



The Australian Industry Group
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25 January 2024

Justice Hatcher, President
Fair Work Commission
80 William Street
East Sydney NSW 2011

By email: chambers.hatcher.j@fwc.gov.au

Dear Justice Hatcher,

Re. AM2024/6 Delegates' rights term – Draft timetable and audit

We refer to the above matter and the statement published by Your Honour on 18 January 2024 (**Statement**).¹ The Statement invited parties to comment on an audit of relevant award terms prepared by Fair Work Commission (**Commission**) staff and also on a draft timetable for the proposed consultation process. This letter relates to the draft timetable and audit.

Draft timetable

We broadly support the manner in which the Commission proposes to deal with this matter and the nature of the process envisaged by the draft timetable. Nonetheless, we have some concerns about certain elements of the draft timetable, which arise primarily due to Ai Group's significant involvement in a number of other matters before the Commission over the coming months. These matters include various streams of the Modern Awards Review 2023-24 (**Award Review**) and the Annual Wage Review (**AWR**), which involve various filing deadlines and proceedings in the same period as the draft timetable for the above matter, among others.

In light of this, we respectfully request that the following amendments are made to the draft timetable:

- (a) That submissions in reply be required to be filed on 5 April 2024 instead of 28 March. This will allow a period of one additional week following the provisional deadline for initial submissions in the AWR, which is also 28 March. In seeking this amendment to the draft timetable, we have also taken into account the proposed conduct of various consultation sessions in the Award Review during the month of March.
- (b) That by extension, the commencement of the consultation process in this matter (currently proposed to commence in the week of 8 April 2024) also be delayed by one week, to instead commence in the week of 15 April 2024. This would ensure that parties have a sufficient period of time to review and consider parties' submissions before participating in the proceedings. We also note that by this time,

¹ *Variation of modern Awards to include a delegates' rights term* [2024] FWC 150.



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the various consultation processes timetabled in the Award Review are expected to be complete.

- (c) That comments on the draft award terms be required to be filed by 24 May 2024 instead of 17 May. This will avoid the overlap in the draft timetable with the provisional deadline to file supplementary submissions in the AWR and better account for the proposed consultation sessions in the AWR, which are currently scheduled to occur during the week of 20 May.

Draft audit

We have reviewed the draft audit at Attachment B to the Statement in respect of awards in which Ai Group has an interest. Consistent with the approach adopted by the Commission in the preparation of the audit, we have considered award terms that deal with workplace delegates, employee representatives and / or unions.

We have identified the following two issues of relevance to a number of awards:

- (a) In all of the awards we reviewed, clauses 5.1 and 6.2 of the Supported Wage System schedule refer to unions; however they have not been included in the Commission's audit. For completeness, we consider that these terms should be included.
- (b) Although the audit identifies various award terms relating to dispute resolution training leave, they have not been extracted in full. It may assist parties participating in these proceedings if these clauses are replicated in full in the audit, given their apparent relevance to these proceedings.

In addition, we have identified some award-specific concerns. In addition to the issue described above at paragraph (b), we have identified these in the **attached** table.

Yours sincerely,

A handwritten signature in black ink that reads "Brent Ferguson".

Brent Ferguson
Head of National Workplace Relations Policy

A handwritten signature in blue ink that reads "R. Bhatt".

Ruchi Bhatt
Principal Advocate

Attachment 1 – Ai Group comments on Commission audit of relevant award terms

	Award	Relevant award terms	Ai Group comment				
1.	<u><i>Air Pilots Award 2020 [MA000046]</i></u>	<p>7. Facilitative provisions</p> <p>7.2 An employee or employees may nominate a representative to meet and confer with the employer under clause 7.</p>	Clause 7.2 should be included as it refers to employee representatives.				
2.	<u><i>Airport Employees Award 2020 [MA000049]</i></u>	<p>7. Facilitative provisions</p> <p>7.7 If an employee is a member of a relevant union, the employee may be represented by the union in meeting and conferring with the employer about the implementation of the facilitative provisions specified in clause 7.5 . The union must be given a reasonable opportunity to participate in the negotiations regarding the proposed implementation of a facilitative provision. Union involvement does not mean that the consent of the union is required prior to the introduction of agreed facilitative arrangements.</p> <p>7.8 In relation to the following facilitative provision, the requirements of clause 7.5 are to be met, and there is an additional requirement that the relevant union(s) must be informed by the employer of the intention to use the facilitative provision:</p> <table border="1" data-bbox="573 978 1200 1051"> <thead> <tr> <th data-bbox="573 978 891 1015">Clause number</th> <th data-bbox="891 978 1200 1015">Subject matter</th> </tr> </thead> <tbody> <tr> <td data-bbox="573 1015 891 1051">17.3(c)</td> <td data-bbox="891 1015 1200 1051">12 hour shifts</td> </tr> </tbody> </table>	Clause number	Subject matter	17.3(c)	12 hour shifts	<p>In the Commission’s audit, it appears that the entry for this award has separated the two sentences of clause 7.7 such that it suggests that clause 7.5 has also been included in the audit.</p> <p>The second sentence of clause 7.7 in the Commission’s audit should be reformatted so it forms part of the extract of clause 7.7. We have extracted clause 7.7 in this table. We also submit that the heading “5. Facilitative Provisions” is an error and should be deleted from the audit.</p> <p>Clause 7.8 should also be included as it refers to unions.</p>
Clause number	Subject matter						
17.3(c)	12 hour shifts						
3.	<u><i>Building and Construction General On-site Award 2020 [MA000020]</i></u>	<p>39. Dispute resolution</p> <p>39.7 A party to the dispute may appoint a person, organisation or association to support and/or represent them in any discussion or process under clause 39.</p> <p>39.10 Dispute resolution procedure training leave</p>	Clause 39.7 has been included in the Commission’s audit in respect of this award. It appears this reflects clause D.7 of the model dispute resolution clause in Attachment A to the Statement. In light of this, we submit that it is not necessary to repeat this clause in the audit.				

