers are more likely to be in insecure or casual employment, CGCL also consider that paid carer's leave should be an entitlement available to all workers, not just permanent employees. Any separate carer's leave entitlement should be available in a broader range of situations, such as providing care on an ad-hoc basis if standing care arrangements fall through. This is particularly relevant to the care of young children, older people, and people with disabilities as care for these cohorts is likely to take place on an ongoing and daily basis. Primary carers are enabled to work only if other care arrangements can be made for those relying on their care. Unexpected gaps in that pre-arranged care, caused by arrangements changing at short notice or falling through, are not likely to constitute situations that fall squarely within the definition of an "illness, injury, or emergency".</p>	<p><b>Proposal Summary:</b> CGCL make the following proposals:</p> <ul style="list-style-type: none"> <li>• All workers, including casual employees, should be entitled to a separate paid carer's leave entitlement.</li> <li>• The current NES entitlement to personal/carers' leave should be applied to casual employees under all awards and/or a separate carer's leave entitlement should be provided to all employees under all awards.</li> <li>• Any separate carer's leave entitlement should be available in a broader range of situations beyond "illness, injury, or emergency".</li> </ul>



### Personal/carers' leave separate entitlements - Discussion Question 17

Noting Senate Committee Recommendation 18, to consider separating personal/carers' leave entitlement, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
CPSU-SPSF	43.	p11	Separate paid personal leave and paid carer's leave - CPSU-SPSF	CPSU-SPSF submit leave provisions are inadequate when shift workers need access to services the rest of the community enjoy during a 9-5 work day.	<b>Proposal Summary:</b> Introduce provisions into SCHADS that split carer's leave from personal leave, with an increase in paid days.
SDA	44.	280-285 p51-52	Separate paid personal leave and paid carer's leave - SDA	SDA state many workers, particularly women, who provide regular care exhaust or significantly reduce their leave balanced due to this care. SDA submit current leave provisions are not sufficient to support working carers. Amending the awards in line with the proposal is necessary to meet the Modern Awards Objectives, and the Objectives of the Fair Work Act with particular emphasis on the need to promote job security and gender equality.	<b>Proposal Summary:</b> Awards should be varied to include a discrete entitlement for 10 days carer's leave for all employees for the purpose of providing care to someone in an employee's immediate family or household or someone of significance to the employee for whom they are relied on to provide care.  This should be in addition to personal leave which could be used when an employee is ill or injured, or when carer leave has been exhausted and they need to provide care to someone defined under the carer leave provision.
WFPR	45.	28-33 p10-12	Separate paid personal leave and paid carer's leave and increase quantum - WFPR	WFPR submit paid leave entitlements are critical for decent work and for decent care. Paid leave for caring helps ensure that workers who provide care are not financially disadvantaged by caring. However, workers need sufficient paid leave to both care for others and care for themselves when they are unwell.  WFPR submit paid leave should be available in sufficient quantities to cover carers caring and self-care needs. In addition to providing care to others, carers are more likely than non-carers to be living with disability or chronic illness. Often, personal leave is used up for care responsibilities and none is left to use when those caring are themselves are unwell. Separating the periods of paid personal (sick) and paid carers leave and increasing the quantum of each set would be likely to reduce these disadvantages experienced by carers.  WFPR state the total quantum of paid personal and carers leave is just 10 days per annum and submit this is inadequate for employees	<b>Proposal Summary:</b> Provide separate allocations of paid personal leave and paid carers leave and increase the quantum of each type of leave.

### Personal/carers' leave separate entitlements - Discussion Question 17

Noting Senate Committee Recommendation 18, to consider separating personal/carers' leave entitlement, are there any specific variations in modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
				who have primary caring responsibilities, overwhelmingly women. This low quantum leaves women using up this leave "bucket" to meet these responsibilities with little left for their own needs when they are ill or injured.	

### Extending unpaid carer's leave - Discussion Question 16

Having regard to the Productivity Commission's suggestion for more flexible working arrangements as an alternative to extended unpaid carer's leave, are there any specific variations in the modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ACCI	46.	198-201 p36-37	<b>No variations needed to unpaid carer's leave - ACCI</b>	ACCI submit in appropriate and agreed circumstances, flexible working arrangements can provide an alternative to extended unpaid carer's leave. Whether this is workable for an individual employer and employee is entirely dependent on the specific circumstances of those parties. ACCI submit should be a matter for employers and employees to agree and does not appear to warrant any variation to awards.	<p><b>Proposal Summary:</b> No variation needed.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• NECA (p1)</li> <li>• Clubs Australia (p1)</li> </ul>
ACTU	47.	141-145 p52-53	<b>Unlimited unpaid personal/carers' leave - ACTU</b>	<p>ACTU concurs with the Productivity Commission report considering whether an entitlement to extend unpaid carer's leave should be available to employees inasmuch as there is a significant danger in entrenching unpaid leave as an entitlement, given that women will disproportionately use this form of leave, with significant implications for their economic security. Primary objective should be that carers are financially supported whilst caring i.e. they should have access to paid work supporting them to care, or paid time off to care.</p> <p>Current limitations of flexible working arrangements and ACTU recommendations regarding flexible work in response to Question 2 are relevant here. ACTU state is vital flexible working arrangements are strengthened in awards to ensure employees have access to flexible work allowing them to be financially supported whilst caring. ACTU submit in situations where employees have no other option</p>	<p><b>Proposal Summary:</b> Awards should be varied to provide an additional entitlement to unlimited personal and carer's leave where paid personal and carer's leave has been exhausted, all other forms of flexible workplace arrangements (including working from home) have been explored and exhausted, and the employee elects to take unpaid leave.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• MEU (3, p2)</li> <li>• CEPU (6, p3)</li> <li>• CPSU-SPSF (79, p12)</li> <li>• AMWU (para 35)</li> </ul>



