

Australian Industry Group

Casual Terms Award Review 2021

Stage 2 of the Review
Meat Industry Award 2020

Reply submission

(AM2021/54)

1 September 2021



AM2021/54 – CASUAL TERMS AWARD REVIEW 2021

STAGE 2 – MEAT INDUSTRY AWARD 2020

Introduction

1. This reply submission is made by the Australian Industry Group (**Ai Group**) in response to the Statement¹ issued by the Fair Work Commission (**FWC**) on 3 August 2021 (**3 August Statement**) relating to the review of Group 1 Awards during Stage 2 of the *Casual Terms Award Review 2021* and, in particular, the review of the *Meat Industry Award 2020* (**Award**).
2. This reply submission is also made in response to the following Direction issued by Vice President Hatcher on 17 August 2021:

Meat Industry Award 2020

- (1) Any parties wishing to file additional submissions or evidence concerning:
 - (a) the matters raised in [46]-[63] of the Statement in relation to this award; or
 - (b) clause 12.8 of this award;shall do so by 5.00pm on Monday 23 August 2021.
 - (2) Any submissions or evidence in response to (1) shall be filed by 5.00pm on Wednesday 1 September 2021.
3. This submission refers to:
 - [Ai Group's submission of 13 August 2021](#); and
 - [The AMIEU's submission of 13 August 2021](#).

Clause 11 – Daily hire

4. Both Ai Group and the AMIEU agree that clause 11 is not a 'relevant term' and should be retained in the Award.

¹ [2021] FWCFB 4714.

5. The AMIEU is seeking some additional wording to clarify that daily hire employees are entitled to annual leave and personal/carer's leave. Ai Group is not convinced that such wording is necessary. Daily hire employees are not casual employees and therefore are not excluded from relevant provisions of the NES.

Clauses 8.3 and 8.4 – Transfer of employment – daily hire

6. Both Ai Group and the AMIEU agree that clauses 8.3 and 8.4 are not 'relevant terms'.

Clauses 12.12 (Casual conversion – meat processing establishments) and clause 12.13 (Casual conversion – non-meat processing establishments)

7. Both Ai Group and the AMIEU agree that clause 12.13 should be replaced with a reference to the NES.
8. Both Ai Group and the AMIEU agree that clause 12.12 should be replaced with a reference to the NES. However, the AMIEU is seeking an additional clause which would state that employees are entitled to request conversion to daily hire employment. Ai Group is not convinced that such a clause is necessary. The proposed clause could lead to confusion amongst employers and employees about an employee's rights under the NES. The NES rights relate to conversion to full-time or part-time employment.

Clauses 12.8 – Employers to notify casuals of start and finish times

9. At the Directions Hearing on 16 August 2021, Vice President Hatcher said:

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Can I indicate something else, that there was one matter which was not raised in our statement about the group on awards concerning the Meat Industry Award, and that concerns clause 12.8 of the award. Let me just pull that up again. 12.8 relates to casual employees and provides that wherever possible the employer will notify casual employees their starting and finishing times for the period of their engagement at the commencement of their engagement. The parties may have seen that in respect of other awards which talk about casuals being provided with an indication of their likely working hours. A provisional view has been expressed that that is inconsistent with the Act and should be removed, and we will formalise this in a note that the parties should expect to make submissions about clause 12.8 in that context as well.

10. Ai Group agrees with the Commission's *provisional* view that clause 12.8 should be deleted.