	Award	Relevant award terms	Ai Group comment
		<p>(a) For the purpose of clause 39.10 , an eligible employee representative is an employee who is a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in an enterprise or workplace or part of an enterprise or workplace for the purpose of representing those employees in the dispute resolution procedure.</p> <p>(b) An eligible employee representative will be entitled to up to 5 days' paid leave per year to undertake training that will assist them in their settlement of disputes role. The time of taking such leave will be agreed between them and their employer so as to minimise any adverse effect on the employer's operations.</p>	<p>For completeness, clause 39.10 should be included in full.</p>
4.	<p><u>Children's Services Award 2010 [MA000120]</u></p>	<p>2. Commencement and transitional</p> <p>2.6 The Fair Work Commission may review the transitional arrangements:</p> <p>(a) on its own initiative; or</p> <p>(b) on application by an employer, employee, organisation or outworker entity covered by the modern award; or</p> <p>(c) on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or</p> <p>(d) in relation to outworker arrangements, on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the arrangements relate.</p>	<p>For completeness, clause 2.6 should be included in the audit because it refers to organisations entitled to represent employees and outworkers.</p>

	Award	Relevant award terms	Ai Group comment
5.	<p>Cleaning Services Award 2020 [MA000022]</p>	<p>29. Consultation about change of contract</p> <p>29.2 The employer must, at least 28 days (or as soon as practicable if that is later than 28 days) before the contract is due to end, give written notice of the situation to the affected employees and their representatives (if any), including the date on which the contract is due to end.</p> <hr/> <p>31. Dispute resolution procedure training leave</p> <p>31.1 Subject to clauses 31.7 , 31.8 and 31.9 , an eligible employee representative is entitled to up to 5 days' paid dispute resolution procedure training leave to attend courses directed at improving the operation of the dispute resolution procedure, including its operation in connection with this award, the Act or any relevant agreement.</p> <p>31.2 An eligible employee representative must give the employer 6 weeks' notice (or such shorter period of notice as the employer may agree to accept) of their intention to attend a course and the amount of leave to be taken.</p> <p>31.3 The notice must include details of the type, content and duration of the course to be attended.</p> <p>31.4 The leave must be arranged having regard to the operational requirements of the employer so as to minimise any adverse effect on those requirements.</p> <p>31.5 An eligible employee representative is entitled to be paid for the period of leave at the rate at which they would have been paid for their ordinary hours of work in that period had they not been on leave.</p>	<p>For completeness, clause 29.2 and the balance of clause 31 should also be included in the audit because they refer to employee representatives.</p>

	Award	Relevant award terms	Ai Group comment												
		<p>31.6 Leave under clause 31 counts as service for all purposes of this award.</p> <p>31.7 An eligible employee representative is an employee who is:</p> <p style="padding-left: 40px;">(a) a shop steward, delegate or employee representative duly elected or appointed by employees in that enterprise or workplace to represent them in the dispute resolution procedure; and</p> <p style="padding-left: 40px;">(b) within the class and number of employee representatives entitled from year to year to take paid dispute resolution procedure training leave in accordance with the following table:</p> <p>Table 8—Eligible employee representatives quota</p> <table border="1" data-bbox="571 783 1458 1107"> <thead> <tr> <th data-bbox="571 783 987 922">Column 1 Number of employees employed by employer</th> <th data-bbox="987 783 1458 922">Column 2 Number of eligible employee representatives entitled per year</th> </tr> </thead> <tbody> <tr> <td data-bbox="571 922 987 962">5 to 15 employees</td> <td data-bbox="987 922 1458 962">1</td> </tr> <tr> <td data-bbox="571 962 987 1002">16 to 30 employees</td> <td data-bbox="987 962 1458 1002">2</td> </tr> <tr> <td data-bbox="571 1002 987 1042">31 to 50 employees</td> <td data-bbox="987 1002 1458 1042">3</td> </tr> <tr> <td data-bbox="571 1042 987 1082">51 to 100 employees</td> <td data-bbox="987 1042 1458 1082">4</td> </tr> <tr> <td data-bbox="571 1082 987 1107">More than 100 employees</td> <td data-bbox="987 1082 1458 1107">5</td> </tr> </tbody> </table> <p>31.8 If, for any year the number of employee representatives seeking paid dispute resolution procedure training leave exceeds the quota of eligible employee representatives in column 2 of Table 8—Eligible employee representatives quota , priority of entitlement for that year must be resolved by agreement between them or, in the absence of agreement, according to their relative seniority.</p>	Column 1 Number of employees employed by employer	Column 2 Number of eligible employee representatives entitled per year	5 to 15 employees	1	16 to 30 employees	2	31 to 50 employees	3	51 to 100 employees	4	More than 100 employees	5	
Column 1 Number of employees employed by employer	Column 2 Number of eligible employee representatives entitled per year														
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		<p>31.9 For the purposes of determining the number of eligible employee representatives in column 2 of Table 8—Eligible employee representatives quota , employees employed by the employer mention in mentioned in column 1 are employees covered by this award with at least 6 months' service and who work in the enterprise or workplace to which the procedure established under clause 30 — Dispute resolution applies .</p>	
6.	<p><u>Concrete Products Award 2020 [MA000056]</u></p>	<p>31. Dispute resolution procedure training leave</p> <p>31.1 Subject to clauses 31.7 and 31.9 , an eligible employee representative is entitled to, and the employer must grant, up to 5 days' training leave with pay to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure including its operation in connection with this award and with the <u>Act</u> , or with any relevant agreement which is to be read in conjunction with this award.</p> <p>31.2 An eligible employee representative must give the employer 6 weeks' notice of the employee representative's intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p> <p>31.3 The notice to the employer must include details of the type, content and duration of the course to be attended.</p> <p>31.4 The taking of such leave must be arranged having regard to the operational requirements of the employer so as to minimise any adverse effect on those requirements.</p> <p>31.5 An eligible employee representative taking such leave must be paid the wages the employee would have received in respect of the</p>	<p>For completeness, the balance of clause 31 should also be included.</p>

