

6 April 2020

Hon Justice Iain Ross AO
President
Fair Work Commission
PO Box 1994
MELBOURNE VIC 3001

By email: chambers.ross.j@fwc.gov.au

Dear Justice Ross

AM2020/12: Variation of awards on the initiative of the Commission

The Law Council of Australia (**Law Council**) is the peak national representative body of the Australian legal profession.

The Law Council refers to the Statement of the Full Bench of the Fair Work Commission (**Commission**) on 1 April 2020 proposing two variations to 103 Modern Awards, including the *Legal Services Award 2020*, pursuant to section 157(3) of the *Fair Work Act 2009* (Cth), in light of the COVID-19 pandemic.¹

The Law Council understands that the proposed variations:

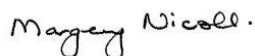
- provide employees with an entitlement of up to two weeks' unpaid 'pandemic leave' if the employee is required to undertake a period of self-isolation;² and
- permit an employer and employee to agree to the employee taking twice as much leave on half pay.³

The Law Council supports these proposed variations being made to the *Legal Services Award 2020*, and commends the Commission for its expedience in dealing with issues arising due to the COV-19 pandemic.

At paragraph [2] of the Statement, the Commission notes that it encourages 'the industrial parties to continue (or enter into) discussions directed towards consent applications to vary modern awards'. The Law Council is currently considering the potential for further amendments to the *Legal Services Award 2020* and has entered into discussions with relevant parties in that regard.

The Law Council's contact for this matter is Dr Natasha Molt, Director of Policy (02 6246 3754 and natasha.molt@lawcouncil.asn.au).

Yours sincerely



Margery Nicoll
Acting Chief Executive Officer

¹ Fair Work Commission, *Statement* [2020] FWCFB 1760 (1 April 2020).

² *Ibid* [59].

³ *Ibid* [73].