
Clerks Private Sector Award 2010

A temporary schedule (Schedule I) has been added to allow for award flexibility. This change begins the first full pay period on or after 28 March until 30 June 2020, this date may be extended.

The award flexibility is within the following:

Change in Duties

While Schedule I applies employers can tell their employees to do any tasks that they have the skills and competency for, the tasks don't need to be a part of their normal classification and duties.

- The tasks must be safe, and the employee must have all appropriate licenses and qualifications related to the task
- When an employee works at a higher classification for more than one day, they need to be paid at the higher rate
- If the tasks are below their usual classification their usual rate of pay applies

Minimum Engagement/Pay – part time and casuals working from home

Where a part time or casual employee have agreed to work from home, their minimum engagement period that they are paid for has been reduced as follows:

- Part-time - reduced from 3 hours per shift to 2 hours per shift
- Casuals - must be paid for a minimum of 2 hours' work per shift, rather than 3

Span of Hours - while working at home

Employees who have agreed with their employer to work from home can make an agreement with their employer to change their span of hours to allow them to work between:

- 6am and 11pm, Monday to Friday
- 7am and 12.30pm, Saturday.

Employers don't need to agree with a majority of their employees to make these changes.

Day workers won't be considered shiftworkers for entitlements under the Clerks Award while these arrangements are in place.

Hours of Work – Full time and Part Time employees

Employers can temporarily reduce their permanent employees' hours of work to not less than 75% of their full-time ordinary hours or agreed part-time hours immediately prior to the reduction. This can be for the whole business or a section of the business.

Before reducing the hours, employees will need to vote in favour of the reduction of hours. At least 75% of the full-time and part-time employees in the business or section of the business must approve the temporary reduction. The employer needs to follow these steps for the vote to be valid:

1. If any employee is a known member of a union, let the union know about the vote.
2. Provide the employees with the contact details for the Australian Services Union (ASU), if they wish to contact the ASU for advice.
3. Email clerksaward@fwc.gov.au about the vote and provide the employees' private email addresses. The Commission will email the employees the ASU COVID-19 Information Sheet.
4. Hold a vote at least 24 hours after they have followed steps 1-3.

Any employee who has had their hours reduced can ask their employer for permission to:

- Find more work with another employer
- Access training, professional development and study leave through their employer.

An employer can't unreasonably refuse an employee's request for find other work. An employer must also consider all reasonable requests for training, professional development or study leave.

Employees working reduced hours under Schedule I will continue to accumulate their paid leave and termination of employment entitlements based on their ordinary hours of work before the reduced the hours started.

Annual Leave

Employers can direct an employee to take annual leave under Schedule I by giving their employees at least 1 weeks' notice (or any shorter period of notice that is agreed).

If the business is closing down for a period, due to coronavirus and an employee doesn't have enough paid annual leave to cover the whole period, the employer can direct them to take unpaid leave. The period of unpaid leave counts as service for entitlements under the, Clerks Award and National Employment Standards.

If the business isn't closing, the employer can only direct an employee to take annual leave if the:

- Employee still has at least 2 weeks of leave left after the direction
- Employer considers the employee's personal situation.

Employees can take up to twice as much annual leave at a proportionally reduced rate if their employer agrees.

Employees and employers can still agree to take annual leave at any time.