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10 August 2021

Vice President Hatcher  
Deputy President Easton  
Commissioner Bissett  
Fair Work Commission  
Level 4, 11 Exhibition Street  
Melbourne VIC 3000

By email: amod@fwc.gov.au

## Casual Terms Award Review 2021 – AM2021/54

HIA refers to the Statement<sup>1</sup> issued by the Fair Work Commission on 3 August 2021. HIA has a particular interest in the following awards:

- *Building and Construction General On-Site Award 2020 (Building Award)*;
- *Electrical, Electronic and Communications Contracting Award 2020*;
- *Joinery and Building Trades Award 2020 (Joinery Award)*; and
- *Plumbing and Fire Sprinklers Award 2020*.

HIA provides this correspondence in response to paragraph 75 of the Statement.

### Provisional Views

#### 1. Definition of Casual Employee and Casual Employment

HIA agrees with the provisional view that the definition of casual employment contained within the above Awards is not consistent with the s.15A definition and should be replaced with the meaning given under section 15A(1) of the *Fair Work Act 2009*.

#### 2. Casual Conversion

HIA agrees that the casual conversion clauses in the above Awards should be deleted and replaced with a reference to the NES casual conversion entitlements.

#### 3. Joinery Award

HIA notes that it accepts the provisional view taken with respect to:

- the deletion of clause 11.7 which previously formed part of the casual conversion clause;
- the amendment of clause 11.2 to remove the requirement for an employer to inform an employee of the likely number of hours to be worked; and
- the amendment of clause 11.3 regarding minimum daily engagement hours.

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<sup>1</sup> [2021] FWCFB 4714

#### 4. Building Award

HIA notes its agreement with the provisional view taken with respect to:

- daily hire employment not falling within the definition of casual employment in s.15A of the Act and that clause 9 of the Building Award is not a relevant term; and
- the amendment of clause 12.3 to remove the requirement for an employer to inform an employee of the likely number of hours to be worked.

HIA notes its preference that variations to the Group 2 awards follows the Commission's approach above.

Yours sincerely

HOUSING INDUSTRY ASSOCIATION LIMITED

A handwritten signature in black ink, appearing to read 'Alessandra Schladetsch', with a stylized flourish at the end.

Alessandra Schladetsch  
Director – Industrial Relations and Legal Services