	Award	Relevant award terms	Ai Group comment										
		<p>ordinary time the employee would have worked had they not been on leave during the relevant period.</p> <p>31.6 Leave of absence granted pursuant to clause 31 counts as service for all purposes of this award.</p> <p>31.7 For the purpose of determining the entitlement of employee representatives to dispute resolution procedure training leave, an eligible employee representative is an employee:</p> <p style="padding-left: 40px;">(a) who is a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in an enterprise or workplace generally or collectively for all or part of an enterprise or workplace for the purpose of representing those employees in the dispute resolution procedure; and</p> <p style="padding-left: 40px;">(b) who is within the class and number of employee representatives entitled from year to year to take paid dispute resolution procedure training leave according to the following table:</p> <table border="1" data-bbox="571 986 1458 1370"> <thead> <tr> <th data-bbox="571 986 1005 1129">Number of employees employed by the employer in an enterprise or workplace</th> <th data-bbox="1005 986 1458 1129">Maximum number of eligible employee representatives entitled per year</th> </tr> </thead> <tbody> <tr> <td data-bbox="571 1129 1005 1190">5–15</td> <td data-bbox="1005 1129 1458 1190">1</td> </tr> <tr> <td data-bbox="571 1190 1005 1251">16–30</td> <td data-bbox="1005 1190 1458 1251">2</td> </tr> <tr> <td data-bbox="571 1251 1005 1311">31–50</td> <td data-bbox="1005 1251 1458 1311">3</td> </tr> <tr> <td data-bbox="571 1311 1005 1370">51–90</td> <td data-bbox="1005 1311 1458 1370">4</td> </tr> </tbody> </table>	Number of employees employed by the employer in an enterprise or workplace	Maximum number of eligible employee representatives entitled per year	5–15	1	16–30	2	31–50	3	51–90	4	
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		<table border="1" data-bbox="573 240 1460 304"> <tr> <td data-bbox="573 240 1003 304">More than 90</td> <td data-bbox="1003 240 1460 304">5</td> </tr> </table> <p data-bbox="573 341 1447 539">31.8 Where the number of eligible employee representatives exceeds the quota at any particular time for a relevant enterprise or workplace, priority of entitlement for the relevant year must be resolved by agreement between those entitled or, if not agreed, be given to the more senior of the employee representatives otherwise eligible who seeks leave.</p> <p data-bbox="573 579 1447 810">31.9 For the purpose of applying the quota table, employees employed by the employer in an enterprise or workplace are full-time and part-time employees, and casual employees with 6 months or more service, covered by this award who are employed by the employer and engaged in the enterprise or workplace to which the procedure established under clause 30 — Dispute resolution applies.</p>	More than 90	5	
More than 90	5				
7.	<p data-bbox="277 1054 544 1153">Contract Call Centres Award 2020 [MA000023]</p>	<p data-bbox="573 852 1223 879">31. Dispute resolution procedure training leave</p> <p data-bbox="573 919 1447 1150">31.1 Subject to clause 31.7 , an eligible employee representative will be entitled to, and the employer will grant, up to 5 days' training leave with pay to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure including its operation in connection with this award and with the Act , or with any relevant agreement which provides it is to be read in conjunction with this award.</p> <p data-bbox="573 1190 1447 1318">31.2 An eligible employee representative must give the employer 6 weeks' notice of the employee representative's intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p>	<p data-bbox="1489 1070 2007 1129">For completeness, the balance of clause 31 should be included.</p>		

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		<p>31.3 The notice to the employer must include details of the type, content and duration of the course to be attended.</p> <p>31.4 The taking of such leave will be arranged having regard to the operational requirements of the employer so as to minimise any adverse effect on those requirements.</p> <p>31.5 An eligible employee representative taking such leave will be paid all ordinary time earnings which normally become due and payable during the period of leave.</p> <p>31.6 Leave of absence granted pursuant to clause 31 will count as service for all purposes of this award.</p> <p>31.7 For the purpose of determining the entitlement of employee representatives to dispute resolution procedure training leave, an eligible employee representative is a:</p> <p style="padding-left: 40px;">(a) shop steward, a delegate or an employee representative duly elected or appointed by the employees in a workplace generally or collectively for all or part of a workplace for the purpose of representing those employees in the dispute resolution procedure; and</p> <p style="padding-left: 40px;">(b) who is within the class and number of representatives entitled from year to year to take paid dispute resolution procedure training leave according to the following quota table:</p> <table border="1" data-bbox="568 1225 1460 1366"> <thead> <tr> <th data-bbox="568 1225 1005 1329">Number of employees employed by employer in enterprise or workplace</th> <th data-bbox="1005 1225 1460 1329">Maximum number of eligible employee representatives entitled per year</th> </tr> </thead> <tbody> <tr> <td data-bbox="568 1329 1005 1366">5-15</td> <td data-bbox="1005 1329 1460 1366">1</td> </tr> </tbody> </table>	Number of employees employed by employer in enterprise or workplace	Maximum number of eligible employee representatives entitled per year	5-15	1	
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5-15	1						

