

From:

Sent: Tuesday, 5 July 2016 10:53 AM

To: AMOD

Subject: [2016] FWCFB 3953 - Annual Leave Review, ATTENTION Justice Ross, DP Kovacic, Comm Hampton

To whom it may concern,

Attention: JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT KOVACIC
COMMISSIONER HAMPTON

I am corresponding with regard the review of modern awards, in particular the annual leave draft changes **[2016] FWCFB 3953** - (AM2014/47).

I have concerns with clause 29.9:

"29.9 Cashing out of annual leave ...

(h) The maximum amount of accrued paid annual leave that may be cashed out in any period of 12 months is 2 weeks."

If an employee has an amount of leave accrued that is stipulated as excessive, and they continue to accrue the standard NES annual leave (i.e. 4 additional weeks of annual leave per year), then a restriction of only 2 weeks allowable "cash out" could result in the cycle continuing for the employee to be in an excess, until leave is **forced** to be taken.

Forced leave may not be a productive or wanted solution for either employer or employee, and the situation can also create a burden on the FEG if the employer is to go into insolvency before the excess leave can be forced to be taken.

There should **not** be a cap on the amount of earned / accrued paid annual leave that can be cashed out by an employee, provided cashing out adheres to the remainder of clause 29.9, e.g. 4 weeks to remain available to the employee etc.

Summary: Clause 29.9 "(h) The maximum amount of accrued paid annual leave that may be cashed out in any period of 12 months is 2 weeks" **should be removed from the draft and final published award.**

Please do not hesitate to call if you require to discuss the matter or if my comments are unclear.

Kind regards,