### Extending unpaid carer's leave - Discussion Question 16

Having regard to the Productivity Commission's suggestion for more flexible working arrangements as an alternative to extended unpaid carer's leave, are there any specific variations in the modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	RE F	THEIR REF	Issue	Commentary	Proposal
				but to take a period of unpaid leave due to caring responsibilities, there is a benefit in keeping these employees connected to their job with the ability to return. This entitlement should be used as a last resort and only after all possible options for flexible work have been explored and exhausted by employer.	
AHEIA	48.	p13-14	<b>No variations needed to unpaid carer's leave - AHEIA</b>	AHEIA submit no variations are necessary for the higher education sector awards. The Productivity Commission suggested that flexible working arrangements was a better alternative than extended unpaid leave provisions. Division 4 of the NES was recently amended and provides these flexible working arrangements.	<b>Proposal Summary:</b> No variation needed.
Ai Group	49.	224-225 p78	<b>No variations needed to unpaid carer's leave - Ai Group</b>	Ai Group noted that employees with caring responsibilities can generally already make a request for flexible working arrangements pursuant to s 65 FW Act.	<b>Proposal Summary:</b> No variation needed.
ANMF	50.	118-122 p22	<b>No variations needed to unpaid carer's leave - ANMF</b>	<p>ANMF submit increasing reliance on unpaid care arrangements will have negative consequences for caregivers and care recipients. ANMF submit extending unpaid carer's leave will be detrimental to gender equality as women will be disproportionately access this type of leave. This will result in a reduction in income, retirement income, workforce participation, and opportunities for career progression.</p> <p>ANMF submit expanding unpaid care entitlements will undermine progress made by recent work value applications for the Aged Care Award and Nurses Award. It undermines the importance and prioritisation that should be given to investment in the aged care workforce and aged care system as it promotes informal care arrangements. Does not solve the issue for working carers who wish to remain in workforce.</p>	<b>Proposal Summary:</b> No variation needed.

### Extending unpaid carer's leave - Discussion Question 16

Having regard to the Productivity Commission's suggestion for more flexible working arrangements as an alternative to extended unpaid carer's leave, are there any specific variations in the modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	RE F	THEIR REF	Issue	Commentary	Proposal
Carers NSW	51.	p17	Mixed model of paid and unpaid carer's leave - Carers NSW	Recognising the diversity in caring roles and the limitations of current leave provisions, Carers NSW suggests a multi-tiered approach to carer leave that accommodates varying intensities and durations of care responsibilities.	<p><b>Proposal Summary:</b> Carers NSW proposed a new mixed model of paid and unpaid short, medium and long-term carer leave:</p> <ul style="list-style-type: none"> <li>• <b>Short-term carer leave:</b> Expands NES entitlements to include casual employees, separates it from sick leave, and adopts a broader 'carer' definition. This aims to support carers with episodic or transitional needs and routine care tasks.</li> <li>• <b>Medium-term carer leave:</b> Government-funded leave for more intensive short to medium-term care needs, modelled on the 18-week paid parental leave scheme, with stricter eligibility focused on care intensity and the need for intensive care provision.</li> <li>• <b>Longer-term carer leave:</b> Up to two years of unpaid leave, similar to NES parental leave, with financial support options and continuous superannuation contributions to mitigate career interruptions' impact on retirement savings.</li> </ul>
Carers Tas	52.	p9	Evaluate impact and feasibility of extended unpaid carer's leave - Carers Tas	Carers Tas submit flexible work may work for some carers, but not others, given the difficulties and complexities of the process.	<p><b>Proposal Summary:</b> Proposes the consideration or implementation of a small-scale trial to evaluate the impact and feasibility of extended unpaid carer's leave.</p>
CGCL	53.	7.3	Enable employees to elect between taking paid or unpaid carer's leave - CGCL	CGCL strongly supports the notion that carers should have access to the flexibility they need through a range of options. This flexibility should include the ability to elect between taking paid or unpaid carer's leave, depending on what best suits their circumstances. Where personal and carer's leave is currently a joint entitlement, it is unreasonable to expect carers to have used up their personal/carers leave for caring responsibilities as it directly and disproportionately inhibits carers' access to personal leave for their own health and wellbeing, compared to non-carers.	<p><b>Proposal Summary:</b> Supports the Productivity Commission's Recommendation 5 in the Carer Leave inquiry Report to remove the requirement that unpaid carer's leave can only be accessed when a permanent employee's personal/carers leave has been exhausted.</p>
CGCL	54.	7.3(d)	Minimum statutory entitlement to unpaid carer's leave - CGCL	CGCL submit entitlement should be extended to all employees, including casual employees, with continuous service of at least 12 months. This should add to, not replace, any existing options and entitlements available to carers, such as flexible working arrangements.	<p><b>Proposal Summary:</b> Supports the provision of a minimum statutory entitlement to unpaid carer's leave, similar to the unpaid parental leave legislation, which includes provision for 12 months of leave in the first stance with the right to request up to a further 12 months where the refusal of any extension of unpaid carer's leave could only be made on reasonable business grounds.</p>

### Extending unpaid carer's leave - Discussion Question 16

Having regard to the Productivity Commission's suggestion for more flexible working arrangements as an alternative to extended unpaid carer's leave, are there any specific variations in the modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	RE F	THEIR REF	Issue	Commentary	Proposal
City of Newcastle	55.	Para 4	Scalable framework for unpaid carer's leave - City of Newcastle	The City of Newcastle argues that flexible working arrangements and extended unpaid carer's leave address distinct needs within the caregiving context. While flexibility in work schedules can aid employees in balancing ongoing caregiving with employment, some situations demand extended periods away from work that flexible arrangements cannot accommodate.	<b>Proposal Summary:</b> The City of Newcastle references their own Enterprise Agreement, which provides a scalable framework for unpaid carer's leave, ranging from a minimum of one month to a maximum of twelve months for employees with at least a year of service.
FAAA	56.	169 p40	Unlimited unpaid personal/carers leave - FAAA	FAAA supports the ACTU submissions on unpaid carer's leave.	<b>Proposal Summary:</b> No variation proposed.
MTO	57.	27-28 p7	No variations needed to unpaid carer's leave - MTO	MTO notes that the Productivity Commission Inquiry Report, which examined the economic and social costs of providing extended unpaid leave entitlements, did not find a strong case for amending the NES. This report found that a better solution would be flexible working arrangements.	<b>Proposal Summary:</b> No variation needed.
SDA	58.	276-279 p50	Right to take extended unpaid leave - SDA	SDA submit for some workers a period of absence from work to provide continuous care may be of great benefit. Many countries provide longer-term leave entitlements which can range from 2 to 6 months. However, it is understood that the unpaid nature of this provision may adversely impact women who will most often use this entitlement. Therefore, SDA submits this entitlement should be linked to genuine consultation with their employer explore options first about accommodating the need to provide care with ongoing work.	<b>Proposal Summary:</b> Include a right to unpaid leave work for workers who need extended leave to care for an older person or someone with a disability or temporary or terminal illness in Awards, with a genuine right to return to work at the end of the unpaid period. This should be available after genuine consultation regarding options for continued work have been exhausted and the employee elects to take unpaid leave.
WFPR	59.	28-33 p10-12	Extend duration of unpaid carer's leave - WFPR	WFPR state currently casual employee are not entitled to paid leave under the NES, with the notable exception of Family and Domestic Violence Leave. A key aim should be to expand access to annual leave along with other forms of paid leave.	<b>Proposal Summary:</b> Create a paid leave system that adequately reflects the diversity of care needs for all workers across the life cycle, including casual, contract and gig workers. This should occur through: <ul style="list-style-type: none"> <li>• right to paid leave including carer's leave, personal leave, domestic violence leave and palliative care leave for all workers.</li> <li>• extending the duration of unpaid carer's leave.</li> </ul>