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16–30	2										
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8.	<p data-bbox="293 1090 528 1185">Electrical Power Industry Award 2020 [MA000088]</p>	<p data-bbox="571 903 1227 935">30. Dispute resolution procedure training leave</p> <p data-bbox="571 971 1447 1206">30.1 Subject to clauses 30.7 , 30.8 and 30.9 an eligible employee representative is entitled to, and the employer must grant, up to 5 days' training leave with pay to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure including its operation in connection with this award and with the Act, or with any relevant agreement which provides it is to be read in conjunction with this award.</p> <p data-bbox="571 1243 1447 1372">30.2 An eligible employee representative must give the employer 6 weeks' notice of the employee representative's intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p>	<p data-bbox="1485 1107 2018 1171">For completeness, the balance of clause 30 should be included.</p>								

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		<p>30.3 The notice to the employer must include details of the type, content and duration of the course to be attended.</p> <p>30.4 The taking of such leave must be arranged having regard to the operational requirements of the employer so as to minimise any adverse effect on those requirements.</p> <p>30.5 An eligible employee representative taking such leave must be paid the wages the employee would have received in respect of the ordinary time the employee would have worked had they not been on leave during the relevant period.</p> <p>30.6 Leave of absence granted pursuant to clause 30 counts as service for all purposes of this award.</p> <p>30.7 For the purpose of determining the entitlement of employee representatives to dispute resolution procedure training leave, an eligible employee representative is an employee:</p> <p style="padding-left: 40px;">(a) who is a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in an enterprise or workplace generally or collectively for all or part of an enterprise or workplace for the purpose of representing those employees in the dispute resolution procedure; and</p> <p style="padding-left: 40px;">(b) who is within the class and number of employee representatives entitled from year to year to take paid dispute resolution procedure training leave according to the following quota table:</p> <table border="1" data-bbox="573 1294 1435 1394"> <thead> <tr> <th data-bbox="573 1294 1003 1394">Number of employees employed by the employer in an enterprise or workplace</th> <th data-bbox="1003 1294 1435 1394">Maximum number of eligible employee representatives entitled per year</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Number of employees employed by the employer in an enterprise or workplace	Maximum number of eligible employee representatives entitled per year			
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		<table border="1" data-bbox="573 244 1440 427"> <tr> <td>5–15</td> <td>1</td> </tr> <tr> <td>16–30</td> <td>2</td> </tr> <tr> <td>31–50</td> <td>3</td> </tr> <tr> <td>51–90</td> <td>4</td> </tr> <tr> <td>More than 90</td> <td>5</td> </tr> </table> <p data-bbox="573 464 1440 663">30.8 Where the number of eligible employee representatives exceeds the quota at any particular time for a relevant enterprise or workplace, priority of entitlement for the relevant year must be resolved by agreement between those entitled or, if not agreed, be given to the more senior of the employee representatives otherwise eligible who seeks leave.</p> <p data-bbox="573 700 1440 935">30.9 For the purpose of applying the quota table, employees employed by the employer in an enterprise or workplace are full-time and part-time employees, and casual employees with 6 months or more service, covered by this award who are employed by the employer and engaged in the enterprise or workplace to which the procedure established under clause 29 — Dispute resolution applies.</p>	5–15	1	16–30	2	31–50	3	51–90	4	More than 90	5	
5–15	1												
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31–50	3												
51–90	4												
More than 90	5												
9.	<p data-bbox="293 1110 528 1241"><u>Graphic Arts, Printing and Publishing Award 2020 [MA000026]</u></p>	<p data-bbox="573 975 1227 1002">40. Dispute resolution procedure training leave</p> <p data-bbox="573 1042 1440 1206">40.1 Subject to the provisions of clause 40 a union delegate or duly elected employee representative will be entitled to up to 5 days' training leave with pay each calendar year, non-cumulative, to receive training directed at the enhancement of the operation of dispute settling procedures.</p> <p data-bbox="573 1246 1440 1369">40.2 The amount of training leave an employer may be requested to approve per 12 month period will depend on the number of weekly employees employed and will be in accordance with the following table:</p>	<p data-bbox="1485 1142 2011 1206">For completeness, the balance of clause 40 should be included.</p>										

