

19 January 2018

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Dear Associate

Casual Employment and Part-time Employment – Common Issues (AM2014/196 & AM2014/197)

These submissions are filed in response to Direction 2 outlined at paragraph [902] of the Full Bench Decision of 5 July 2017 regarding Casual Employment and Part-Time Employment,¹ and the extension of time for filing submissions granted by President Justice Ross on 5 January 2018. This direction is:

Common claims

2. Any further written submissions which any interested party wishes to make concerning whether the notification requirement in any existing casual conversion clause in any modern award should be modified consistent with the notification requirement in the proposed model casual conversion shall be filed on or before 2 August 2017.

The CFMEU (FFPD) has a primary interest in the *Timber Industry Award 2010* ('the Timber Award').

The Timber Award currently contain a casual conversion clause which provides for a right to elect to convert to full-time or part-time after 6 months.

The CFMEU-FFPD is opposed to the removal of employer notice obligations from the existing casual conversion clause in the Timber Award.

¹ [2017] FWCFB 3541

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The employer notice requirements in the proposed model clause are:

(o) An employer must provide a casual employee, whether a regular casual or not, with a copy of the provisions of this subclause within the first 12 months of the employee's first engagement to perform work.

(p) A casual employee's right to convert is not affected if the employer fails to comply with the notice requirements in paragraph (o).

The CFMEU-FFPD does not support the inclusion of the proposed model employer notification term (sub-paragraph (o)) into the current casual conversion clause in the Timber Award. The insertion of the proposed model notification term would change the requisite qualifying period for conversion from 6 months to 12 months, and so diminish employees' right to elect to convert to full-time or part-time employment. Furthermore, we agree with the point made by the TCFUA in their submission of 4 August 2017² that insertion of the proposed model notification term would not improve understanding of, and the effective operation of the casual conversion clause.

Yours faithfully



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² [32].