### Other unpaid carer's leave submissions - Unpaid carer's leave - Discussion Question 16

Having regard to the Productivity Commission's suggestion for more flexible working arrangements as an alternative to extended unpaid carer's leave, are there any specific variations in the modern awards that are necessary to ensure they continue to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ASU	60.	47 p13-14	<b>Increase compassionate leave provisions - ASU</b>	ASU submit current compassionate leave arrangements do not provide enough time for ASU members to grieve or fulfill cultural obligations related to death.	<b>Proposal Summary:</b> Compassionate leave arrangements should be reviewed to ensure that are sufficient for all employees.
CFW	61.	31 p8	<b>No variations needed to unpaid carer's leave - CFW</b>	CFW submit extended periods of unpaid carer's leave can leave a worker without income and separate from their workplace.	<b>Proposal Summary:</b> No variations needed to unpaid carer's leave. Instead, increase access to flexible work arrangements through modern awards provisions is preferable.
CPSU	62.	89-91 p20-21	<b>Separate compassionate and bereavement leave - CPSU</b>	CPSU state an outcome of service-wide bargaining has been to separate compassionate and bereavement leave into two distinct entitlements. APS enterprise agreements will set out 21 that employees are entitled to 3 days paid compassionate leave where a member of their family/household, or someone they have a close personal relationship with, contracts, develops or sustains a life-threatening illness or injury, or the employee or their partner has a miscarriage. In addition, employees are entitled to 3 days paid bereavement leave where a person (as described for compassionate leave) dies, or a child is stillborn, where that child was a member of the employee's family or household.	<b>Proposal Summary:</b> Variations to modern awards that set out compassionate and bereavement leave as distinct entitlements would benefit employees with caring responsibilities during difficult circumstances.
WFPR	63.	38 p13	<b>Carer-centred safety net in the NES and modern award framework - WFPR</b>	No additional commentary.	<b>Proposal Summary:</b> WFPR advocates strongly for a carer-centred safety net in the NES and modern award framework in the FW Act that would be consistent with the new gender equality and job security objects of the Act and in its Modern Award Objective.

## Other variations - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ACTU	64.	67-69 p30	<b>Right to revert back to former hours - ACTU</b>	<p>ACTU state workers who request reduced hours or part-time work to accommodate their caring responsibilities have no ability to return to their former working hours when their circumstances change, meaning that women are likely to become stuck in part-time work and have no ability to increase their hours.</p> <p>ACTU submit employees who have reduced their hours should have a right to revert to their former working hours up until their child is school aged, or later by agreement. Employees with caring responsibilities who have reduced their hours should have a right to revert to their former working hours for a period of 2 years from the date they commence their reduced hours, or later by agreement.</p>	<p><b>Proposal Summary:</b> Awards should be varied to enable employees with caring responsibilities to revert back to their former working hours following a period of part-time or reduced hours of work.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• MEU (3, p2)</li> <li>• CEPU (6, p3)</li> </ul>
ACTU	65.	157-158 p56-57	<b>Access to dedicated facilities/equipment for women - ACTU</b>	No additional commentary.	<p><b>Proposal Summary:</b> Vary awards to provide for access to safe, secure and dedicated facilities/equipment for women in male dominated industries e.g. bathrooms, changerooms, personal protective equipment (PPE)/clothing/uniforms and so on.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• MEU (3, p2)</li> <li>• CEPU (6, p3)</li> </ul>
ACTU	66.	157-158 p56-57	<b>Additional pay on termination for parents - ACTU</b>	No additional commentary.	<p><b>Proposal Summary:</b> Vary awards to provide for additional pay on termination for those with parenting responsibilities.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• MEU (3, p2)</li> <li>• CEPU (6, p3)</li> </ul>
ANMF	67.	127-128 p23	<b>Performing inherent requirements on unpaid time - ANMF</b>	ANMF has concerns regarding the scope of duties that an employer may direct an employee to carry out from home on unpaid time. An example of this is the requirement to do a RAT at home prior to coming into work. This is an inherent requirement of the job and should be done on paid time at a suitable location at work.	<b>Proposal Summary:</b> No variation proposed.