	Award	Relevant award terms	Ai Group comment														
		<table border="1" data-bbox="571 276 1460 566"> <thead> <tr> <th data-bbox="571 276 857 347">Number of employees</th> <th data-bbox="857 276 1460 347">Number of delegates or duly elected employee representatives</th> </tr> </thead> <tbody> <tr> <td data-bbox="571 347 857 384">1–10</td> <td data-bbox="857 347 1460 384">1 (3 days training leave)</td> </tr> <tr> <td data-bbox="571 384 857 421">11–20</td> <td data-bbox="857 384 1460 421">1 (5 days training leave)</td> </tr> <tr> <td data-bbox="571 421 857 458">21–30</td> <td data-bbox="857 421 1460 458">2 (5 days training leave each)</td> </tr> <tr> <td data-bbox="571 458 857 494">31–50</td> <td data-bbox="857 458 1460 494">3 (5 days training leave each)</td> </tr> <tr> <td data-bbox="571 494 857 531">51–90</td> <td data-bbox="857 494 1460 531">4 (5 days training leave each)</td> </tr> <tr> <td data-bbox="571 531 857 566">more than 90</td> <td data-bbox="857 531 1460 566">5 (5 days training leave each)</td> </tr> </tbody> </table> <p data-bbox="571 603 1460 735">40.3 Training leave will be granted upon an application in writing to the employer requesting such leave. The application to the employer must include the nature, content and duration of the course to be attended.</p> <p data-bbox="571 772 1460 938">40.4 The granting of leave pursuant to clause 40 will be subject to the employer being able to make adequate staffing arrangements among current employees during the period of the leave. However an employer must not use clause 40.4 to avoid an obligation under clause 40 .</p> <p data-bbox="571 975 1460 1074">40.5 An employee must provide at least 4 weeks' notice of intention to take training leave, unless the employer agrees to a lesser period of notice.</p> <p data-bbox="571 1110 1460 1244">40.6 While on training leave, the employee will be paid all ordinary time earnings. For the purposes of clause 40.6 , ordinary time earnings means the wage rate for the classification, over-award payment and shift loading which otherwise would be payable.</p> <p data-bbox="571 1281 1460 1347">40.7 Training leave granted under clause 40 will count as service for all purposes of this award.</p>	Number of employees	Number of delegates or duly elected employee representatives	1–10	1 (3 days training leave)	11–20	1 (5 days training leave)	21–30	2 (5 days training leave each)	31–50	3 (5 days training leave each)	51–90	4 (5 days training leave each)	more than 90	5 (5 days training leave each)	
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	Award	Relevant award terms	Ai Group comment
		<p>40.8 All expenses (such as travel, accommodation and meals) associated with or incurred by the employee attending a training course as provided for in clause 40 will be the responsibility of the employee or the union.</p> <p>40.9 Only employees who have completed 6 months' continuous service with their current employer will be eligible for such leave.</p>	
10.	<p><u>Hospitality Industry (General) Award 2020 [MA000009]</u></p>	<p>Schedule I – Loaded Rate Arrangements</p> <p>I.7 Consultation</p> <p>At least 7 days prior to initiating any of the provisions in Schedule I , the employer must consult with all employees affected by the proposed change and their representatives (if any).</p>	<p>Clause I.7 in Schedule I should be included as it refers to representatives</p>
11.	<p><u>Manufacturing and Associated Industries and Occupations Award 2020 [MA000010]</u></p>	<p>17.5 Methods of arranging ordinary working hours</p> <p>(c) Twelve hour days or shifts</p> <p>By agreement between an employer and the majority of employees in the enterprise or part of the enterprise concerned, 12 hour days or shifts may be introduced subject to:</p> <p>...</p> <p>(v) a trial or review process being jointly implemented by the employer and the employees or their representatives.</p> <hr/> <p>20.5 Classifications</p> <p>(b) Procedure for classifying employees covered by the National Metal and Engineering Competency Standards</p> <p>...</p> <p>(v) Other provisions to be followed where competency standards are being implemented in an enterprise are that:</p>	<p>Clauses 17.5(c)(v), 20.5(b)(v), the balance of clause 44 and clause 55.3 should be included as they refer to employee representatives.</p>

	Award	Relevant award terms	Ai Group comment
		<ul style="list-style-type: none"> • management and employee representatives responsible for overseeing the implementation of competency standards within an enterprise must be given access to briefing and/or training courses on the competency standards and their implementation prior to implementation; and • such briefings and/or training courses on the competency standards and their implementation can be either a joint briefing delivered by the parties or by one party with the approval of other relevant parties at the enterprise or an approved course delivered by a recognised provider with the approval of the relevant parties at the enterprise, provided that this does not exclude the delivery of additional training or advice by the parties to an enterprise. <hr/> <p>44. Dispute resolution procedure training leave</p> <p>44.1 Subject to clauses 44.7 , 44.8 and 44.9 , an eligible employee representative is entitled to, and the employer must grant, up to 5 days training leave with pay to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure including its operation in connection with this award and with the Act, or with any relevant agreement which provides it is to be read in conjunction with this award.</p> <p>44.2 An eligible employee representative must give the employer 6 weeks' notice of the employee representative's intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p>	

	Award	Relevant award terms	Ai Group comment				
		<p>44.3 The notice to the employer must include details of the type, content and duration of the course to be attended.</p> <p>44.4 The taking of such leave must be arranged having regard to the operational requirements of the employer so as to minimise any adverse effect on those requirements.</p> <p>44.5 An eligible employee representative taking such leave must be paid the wages the employee would have received in respect of the ordinary time the employee would have worked had they not been on leave during the relevant period.</p> <p>44.6 Leave of absence granted pursuant to clause 44 counts as service for all purposes of this award.</p> <p>44.7 For the purpose of determining the entitlement of employee representatives to dispute resolution procedure training leave, an eligible employee representative is an employee:</p> <p style="padding-left: 40px;">(a) who is a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in an enterprise or workplace generally or collectively for all or part of an enterprise or workplace for the purpose of representing those employees in the dispute resolution procedure; and</p> <p style="padding-left: 40px;">(b) who is within the class and number of employee representatives entitled from year to year to take paid dispute resolution procedure training leave according to the following quota table:</p> <table border="1" data-bbox="571 1294 1458 1394" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th data-bbox="571 1294 1010 1394">Number of employees employed by the employer in an enterprise or workplace</th> <th data-bbox="1010 1294 1458 1394">Maximum number of eligible employee representatives entitled per year</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> </tr> </tbody> </table>	Number of employees employed by the employer in an enterprise or workplace	Maximum number of eligible employee representatives entitled per year			
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5–15	1												
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	Award	Relevant award terms	Ai Group comment
12.	<p data-bbox="293 751 528 847"><u>Market and Social Research Award 2020 [MA000030]</u></p>	<p data-bbox="568 244 1227 272">29. Dispute resolution procedure training leave</p> <p data-bbox="568 312 1462 544">29.1 Subject to clause 29.2 , an eligible employee representative will be entitled to, and the employer will grant, up to 5 days' training leave with pay to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure including its operation in connection with this award and with the <u>Act</u> or with any relevant agreement which provides it is to be read in conjunction with this award.</p> <p data-bbox="568 584 1451 679">29.2 The employer will not be required in any calendar year to provide dispute resolution training leave across the whole workforce of that employer in excess of:</p> <ul style="list-style-type: none"> <li data-bbox="667 719 1025 748">(a) a total of 20 days' leave; <li data-bbox="667 788 1357 849">(b) leave for the lesser of 5 employees nationally or 3 employees in any one state or territory. <p data-bbox="568 888 1458 917">29.3 The granting of leave, pursuant to clause 29 , will be subject to:</p> <ul style="list-style-type: none"> <li data-bbox="667 957 1424 1155">(a) the employee or an eligible employee representative giving not less than 25 working days' written notice of the intention to attend such course, or such lesser period of notice as may be agreed by the employer. Such written notice must include the nature, content and duration of the course to be attended; and <li data-bbox="667 1195 1447 1323">(b) the employer being able to make adequate staffing arrangements amongst current employees during the period of such leave. An employer will not use clause 29.3 to avoid an obligation under clause 29 . 	<p data-bbox="1485 767 2018 831">Clause 29 should be included as it refers to employee representatives.</p>

