

IN THE FAIR WORK COMMISSION

Fair Work Act 2009

Clause 48 of Schedule 1
(Casual Terms Award Review 2021)

STAGE 2, GROUP 1 AWARDS

**SUBMISSION OF THE
CONSTRUCTION, FORESTRY, MARITIME, MINING & ENERGY UNION
(MANUFACTURING DIVISION)**

(10 August 2021)

CFMEU – Manufacturing Division	Contact Person: Vivienne Wiles Senior National Industrial Officer	Address: Level 2, 165 Bouverie Street, Carlton VIC, 3053	Tel: Email:	0419 334 102 vwiles@cfmeumd.org industriamd@cfmeu.org.au
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BACKGROUND

1. On 16 July 2021, a 5 member Full Bench issued a decision [2021] FWCFB 4144 in relation to Stage 1 of the Casual Terms Award Review 2021 (“the Stage 1 Decision”).¹ The Stage 1 Decision, amongst other things, outlined the statutory framework for the review (nature and scope) and reviewed relevant terms in a first group of 6 modern awards.
2. On 3 August 2021, a Statement [2021] FWCFB 4714 (“the August 2021 Statement”) was issued by a newly constituted 3 member full bench setting out the process of review of the balance of modern awards.² Attachment A to the August 2021 Statement categorised the remaining modern awards into 4 groupings – Group 1, Group 2, Group 3 and Group 4.
3. The August 2021 Statement outlined the Full Bench’s *provisional views* in relation to the 34 awards in Group 1.³ Interested parties were directed to provide any responses in relation to the Full Bench’s provisional views concerning the Group 1 awards (with the exception of the *Meat Industry Award 2020*) by 4:00pm, Tuesday 10 August 2021.
4. The Construction, Forestry, Maritime, Mining and Energy Union – Manufacturing Division (“CFMMEU – MD”) has a direct interest in the following modern awards listed in Group 1 of Stage 2:
 - *Dry Cleaning and Laundry Industry Award 2020*⁴ (‘DC&LI Award’)
 - *Joinery and Building Trades Award 2020*⁵ (‘Joinery Award’)

¹ *Fair Work Act 2009* (Clause 48 of Schedule 1), Casual Terms Award Review 2021, [2021] FWCFB 4144 (16 July 2021)

² *Fair Work Act 2009* (Clause 48 of Schedule 1), Casual Terms Award Review 2021, [2021] FWCFB 4714 (3 August 2021)

³ *Ibid*; [8] – [74] and Attachment B

⁴ *Dry Cleaning and Laundry Industry Award 2020* [MA000096]

⁵ *Joinery and Building Trades Award 2020* [MA000029]

DC&LI Award

5. The *provisional* views of the Full Bench in relation to the DC&LI Award are contained in Attachment B (page 60) and relate to 4 separate clauses as follows:
- clause 11.7 - overtime for casuals
 - clause 11.8 - casual conversion
 - clause 18.4(f) – regular and systematic employee
 - clause 21.8 – calculation of accident pay for casuals
6. Given the findings (as relevant) made by the Full Bench in the Stage 1 Decision, the CFMMEU-MD does not oppose the provisional views expressed by the current full bench with respect to the DC&LI Award.

Joinery Award

7. With respect to the Joinery Award, the CFMMEU-MD supports and adopts the submissions (with relevant attachments) of the CFMMEU – Construction and General Division in relation to Stage 2 (Group 1 Awards), filed on 10 August 2021.⁶

Filed on behalf of:

**Construction Forestry Maritime Mining and Energy Union
(Manufacturing Division)**

Vivienne Wiles
Senior National Industrial Officer and Co-ordinator
(10 August 2021)

⁶ *Fair Work Act 2009* (Clause 48 of Schedule 1), Casual Terms Award Review 2021, Submission of the CFMMEU Construction & General Division (10 August 2021)