## Other variations - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ARA	68.	p3	<b>Allow split shifts by agreement in the Retail Award - ARA</b>	<p>ARA proposal contains an amendment to allow for split shifts with employee agreement. This change acknowledges that there are many employees who may prefer to work split shifts to assist them in balancing other commitments (including care and family responsibilities).</p> <p><u>Submission advanced in AM2024/9</u> The introduction of a new clause 15.X and amendment to clause 15.3 of the Retail Award is required to suit flexible modern work practices, and to give effect to an employee's preference in working arrangements (particularly in respect of those who have carer and family responsibilities) in a manner that is not cost prohibitive to employers.</p> <p>There are many employees who may prefer to work split shifts as it may help them to better balance other commitments (including care and family responsibilities) whilst increasing their level of workforce and economic participation. The proposal will also provide employers with an opportunity to offer additional hours at peak times on a permanent basis, thereby improving access to secure work. The proposal ensures protection for employees by requiring that split shift arrangements only occur with employee agreement.</p> <p><b>Proposal advanced in application by ARA in <a href="#">AM2024/9</a></b></p>	<p><b>Proposed Wording:</b> Vary clause 15.3 Retail Award as follows:</p> <p><i>15.3 Ordinary hours of work on any day are continuous, except for rest breaks and meal breaks as specified in clause 16 – Breaks, or where agreed between an employer and employee under clause 15.X.</i></p> <p>Insert new clause 15.X Retail Award as follows:</p> <p><i><b>15.X Split-shifts</b></i> <i>(1) By agreement between the employer and an individual employee, the employee may be rostered to work a split-shift such that they work ordinary hours in two blocks on one day with an unpaid period of at least one hour in between the end of the first work block and the beginning of the second work block.</i></p> <p><i>(2) Where an employee works a split-shift pursuant to clause 15.X(a), clauses 10.9 and 11.2 will apply in respect of the totality of hours the employee is engaged for each day.</i></p> <p><i>(3) Where an employee works a split-shift pursuant to clause 15.X(a), clause 16.2 will apply in respect of the hours within each block, assessed separately.</i></p> <p><i>(4) For the avoidance of doubt, clause 16.6 does not apply to the period between the two blocks of ordinary hours rostered as part of a split-shift under clause 15.X(a).</i></p> <p><i>NOTE: The Recall allowance in clause 19.11 does not apply where an employee returns to work for the second part of a split-shift pursuant to clause 15.X.</i></p> <p>Vary the title in Column 1 of Table 3 in clause 16.2 Retail Award as follows:</p> <p><i>Hours worked per shift, or per work block where a split-shift is worked pursuant to clause 15.X(a)</i></p>

Other variations - Discussion Question 19					
Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?					
Party	REF	THEIR REF	Issue	Commentary	Proposal
ARA	69.	p3	Ability to waive a meal break or combine break entitlements - ARA	<p>This proposal contains an amendment which provides an ability for employees to waive a meal break and go home early or combine their break entitlements. This change will assist employees who may prefer to leave work earlier in order to attend caring responsibilities (without loss of pay).</p> <p><u>Submission advanced in AM2024/9</u></p> <p>The amendment to clause 16.5 and insertion of new clause 16.6 of the Retail Award is required to promote social inclusion, promote flexible modern work practices and ensure a simple and sustainable award.</p> <p>Currently, clause 16.5 of the Retail Award places a number of restrictions upon when an employer can require an employee to take a meal break. The proposal provides flexibility where an employee agrees to a particular alternative arrangement (such as taking meal breaks combined with rest breaks). This change is required to give effect to the preferences of employees, including those who would prefer to leave work earlier in order to attend to caring responsibilities (without loss of pay). The proposal still provides for appropriate limitations on meal and rest breaks as a baseline position, with the ability for flexibility only where an employee agrees to the changes. A safeguard is also applied whereby an employee can only work up to 6 hours without taking a meal break, even in circumstances where the employee's preference might be to agree to such an arrangement.</p> <p><b>Proposal advanced in application by ARA in <a href="#">AM2024/9</a></b></p>	<p><b>Proposal Summary:</b> Vary clause 16.5 and insert a new clause 16.6 into the Retail Award to enable employees to waive a meal break or to combine their break entitlements.</p> <p><b>Proposed Wording:</b> Vary clause 16.5 Retail Award as follows:</p> <p style="padding-left: 40px;"><i>16.5 Subject to clause 16.6, an employer cannot require an employee:</i></p> <p style="padding-left: 80px;"><i>(a) to take a rest break or meal break within the first or the last hour of work; or</i></p> <p style="padding-left: 80px;"><i>(b) to take a rest break combined with a meal break; or</i></p> <p style="padding-left: 80px;"><i>(c) to work more than 5 hours without taking a meal break.</i></p> <p>Insert new clause 16.6 as follows:</p> <p style="padding-left: 40px;"><i>16.6 An employer and employee may agree, on an ongoing basis or for a specified period of time, to one or more of the following arrangements, where the employee is entitled to the relevant break(s):</i></p> <p style="padding-left: 80px;"><i>(a) the employee will take rest breaks and / or meal breaks within the first and / or last hour of work;</i></p> <p style="padding-left: 80px;"><i>(b) the employee will take one or more rest break(s) combined with one or more meal break(s); and/or (c) the employee will work up to 6 hours without taking a meal break.</i></p> <p>Rename existing clause 16.6 as clause 16.7 and other existing references to clause 16.6 in the Retail Award to 16.7 accordingly.</p>
Carers NSW	70.	12	Knowledge of entitlements - Carers NSW	<p>Carers NSW submit many carers are not aware of employment entitlements available to them.</p>	<p><b>Proposal Summary:</b> No variation proposed.</p>



### Other variations - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
Carers Tas	71.	P10	<b>Regular wage increases for care and education sector - Carers Tas</b>	Carers Tas advocates for regular wage increases and enhanced support for employees in the care and education sector to attract and retain workers, thereby indirectly supporting informal carers within this demographic.	<b>Proposal Summary:</b> No variation proposed.
HSU	72.	74-77 p16-17	<b>Weekend and public holiday penalties for casual workers - HSU</b>	<p>HSU state calculation of weekend penalty rates for casual workers under the Aged Care and HPSS Awards differs from the SCHADS. Submit no justifiable reason for the different approach taken under the Awards.</p> <p>HSU state given the highly feminised nature of the sectors and occupations covered by the awards, and the low rates of pay already characteristic of many parts of the health and care sectors, this manner of calculating penalty rates leads to lower overall remuneration for casual workers covered by the Aged Care and HPSS Awards which impacts on their ability to provide caregiving outside of work.</p>	<p><b>Proposal Summary:</b> Aged Care and HPSS Awards should be varied to provide that casual entitlements to weekend and public holiday rates are to be calculated consistently with the approach taken in the SCHADS.</p> <p><b>Proposed Wording:</b> Clause 23.3 and 29.2(c)(ii) of Aged Care Award, and clause 26.1(b) of HPSS Award be varied to provide that casual employees will be paid the relevant casual loading in addition to the relevant weekend and public holiday rates.</p>
NTEU	73.	6 p2	<b>Secure jobs and eliminate gender-based undervaluation of work - NTEU</b>	<p>NTEU submit to ensure that those who provide care are able to join the workforce and receive equal pay, need to improve access to secure jobs across all sectors of the economy. Additionally, must eliminate gender-based undervaluation of work and create workplace conditions that facilitate women's full economic participation.</p> <p>NTEU state higher education has high levels of insecure work, both casual and fixed-term. Working carers require improved access to secure work and secure hours of work. NTEU note that the higher education sector awards will be amended to incorporate the new legislative casual employment provisions. Will be necessary to further amend casual employment regulation in the higher education sector awards to provide casual employees with improved access to secure employment.</p>	<b>Proposal Summary:</b> No variation proposed.