	Award	Relevant award terms	Ai Group comment
		<p>29.4 Leave of absence granted pursuant to clause 29 will count as service for all purposes of this award.</p> <p>29.5 Each employee on leave approved in accordance with clause 29 will be paid all ordinary time earnings. For the purpose of clause 29.5 ordinary time earnings for an employee means the classification rate, over-award payment, superannuation and shift loading which otherwise would have been payable.</p> <p>29.6 All expenses (such as travel, accommodation and meals) associated with or incurred by the employee attending a training course as provided for in clause 29 will be the responsibility of the employee or, where relevant, the union.</p> <p>29.7 An employee may be required to satisfy the employer of attendance at the course to qualify for payment of leave, unless the employee would otherwise have been entitled to payment under clause 21 — Personal/carer’s leave and compassionate leave .</p> <p>29.8 In the event a scheduled rostered day off falls within a period of leave approved pursuant to clause 29 , no alternative day of leave will be substituted instead.</p> <p>29.9 Employees will be allowed up to 2 hours of paid time per year to attend union meetings at the employer’s premises which are designed to facilitate awareness and understanding of the dispute resolution procedure in this award.</p>	
13.	Road Transport and Distribution Award 2020 [MA000038]	<p>33. Dispute resolution training leave</p> <p>33.1 An eligible employee representative is entitled to, and must be granted, up to 5 days’ leave with pay each calendar year, non-cumulative, to attend courses which are specifically directed towards effective resolution of disputes regarding industrial matters under</p>	For completeness the balance of clause 33 should be added.

	Award	Relevant award terms	Ai Group comment																		
		<p>this award and/or industrial issues which arise at the workplace. A shop steward, delegate or employee representative will only be entitled to leave in accordance with clause 33 for bona fide courses.</p> <p>33.2 For the purpose of clause 33 , a bona fide course means a Dispute Resolution Training Leave Course conducted under the auspices of a registered training organisation whose scope of registration includes industrial relations training.</p> <p>33.3 An employee representative must give the employer 6 weeks' notice of intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p> <p>33.4 The notice to the employer must include details of the type, content and duration of the course to be attended. Upon request, the course curriculum will be provided to the employer.</p> <p>33.5 Leave must be available according to the following scale for each yard, depot or garage of an employer:</p> <table border="1" data-bbox="568 954 1458 1310"> <thead> <tr> <th data-bbox="568 954 857 1126">No. of full-time and part-time employees covered by this award</th> <th data-bbox="857 954 1178 1126">Max. no. of employee representatives eligible to attend per year</th> <th data-bbox="1178 954 1458 1126">Max. no. of days permitted per year</th> </tr> </thead> <tbody> <tr> <td data-bbox="568 1126 857 1161">5–15</td> <td data-bbox="857 1126 1178 1161">1</td> <td data-bbox="1178 1126 1458 1161">5</td> </tr> <tr> <td data-bbox="568 1161 857 1197">16–30</td> <td data-bbox="857 1161 1178 1197">2</td> <td data-bbox="1178 1161 1458 1197">10</td> </tr> <tr> <td data-bbox="568 1197 857 1232">31–50</td> <td data-bbox="857 1197 1178 1232">3</td> <td data-bbox="1178 1197 1458 1232">15</td> </tr> <tr> <td data-bbox="568 1232 857 1267">51–100</td> <td data-bbox="857 1232 1178 1267">4</td> <td data-bbox="1178 1232 1458 1267">20</td> </tr> <tr> <td data-bbox="568 1267 857 1310">101 and over</td> <td data-bbox="857 1267 1178 1310">5</td> <td data-bbox="1178 1267 1458 1310">25</td> </tr> </tbody> </table>	No. of full-time and part-time employees covered by this award	Max. no. of employee representatives eligible to attend per year	Max. no. of days permitted per year	5–15	1	5	16–30	2	10	31–50	3	15	51–100	4	20	101 and over	5	25	
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101 and over	5	25																			

