

Briefing

Protecting jobs during the Pandemic

BACKGROUND

The NSW and Commonwealth governments have announced a variety of support for individuals and for employers in response to the latest lockdown in NSW.

The Prime Minister has advised that these same arrangements will apply to future lockdowns wherever they occur.

When JobKeeper was in place the government provided a regulatory framework via the Fair Work Act that essentially protected jobs and allowed the FWC to settle and determine any disputes that related to Jobkeeper.

No such framework has been proposed by the NSW government or the Commonwealth Government in relation to the latest proposed arrangements.

The ACTU believes that workers must be provided with the same or similar protections they were provided with under Jobkeeper.

WHAT THE ACTU IS ASKING THE Fair Work Commission to do

The ACTU is asking the FWC to vary the terms of all Modern Award to provide three basic protections or rights for workers who receive government support during this and future Lockdowns.

1. A requirement that an employer advise employees that they are an employer in receipt of said government payment and that a condition of receipt of that payment is that staff who were in employment on July 13th may not be terminated or have their hours reduced.
2. A requirement that the employer provide each employer with designated information about the support available to workers during the lock down.
3. A provision that allows an disputes about these matters to be referred to the commission and that the commission should be able to settle the matter.

WHY THIS IS IMPORTANT

The variations to Modern Awards sought by the ACTU will do a number of very important things.

1. They will support harmonious industrial relations as they provide an avenue for employers and employees to resolve disputes that may arise during the crisis.
2. They will work to protect the jobs of workers and the hours of part time workers ensuring that employees know their rights and know they can go to the independent umpire if they need to.
3. They will work to ensure public confidence as they will guarantee that workers know about the supports and help available to them.