



Review of part-time provisions in certain modern awards (AM2025/17)

Submission by the Australian Council of Trade Unions

ACTU Submission, 28 January 2026
ACTU D No 8/2026

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About the ACTU

1. The Australian Council of Trade Unions (ACTU) is Australia's peak national body of unions, founded in 1927. Our 37 affiliated unions and trades and labour councils represent nearly 2 million members across all industries and occupations. With this movement, the ACTU has a long and proud history of winning for working people, and advocates on a wide range of issues to humanise the world of work.
2. The ACTU has played the leading role in advocating for, and winning the improvement of working conditions, including on almost every Commonwealth legislative measure concerning employment conditions and trade union regulation. The ACTU has also appeared regularly before the Fair Work Commission and its statutory predecessors, in numerous high-profile test cases, as well as annual national minimum and award wage reviews.

The review of part-time provisions in certain modern awards

3. The purpose of this submission is to respond to the invitation contained within the Statement issued by the Fair Work Commission (FWC) on 19 December 2025 in relation to the FWC's proposed scope of research for the Review of Part-time Provisions in certain Modern Awards ("the Review"); specifically, in relation to proposal 4, the employer and employee survey.
4. We note that, as indicated in the September Statement, the form of the questions and survey design will be determined by the contracted supplier and be informed by engagement with the parties and Commission staff. We would like to take this opportunity to indicate that, in the ACTU's view, once an external provider has been commissioned and the proposed questions and survey design have been provisionally created, it would be beneficial for the FWC to convene a conference so that interested parties may provide specific feedback, as has occurred in other matters before the FWC.
5. The ACTU has reviewed the list of proposed key areas for the survey, as provided by the September statement, and has consulted with its affiliates. The ACTU supports the submissions made by the AMWU, ASU, HSU and UWU and makes the following supplementary observations.

Employer and employee characteristics

6. A number of our affiliates have raised concerns around the methodology of selection of participants in the survey; firstly, to ensure the integrity of the data, and then to ensure and preserve the wellbeing of those participants. We echo the call for deidentified data, following a process of verification of participants by the external provider to ensure that the survey respondent is appropriate for inclusion by virtue of their Award coverage, and

that the data is properly representative of the most vulnerable members of the relevant cohorts.

7. Part of the demographic information that must be collected by the survey is the extent to which employees hold employment with more than one employer; whether employees have a preference to work for one or more employers; the accessibility of full-time employment, if desired, and the pathways that exist for that to occur.
8. It is crucial that the survey data produced provides insights into the gender disparities that exist in part-time work. Specifically, the survey must provide answers as to the proportion of full-time, part-time, and casual work within organisations, disaggregated by gender; the rates of offers of part-time work to men as opposed to women, as well as the rates at which this type of work is accepted by each; and the reasons for these choices, again disaggregated by gender, with a focus on the impact of caring responsibilities and health issues, including chronic illness, disability and reproductive health issues which affect women disproportionately, on these choices.
9. It would also be beneficial for the survey to ask questions about the extent to which part-time work is utilised by employees following a return to work following a period of parental leave, and whether their employer has facilitated a gradual increase of hours to allow transition back to the pre-leave level, if that is desired by the employee.
10. The ACTU is concerned by the extent to which employment at higher classifications continues to be unavailable to part-time employees. Informed by the experience of HSU members, who report instances of employees being told by their employers that certain senior classifications are not suitable for part-time employment; this survey must explore the issue by inquiring into the classification level of the part-time employees surveyed, and the extent of the existence of part-time employment at higher classification levels. This will enable the FWC to examine the extent to which this link impacts the gender pay gap.

Scheduling of work and changes to scheduling

11. Roster unpredictability can have a significant impact on employees' wellbeing. The survey must gather data, on, for example, the difference between the actual hours part-time employees work compared to their guaranteed or contracted hours as set at the commencement of their employment, as well by what method these changes are communicated, what notice is required, and whether employees have the ability to decline proposed changes without penalty.
12. The survey must gather data about how the process of rostering occurs (the use of computerised programs or the automation and use of AI to set and change rosters). This

should include what settings/parameters are used for these processes, for instance, as well as how extra hours are offered and accepted by part-time employees. We note that this is particularly relevant to the way extra hours above the “guaranteed hours” are allocated under the GRIA award, where provisions exist to enable employees to request a review of their “guaranteed hours”. It would be beneficial if the survey asked questions around the accessibility of this process to employees.

13. We are concerned that some employees are not being provided with written agreements outlining their work schedule before the commencement of employment; which, for example, is a contravention of cl 10.3(c) of the SCHADS Award. The survey must explore the extent of this issue by establishing the prevalence of part-time employees having a contract of employment that specifies their regular hours of work (including days of work, start times and finish times), and the consistency of that contract with hours actually worked.
14. It would be beneficial for the survey to gather data on what avenues are available to employees to resolve rostering disputes, which remains a major concern of affiliates.

Frequency and quantum of additional hours being offered and/or accepted

15. A number of issues in the list reference the working of additional hours. As noted in detail by our affiliates, it is critical that the survey gather data on the question of remuneration for the additional hours worked (overtime) and the use of time off in lieu (TOIL). The survey must provide data about whether part-time employees are regularly required to work beyond their contracted hours without overtime pay.
16. The ACTU wishes to highlight the proposals made by the AMWU at [13] of their submission which would be capable of providing data that examines the links between consistency of rostering patterns for part-time workers, accessibility of overtime payments, turnover rate of part-time workers, and worker well-being.

Distinguishment from and interaction between part-time and casual employment

17. Issues around casual employment should be explored by the survey, including whether the prevalence of casual work has impacted part-time employment opportunities, or whether employees have a preference for casual arrangements over part-time work.
18. Including questions around part-time employees’ access to leave entitlements and whether they receive payment for public holidays will further examine the distinction between part-time and casual employment.

Conclusion

19. We thank the FWC for its willingness to provide research to assist the parties in this Review, as well as providing parties the opportunity to make submissions on the survey design.

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