	Award	Relevant award terms	Ai Group comment
		<p>33.6 An employer is not liable for any additional expenses associated with an employee’s attendance at a course other than the payment of ordinary time earnings for such absence. For the purpose of clause 33 ordinary time earnings are the relevant minimum rate and shiftwork loadings, where relevant, plus over-award payment where applicable.</p> <p>33.7 Leave of absence on training leave must be counted as service.</p> <p>33.8 The employee must provide the employer with proof of attendance.</p> <p>33.9 The granting of leave pursuant to clause 33 is subject to the employer being able to make adequate staffing arrangements among current employees during the period of such leave.</p> <p>33.10 An employee will not be eligible to attend such courses until 6 months’ continuous service has been served with the employer.</p>	
14.	<p>Seafood Processing Award 2020 [MA000068]</p>	<p>13.6 Methods of arranging ordinary working hours</p> <p>...</p> <p>(d) By agreement between an employer and the majority of employees in the enterprise or part of the enterprise concerned, 12 hour days or shifts may be introduced subject to:</p> <p>...</p> <p>(v) a trial or review process being jointly implemented by the employer and the employees or their representatives.</p>	<p>Clause 13.6(d)(v) should be included as it refers to employee representatives</p>
15.	<p>Security Services Industry Award 2020 [MA000016]</p>	<p>13.3 Shift duration</p> <p>...</p> <p>(d) An employee may be represented by a representative nominated by them in any discussion about the making of an agreement under clause 13.3(c) .</p>	<p>Clause 13.3(d) should be included as it refers to employee representation.</p>

	Award	Relevant award terms	Ai Group comment
16.	Stevedoring Industry Award 2020 [MA000053]	<p>14.1 Rostering arrangements – shiftwork</p> <p>(b) The employer may agree with the union or a majority of affected employees at the workplace the following:</p> <p style="padding-left: 40px;">(i) 5, 6 or 7 day shift arrangements with either irregular or regular rostering;</p> <p style="padding-left: 40px;">(ii) changes to the length of each shift provided that the ordinary hours of work will not exceed a weekly average of 35 hours;</p> <p style="padding-left: 40px;">(iii) where a 7 day continuous shiftwork roster is to be worked, inclusion in the ordinary hours of work of shifts worked on public holidays, as prescribed by clause 30 — Public holidays , as well as Saturdays and Sundays, provided that payment for such shifts is in accordance with this award;</p> <p style="padding-left: 40px;">(iv) provisions for the timing of meal breaks or rest periods;</p> <p style="padding-left: 40px;">(v) provisions for the extension of shifts provided that all such extensions will be paid at overtime rates;</p> <p style="padding-left: 40px;">(vi) notification and cancellation arrangements; and</p> <p style="padding-left: 40px;">(vii) staggering of shift start and finish times.</p>	<p>Clause 14.1(b) should be included as it refers to the union.</p>
17.	Sugar Industry Award 2020 [MA000087]	<p>40. Dispute resolution procedure training leave</p> <p>40.1 A duly authorised eligible employee representative will, upon written application to the employer, at least 14 days in advance (or such lesser period as mutually agreed), be granted up to 3 working</p>	<p>For completeness the balance of clause 40 should be included.</p>

	Award	Relevant award terms	Ai Group comment
		<p>days' leave (non-cumulative) on ordinary pay each calendar year to attend approved courses which are directed at the enhancement of the operation of the dispute resolution procedures including its operation in connection with this award and with the Act, or with any relevant agreement that provides it is to be read in conjunction with this award.</p> <p>40.2 For the purpose of determining the entitlement of employee representatives to dispute resolution procedure training leave, an eligible employee representative is an employee who is a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in an enterprise or workplace generally or collectively for all or part of an enterprise or workplace for the purpose of representing those employees in the dispute resolution procedure.</p> <p>40.3 Any written application seeking release of a duly authorised eligible employee to attend a course must include details of the type and content of the course to be attended as well as the dates upon which the course is proposed to be conducted.</p> <p>40.4 For the purposes of clause 40 ordinary pay means the ordinary weekly rate paid to the employee exclusive of any allowances or penalty rates for travelling time, fares, shiftwork or overtime.</p> <p>40.5 The granting of such leave will be subject to the following conditions:</p> <p style="padding-left: 40px;">(a) the employee must have at least 6 months' continuous service with the employer prior to such leave being granted and be an eligible employee representative;</p>	

	Award	Relevant award terms	Ai Group comment
		<p>(b) unless otherwise agreed the maximum number of days of dispute resolution training leave which an employer will be required to grant each year in each establishment will be 3 days for each of 3 duly authorised eligible employee representatives;</p> <p>(c) the granting of such leave will be subject to the convenience of the employer so that the operations of the enterprise will not be adversely affected;</p> <p>(d) the employer will advise within 7 days whether the application for this leave has been agreed or otherwise. If the request is not agreed to, the employer must state the reasons for such rejection ;</p> <p>(e) if the reasons for rejection provided by the employer are not accepted, any dispute will be resolved in accordance with the dispute resolution procedure at clause 39 — Dispute resolution , of this award;</p> <p>(f) in granting such paid leave, the employer is not responsible for any additional costs except the payment of extra remuneration where relieving arrangements are instituted by the employer to cover the absence of the employee. In the spirit of this arrangement it is understood that employees will co-operate to minimise additional costs;</p> <p>(g) leave granted to attend such training courses will not incur any additional payment or alternate time off if such course coincides with an employee’s rostered day off;</p> <p>(h) such paid leave will not affect other leave granted to employees under this award; and</p>	

	Award	Relevant award terms	Ai Group comment
		<p>(i) on completion of the course the employee must, upon request, provide to the employer proof of their attendance at the course. Except in the case of sick leave or other authorised leave, non-attendance at a training course will result in the employee not being paid for such time.</p>	
18.	<p>Telecommunications Services Award 2020 [MA000041]</p>	<p>31. Dispute resolution procedure training leave</p> <p>31.1 An eligible employee representative will be entitled to, and the employer will grant, up to 5 days' training leave with pay to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure including its operation in connection with this award and with the Act, or with any relevant agreement which provides it is to be read in conjunction with this award.</p> <p>31.2 An eligible employee representative must give the employer 6 weeks' notice of the employee representative's intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p> <p>31.3 The notice to the employer will include details of the type, content and duration of the course to be attended.</p> <p>31.4 The taking of such leave will be arranged having regard to the operational requirements of the employer so as to minimise any adverse effect on those requirements.</p> <p>31.5 An eligible employee representative taking such leave will be paid all ordinary time earnings which normally become due and payable during the period of leave.</p> <p>31.6 Leave of absence granted pursuant to clause 31 will count as service for all purposes of this award.</p>	<p>For completeness, the balance of clause 31 should be included.</p>