### Other variations - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
Per Capita	74.	p1-3	Caring and domestic responsibilities should be considered in all awards - Per Capita	Per Capita submit is mostly women in heterosexual relationships with dependent children who undertake care and other unpaid domestic work in Australia, more than in most other OECD nations. A report by Deloitte Access Economics puts the value of unpaid work and care in Australia at around \$206 billion in 2016-2017. Extrapolating this to the population as a whole puts the nation figure at around \$824 billion.	<b>Proposal Summary:</b> Employee's caring and other domestic responsibilities should be matters to be considered in all industry awards.
WFPR	75.	28-33 p10-12	Portable leave for social and community service workers - WFPR	WFPR submit social and community services employees, overwhelmingly covered under the SCHADS Award, often move from employer to employer, losing their accrued entitlements to accrued sick and carers leave. In many jurisdictions (ACT, NSW, Queensland and Victoria) community services workers, including full-time, part-time, casual or seasonal workers, now have an entitlement to portable long service leave. WFPR state have been recent calls for an extension of portable entitlements, including sick leave, to the NDIS workforce. WFPR submit extension of portability to all forms of paid leave should be urgently considered.	<b>Proposal Summary:</b> Investigate the portability of other forms of leave, such as paid personal (sick) and carer's leave, for all social and community services workers.

### Other variations - Paid nursing/lactation breaks - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ACTU	76.	157-158 p56-57	Paid break time and appropriate facilities for breastfeeding and lactation - ACTU	<p>ACTU state issue is raised in the discussion paper, with reference to Article 10(1) of the Maternity Protection Convention which provides that "A woman shall be provided with the right to one or more daily breaks or a daily reduction in hours of work to breastfeed her child".</p> <p>ACTU submit Australia is an outlier in this respect and one of only a few countries without statutory entitlements to breastfeeding breaks at work or facilities. The absence of a clear entitlement, as in Australia, may deter parents from taking these breaks, particularly where they are unpaid.</p>	<p><b>Proposal Summary:</b> Vary awards to provide for additional support for breastfeeding and lactation including paid breaks and appropriate facilities.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>MEU (3, p2)</li> <li>CEPU (6, p3)</li> </ul>

## Other variations - Paid nursing/lactation breaks - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ANMF	77.	129-131 p23-24	<b>Paid break time and appropriate facilities for breastfeeding and lactation - ANMF</b>	ANMF submit their proposal ensures that Australian workplaces are aligned with international counterparts.	<p><b>Proposal Summary:</b> Nurses Award to be varied, and replicated in all modern awards, that requires employers to provide reasonable paid break time for employees to express breast milk each time they need to within the workplace, for one year after the child's birth. The employer must provide a comfortable and clean place, and not a bathroom. The employer must make available appropriate refrigeration in proximity to the area for breast milk storage.</p> <p><b>Proposed Wording:</b></p> <p><b>69.1 Paid break</b> Each Employer will provide reasonable paid break time for an Employee to express breast milk for her nursing child each time such Employee has need to express the milk, or breastfeed the child within the workplace, for one year after the child's birth.</p> <p><b>69.2 Place to express or feed</b> Employers will also provide a comfortable place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk or breastfeed a child in privacy.</p> <p><b>69.3 Storage</b> Appropriate refrigeration will be available in proximity to the area for breast milk storage. Responsibility for labelling, storage and use is with the Employee.</p>
ASU	78.	48-50 p14	<b>Paid break time and appropriate facilities for breastfeeding and lactation - ASU</b>	ASU state breastfeeding can be a challenge for working parents, and they often need to take multiple short breaks to express milk. ASU members report difficulty negotiating time for this during work hours and are often directed to use bathrooms.	<p><b>Proposal Summary:</b> Employees should have the right to express milk during their working hours, and they should be provided with a private and hygienic space, which should not be a bathroom, for expressing milk. Additionally, employees should have access to workplace refrigerators for preserving their expressed milk. This can be accomplished by amending FW Act or through an award variation. The eligibility criteria for flexible working arrangements should be amended to include breast feeding parents who are not otherwise eligible for flexible working arrangements.</p>
CPSU	79.	97-102 p22-23	<b>Paid break time and appropriate facilities for breastfeeding and lactation - CPSU</b>	CPSU state amendments to FW Act include breastfeeding as a protected attribute under s 351 and to prohibit the inclusion of terms in modern awards that discriminate against an employee because of, or for reasons including breastfeeding.	<p><b>Proposal Summary:</b> To better support and protect breast-feeding mothers to balance their work and care responsibilities, modern awards including modern enterprise awards must ensure:</p> <ul style="list-style-type: none"> <li>Breastfeeding mother's right to reasonable paid time for lactation and breast-feeding purposes</li> </ul>

### Other variations - Paid nursing/lactation breaks - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
				<p>CPSU state enterprise Agreements across APS now include a common lactation breaks provision, which enables paid time to breastfeed or express milk, appropriate facilities, and flexible working arrangements.</p> <p>CSPSU submit awards must recognise a breastfeeding mother's right to reasonable paid time for lactation and breast-feeding purposes and for access to reasonable facilities, or where reasonable facilities cannot be provided access to flexible work arrangements.</p>	<ul style="list-style-type: none"> <li>Access to reasonable facilities in the workplace or where reasonable facilities cannot be provided access to flexible work arrangements.</li> </ul>
SDA	80.	304 p57	<b>Paid break time and appropriate facilities for breastfeeding and lactation - SDA</b>	SDA submit a review should be conducted for the adequacy of parental leave provisions.	<p><b>Proposal Summary:</b></p> <ul style="list-style-type: none"> <li>Include paid breaks for the purpose of breastfeeding and/or expressing and right to appropriate facilities.</li> <li>The period of parental leave both paid and unpaid should be counted as service for accrual purposes.</li> <li>Introduce paid pre-natal/pre-adoption/pre-placement leave.</li> </ul>

### Other variations - Parental leave - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
ACTU	81.	157-158 p56-57	<b>Redundancy requirements on or returning from parental leave - ACTU</b>	No additional commentary.	<p><b>Proposal Summary:</b> Vary awards to require an employer to demonstrate that a redundancy is bona fide, and reasonable accommodations cannot be made, where the redundancy is for an employee during or returning from a period of parental leave.</p> <p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>MEU (3, p2)</li> <li>CEPU (6, p3)</li> </ul>
ACTU	82.	157-158 p56-57	<b>Recognise unpaid parental leave as service - ACTU</b>	No additional commentary.	<p><b>Proposal Summary:</b> Vary awards to recognise periods of unpaid parental leave as active service to ensure the accrual of all entitlements and payment of public holidays during periods of paid and unpaid parental leave.</p>

### Other variations - Parental leave - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
					<p><b>Proposal endorsed/supported by:</b></p> <ul style="list-style-type: none"> <li>• MEU (3, p2)</li> <li>• CEPU (6, p3)</li> </ul>
Per Capita	83.	p2-3	<b>Paid parental leave for fathers or non-birth parents - Per Capita</b>	<p>Per Capita submit the division of labour across society should be rebalanced, and there should be a more equal share of unpaid domestic work between men and women. Gender inequality in parenting creates poorer social and economic outcomes for women, this is largely due to deep-rooted cultural norms and these norms are reflected in the public policy approach to supporting families and children.</p> <p>Per Capita state 90 per cent of primary caregivers supported by the paid parental leave scheme are women. Most of the men that take up this scheme are at the management level. Only 4.6 per cent of men who take up the scheme are in non-management positions. Australia has a low take up of parental leave by male parents compared to other OECD nations.</p> <p>Per Capita submit that international data shows that generous paid parental leave entitlements and flexibility of when they can be used increased the utilisation by fathers. It also shows that when parental leave is equally provided to men and women and is non-transferable between partners, men take it up at higher rates.</p>	<p><b>Proposal Summary:</b> Awards should include a “use it or lose it” provision of paid parental leave for fathers or non-birth parents, to establish family norms in which the care of children is shared more equally.</p>
SDA	84.	304 p57	<b>Recognise unpaid parental leave as service and introduce pre-parental leave - SDA</b>	<p>SDA submit a review should be conducted for the adequacy of parental leave provisions.</p>	<p><b>Proposal Summary:</b></p> <ul style="list-style-type: none"> <li>• The period of parental leave both paid and unpaid should be counted as service for accrual purposes.</li> <li>• Introduce paid pre-natal/pre-adoption/pre-placement leave.</li> </ul>



### Other variations - Working week - Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

Party	REF	THEIR REF	Issue	Commentary	Proposal
AMWU	85.	Rec 6 39-44	Reduce standard working week - AMWU	AMWU state their proposal highlights the need for better work-life balance, citing examples of AMWU securing reduced working weeks in some enterprise agreements (for example 35 hours in the Print Industry). AMWU member surveys reveal 81.49% of workers supporting a shorter work week without loss of pay. Pilot studies reveals positive benefits of reducing the working week. The AMWU also highlights that an ageing populations experiences increased caring responsibilities. Further, reduction to working hours, will assist older workers health.	<b>Proposal Summary:</b> Submission advocates for introducing shorter ordinary hours (at no loss of pay).
ANMF	86.	132-133 p24	Reduce standard working week - ANMF	ANMF shares the view of the Senate Report that a shorter working week promotes gender equality by allowing a more equitable balance of caring responsibilities between men and women. It will impact women's workforce participation and social and economic outcomes positively.	<b>Proposal Summary:</b> Gradual reduction of the maximum ordinary hours.
ARA	87.	p3	Allow 38 ordinary hours to be worked across 4 days in the Retail Award - ARA	<p>ARA submit variation to allow greater flexibility for 38 ordinary hours to be worked across 4 days.</p> <p><u>Submission advanced in AM2024/9</u></p> <p>These types of arrangements also provide pathways to inclusion for employees with personal circumstances (such as caring responsibilities) which mean a compressed working week is preferable, whilst retaining the benefits (such as superannuation and leave accrual) that come from those hours being treated as 'ordinary hours'.</p> <p>The Retail Award currently provides limited flexibility for the implementation of a compressed working week. Increasing the maximum ordinary hours to 10 hours is consistent with many other modern awards including the Clerks Award, the Textile, Clothing, Footwear and Associated Industries Award 2020 and Commercial Sales Award 2020, the Wine Industry Award 2020 and Miscellaneous Award.</p> <p>The proposal also provides for less maximum ordinary hours per day than other comparable awards including the Fast Food Award, which</p>	<p><b>Proposal Summary:</b> Vary clause 15.4 and 15.5 and corresponding amendment to clause 21.2(c) of the Retail Award to facilitate an increase in alternate working arrangements, such as a 4-day working week.</p> <p><b>Proposed Wording:</b> Vary clause 15.4 of the GRIA 2020 as follows:</p> <p><i>15.4 Subject to clause 15.5, the maximum number of ordinary hours that can be worked on any day is <del>9</del>10.</i></p> <p>Vary clause 15.5 of the GRIA 2020 as follows:</p> <p><i>15.5 An employer may roster an employee to work up to 11 ordinary hours on one day per week, or two days per week by agreement between the employer and an individual employee.</i></p> <p>Vary clause 21.2(c) of the Retail Award as follows:</p> <p><i>(iii) in excess of the maximum daily ordinary hours determined by clauses 15.4 and 15.5. <del>11</del> hours on one day of the week and in excess of 9 hours on any other day of the week</i></p>

<b>Other variations - Working week - Discussion Question 19</b>					
Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?					
Party	REF	THEIR REF	Issue	Commentary	Proposal
				provides for a maximum number of 11 ordinary hours worked in one day. The proposal ensures protection for employees by only allowing the additional 11 hour shift length to occur with employee agreement.	[Proposal advanced in application by ARA in <a href="#">AM2024/91</a> ]
Infinite Potential	88.	19 p8	Reduce standard working week - Infinite Potential	Infinite Potential submit shorter working hours with no reduction in pay improves employee wellbeing, engagement, retention, quality of work, and productivity and reduces psychosocial hazards. Also, it offers more scope to manage family and caring responsibilities outside working hours. This sets the foundation for promoting gender equality.	<b>Proposal Summary:</b> Supports the implementation of Recommendation 27 of the Senate Report regarding a review of standard working hours to reduce the standard working week.
Per Capita	89.	p3	Reduce standard working week - Per Capita	Per Capita state their proposal will help to rebalance the division of labour across society, including by more equally sharing the load of unpaid domestic work between men and women.	<b>Proposal Summary:</b> Gradually reduce the standard full-time working week from 5 days to 4, or from 40 hours to 32 hours, without a loss of wages. This should be considered for all future industry awards.
SDA	90.	300-303 p56-57	Reduce standard working week - SDA	SDA submit a reduction in the working week has already become a feature in some countries and it is under review in others. The SDA has recently been successful in bargaining for a 4-day week in Enterprise Agreements with employers who recognise the benefits of this for employees and the business.	<b>Proposal Summary:</b> Reduce full-time work to 35 hours per week at current weekly rates and introduce a 4-day week.
CLC Group	91.	p9	Review 38-hour working week - CLC Group	Support Senate Committee recommendation 22, review of the 38-hour working week and stronger penalties for long hours/work weeks.	<b>Proposal Summary:</b> Suggests amending modern awards for harmony with WHS laws including psychosocial hazards.



### Other variations - Aircraft Cabin Crew Award 2020 – Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

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FAAA	92.	173-180 p41-43	<b>Skill-Based classification structure and minimum rates of pay - FAAA</b>	<p>FAAA state a fair and relevant safety net can only exist when that work is properly classified. Properly classified work is the baseline for employees being able to manage work and care responsibilities. The ACCA currently has only one classification for Cabin Crew. The rate for the classification is 98% of the trade rate. This low rate for trade level work in combination with the different divisor for the hourly rate for casual and part-time employees when compared to full-time employees leads to unfair outcomes which mean that the ACCA presently cannot meet the modern awards objective.</p> <p>FAAA submit Cabin Crew who have undertaken repeated training and who have more flying experience have an increased capability in performing their duties, which include literally putting out fires, assisting passengers with disability, managing alcohol affected and/or abusive passengers, disarming passengers, assessing threats, assisting fainting passengers, passengers experiencing air sickness, asthma or other medical incidents. A skill-based classification structure is required to acknowledge the work of this highly feminised industry. A skill-based structure will also modify the negative impact on casuals, who are often classified at the lowest classification level despite their skills and experience.</p>	<p><b>Proposal Summary:</b> Vary the current classification structure to properly reflect the skill levels required in the occupation based on the 36-hour week. Proposed structure is based on the recognition that the entry-level for cabin crew is skill level Certificate III or equivalent. Additional classification levels respond to the additional emergency training flight attendants are required to undertake each year. Proposal based on entry level of 100% of trade rate and maintaining the current relativity between a Cabin Crew member and Cabin Manager.</p> <p><b>Proposed Wording:</b> <i>14.2 An employer must pay employees the following minimum rates for ordinary hours worked by the employee.</i></p> <table border="1"> <thead> <tr> <th><i>Employee classification</i></th> <th><i>Minimum weekly rate (full-time employee)</i></th> <th><i>Minimum hourly rate</i></th> <th><i>Percentage</i></th> </tr> <tr> <td></td> <td>\$</td> <td>\$</td> <td>%</td> </tr> </thead> <tbody> <tr> <td><i>Cabin Crew Yr 1</i></td> <td>995.00</td> <td>27.64</td> <td>100</td> </tr> <tr> <td><i>Cabin Crew Yr 2</i></td> <td>1044.75</td> <td>29.02</td> <td>105</td> </tr> <tr> <td><i>Cabin Crew Yr 3</i></td> <td>1094.50</td> <td>30.40</td> <td>110</td> </tr> <tr> <td><i>Cabin Crew Yr 4</i></td> <td>1,144.25</td> <td>31.78</td> <td>115</td> </tr> <tr> <td><i>Cabin Crew Supervisor (narrow-bodied aircraft, four or more crew)</i></td> <td>1,194.00</td> <td>33.17</td> <td>120</td> </tr> <tr> <td><i>Cabin crew manager (wide-bodied aircraft)</i></td> <td>1357.30</td> <td>37.70</td> <td>136</td> </tr> </tbody> </table>	<i>Employee classification</i>	<i>Minimum weekly rate (full-time employee)</i>	<i>Minimum hourly rate</i>	<i>Percentage</i>		\$	\$	%	<i>Cabin Crew Yr 1</i>	995.00	27.64	100	<i>Cabin Crew Yr 2</i>	1044.75	29.02	105	<i>Cabin Crew Yr 3</i>	1094.50	30.40	110	<i>Cabin Crew Yr 4</i>	1,144.25	31.78	115	<i>Cabin Crew Supervisor (narrow-bodied aircraft, four or more crew)</i>	1,194.00	33.17	120	<i>Cabin crew manager (wide-bodied aircraft)</i>	1357.30	37.70	136
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FAAA	93.	181-187 p43-44	<b>Minimum hourly rate of pay and skilled-based classification structure - FAAA</b>	<p>FAAA state award currently calculates the hourly minimum rate by dividing the weekly wage by 38 hours, even though the full-time hours are between 33 and 36 hours a week. Proposal amends this approach by dividing the weekly wage by 36 hours. ACCA is only modern award with less than 38 ordinary hours that does not divide</p>	<p><b>Proposal Summary:</b> Vary clause 14.2 so that the minimum hourly rate of pay is in alignment with the full-time hours of work and contains progression based on additional skill and competence.</p>																																

### Other variations - Aircraft Cabin Crew Award 2020 – Discussion Question 19

Are there any other specific variations to modern award provisions that would assist employees meet their caring responsibilities and are necessary to meet the modern awards objective?

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				<p>the weekly rate by the number of ordinary hours to arrive at the hourly rate.</p> <p>Hourly rate also impacts the penalty rates, which are set by reference to the minimum hourly rate. Setting the appropriate hourly rate is necessary to ensure that permanent employees are appropriately compensated for working unsocial or extended hours. Improving the ability for employees to choose secure work is achieved through ensuring that penalty rates are appropriately set.</p>	
FAAA	94.	188-195 p44-47	<b>Supporting secure work conditions in the context of airline operations - FAAA</b>	<p>FAAA submit from analysis and comparison of Schedules A, B and C of the ACCA, the allowances paid for an overnight stay for cabin crew under Schedule A is inappropriate compared to the other schedules. Current Schedule A formulation is not fit for purpose. Domestic crew are disadvantaged with conditions below industry standard, established by Schedules B and C and other airline industry awards. A formulation based on flying hours underestimates the actual meals required.</p> <p>Award based Schedule A cabin crew have reported to the FAAA that they cannot afford to fly on multi day trips away due to having to pay for their own meals and incidentals. The Schedule A meals and incidentals allowance is based only on flying hours. Flying hours bear no correlation in many instances to tour of duty hours and the actual meals required to be taken by the Cabin Crew member while on the duty.</p>	<p><b>Proposal Summary:</b> Vary Schedule A.1.3 to include a layover allowance where cabin crew go on a tour of duty involving staying overnight away from home. Schedule A.1.3 currently provides for accommodation to be provided however there is no provision for meals and incidentals on the layover. The provision of meals and incidentals payment is consistent with the approach in Schedules B and C of the ACCA.</p> <p><b>Proposed Wording:</b></p> <p><i>A.1.3 Accommodation and meals on a layover</i></p> <p><i>(a) General entitlement</i></p> <p><i>(i)The employer must reimburse the cabin crew member for the cost of appropriate accommodation and meals when the cabin crew member is on a layover.</i></p> <p><i>(ii)The provisions of clause A.1.3 do not apply when the employer elects to provide the appropriate accommodation and meals free of charge. If the employer and cabin crew member agree, the employer may only provide the appropriate accommodation as per A.1.3(a)(i) and pay the cabin crew member the applicable allowances in clause A.1.3(b) instead of providing meals.</i></p> <p><i>(iii)Where appropriate accommodation was not available or provided on the layover in accordance with clause A.1.3(a) a cabin crew member will be paid a disability allowance of \$105.49 per night.</i></p> <p><i>(iv)If the employer and the cabin crew member agree, a cabin crew member may arrange and pay for their own accommodation and meals, and the employer will pay an allowance of \$152.38 per 24-hour period or pro-rated and be deemed to have discharged the obligations in clause A.1.3</i></p> <p><i>(v) Layover allowance A cabin crew member on a layover must be paid a layover allowance of \$25.00 per layover.</i></p>

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					<p><i>A.1.3(b) Meal periods and Allowances</i> Where a cabin crew member commences a tour of duty from a layover port, which involves duty in excess of 30 minutes within the meal periods, as specified below, they must be provided with a meal or paid the appropriate meal allowance.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: right;"><i>Breakfast</i></td> <td style="text-align: right;"><i>0630 to 0800</i></td> <td style="text-align: right;"><i>25.13</i></td> </tr> <tr> <td style="text-align: right;"><i>Lunch</i></td> <td style="text-align: right;"><i>1200 to 1330</i></td> <td style="text-align: right;"><i>28.97</i></td> </tr> <tr> <td style="text-align: right;"><i>Dinner</i></td> <td style="text-align: right;"><i>1800 to 2000</i></td> <td style="text-align: right;"><i>65.42</i></td> </tr> </table>			\$	<i>Breakfast</i>	<i>0630 to 0800</i>	<i>25.13</i>	<i>Lunch</i>	<i>1200 to 1330</i>	<i>28.97</i>	<i>Dinner</i>	<i>1800 to 2000</i>	<i>65.42</i>
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FAAA	95.	196-198 p47	<b>International flying allowances minimum rates - FAAA</b>	<p>FAAA submit cabin crew flying internationally need to be supported to be able to purchase pre-cooked meals at restaurants which provide a suitable standard of quality. Secure work in the context of cabin crew should include the predictability of their diet and ability to plan and prepare their meals to support a healthy lifestyle. These meals taken during the course of their tours of duty make up a significant proportion of a Cabin Crew members overall diet.</p> <p>FAAA submit setting a minimum for the allowance ensures the efficacy of the clause which would otherwise not have sufficient detail for clause to operate effectively.</p>	<p><b>Proposal Summary:</b> Vary C.1.8 to stipulate that the amount meeting the standard described in the clause is to be agreed at each airline and will be at least equal to the ATO daily travelling allowance minimum rate.</p> <p><b>Proposed Wording:</b> <i>C.1.8 International meal allowance</i> When on international flying duty, employees must be provided with all meals. Meals must be of an appropriate standard. The employer may pay an allowance instead of arranging the provision of meals. Such allowance must be of an adequate standard and reflect community norms in the expected quality and adequacy of the meals intended to be covered by the allowance. The amount of the allowances provided in lieu of the employer providing the meals will be no less than the equivalent to the Australian Taxation Office ruling for travel allowance breakfast, lunch and dinner meals for the location.</p>												
FAAA	96.	199-206 p47-49	<b>Casual Employment provisions - FAAA</b>	<p>FAAA submit amendments to casual employment provisions are critical to protecting the rights of casual Cabin Crew with caring responsibilities. Amendment is required to ensure that a casual is not rostered on days they have identified they are not available.</p> <p>FAAA state casual employees at one of the major labour hire suppliers of employees to the Qantas Group, including Jetstar, report that despite their contract requirement to provide a list of their available days and non-available days to the employer, their rosters are released with work rostered on unavailable days. The employee handbook stipulates that Cabin Crew can be rostered on up to 5 unavailable days a roster. Casuals are then required to spend their</p>	<p><b>Proposal Summary:</b> Vary clause 11 to include an entitlement for casual employees not to be rostered on days they are unavailable.</p> <p><b>Proposed Wording:</b> <i>11.5 A casual cabin crew member will not be rostered on a day they have identified as not available.</i></p>												

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				<p>own unpaid time arranging swaps within a short period or report as not available, creating additional roster instability and possible flow on of duty disruption.</p> <p>FAAA state casual crew are concerned about access to ongoing work if they call unavailable. The Altara handbook also states that crew with patterns of unavailability relating to where specific days off have been requested and not granted, will be “performance managed”.</p>	