	Award	Relevant award terms	Ai Group comment												
		<p>31.7 For the purpose of determining the entitlement of employee representatives to dispute resolution procedure training leave, an eligible employee representative is:</p> <p>(a) a shop steward, a delegate or an employee representative, duly elected or appointed by the employees in a workplace, generally or collectively, for all or part of a workplace, for the purpose of representing those employees in the dispute resolution procedure; and</p> <p>(b) within the class and number of representatives entitled from year to year to take paid dispute resolution procedure training leave according to the following quota table:</p> <table border="1" data-bbox="573 751 1413 1038"> <thead> <tr> <th data-bbox="573 751 981 855">Number of employees employed by employer in enterprise or workplace</th> <th data-bbox="981 751 1413 855">Maximum number of eligible employee representatives entitled per year</th> </tr> </thead> <tbody> <tr> <td data-bbox="573 855 981 890">5–15</td> <td data-bbox="981 855 1413 890">1</td> </tr> <tr> <td data-bbox="573 890 981 925">16–30</td> <td data-bbox="981 890 1413 925">2</td> </tr> <tr> <td data-bbox="573 925 981 960">31–50</td> <td data-bbox="981 925 1413 960">3</td> </tr> <tr> <td data-bbox="573 960 981 995">51–90</td> <td data-bbox="981 960 1413 995">4</td> </tr> <tr> <td data-bbox="573 995 981 1038">more than 90</td> <td data-bbox="981 995 1413 1038">5</td> </tr> </tbody> </table> <p>31.8 Where the number of eligible employee representatives exceeds the quota at any particular time for a relevant enterprise or workplace, priority of entitlement for the relevant year will be resolved by agreement between those entitled, or if not agreed, be given to the more senior of the employee representatives otherwise eligible who seeks leave.</p> <p>31.9 For purposes of applying the quota table employees employed by the employer in the enterprise or workplace are full-time, part-</p>	Number of employees employed by employer in enterprise or workplace	Maximum number of eligible employee representatives entitled per year	5–15	1	16–30	2	31–50	3	51–90	4	more than 90	5	
Number of employees employed by employer in enterprise or workplace	Maximum number of eligible employee representatives entitled per year														
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16–30	2														
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more than 90	5														

	Award	Relevant award terms	Ai Group comment
		time and casual employees with 6 months or more service who are covered by this award and who are engaged in the enterprise or workplace to which the procedure established under clause 30 — Dispute resolution applies.	
19.	Textile, Clothing, Footwear and Associated Industries Award 2020 [MA000017]	<p>5. Individual flexibility arrangements ...</p> <p>5.10 The employer must give the employee up to 7 working days to enable the employee to seek advice, where appropriate, from the employee’s union.</p> <hr/> <p>41. Dispute resolution training leave</p> <p>41.1 Subject to clauses 41.7 , 41.8 and 41.9 an eligible employee representative is entitled to, and the employer must grant, up to 5 days training leave with pay to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure including its operation in connection with this award and with the Act, or with any relevant collective agreement which provides it is to be read in conjunction with this award.</p> <p>41.2 An eligible employee representative must give the employer 6 weeks’ notice of the employee representative’s intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p> <p>41.3 The notice to the employer must include details of the type, content and duration of the course to be attended.</p> <p>41.4 The taking of such leave must be arranged having regard to the operational requirements of the employer so as to minimise any adverse effect on those requirements.</p>	<p>Clause 5.10 should be included as it refers to the employee’s union.</p> <p>For completeness the balance of clause 41 should be included.</p> <p>Clauses F.3.3, F.6.7, F.7.3 and F.7.4 in Schedule F should be included as they refer to the relevant union.</p>

	Award	Relevant award terms	Ai Group comment								
		<p>41.5 An eligible employee representative taking such leave must be paid the wages the employee would have received in respect of the ordinary time the employee would have worked had they not been on leave during the relevant period.</p> <p>41.6 Leave of absence granted pursuant to clause 41 counts as service for all purposes of this award.</p> <p>41.7 For the purpose of determining the entitlement of employee representatives to dispute resolution procedure training leave, an eligible employee representative is an employee:</p> <p style="padding-left: 40px;">(a) who is a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in an enterprise or workplace generally or collectively for all or part of an enterprise or workplace for the purpose of representing those employees in the dispute resolution procedure; and</p> <p style="padding-left: 40px;">(b) who is within the class and number of employee representatives entitled from year to year to take paid dispute resolution procedure training leave according to the following quota table:</p> <table border="1" data-bbox="571 1054 1458 1362"> <thead> <tr> <th data-bbox="571 1054 1014 1187">Number of employees employed by the employer in an enterprise or workplace</th> <th data-bbox="1014 1054 1458 1187">Maximum number of eligible employee representatives entitled per year</th> </tr> </thead> <tbody> <tr> <td data-bbox="571 1187 1014 1246">5–15</td> <td data-bbox="1014 1187 1458 1246">1</td> </tr> <tr> <td data-bbox="571 1246 1014 1305">16–30</td> <td data-bbox="1014 1246 1458 1305">2</td> </tr> <tr> <td data-bbox="571 1305 1014 1362">31–50</td> <td data-bbox="1014 1305 1458 1362">3</td> </tr> </tbody> </table>	Number of employees employed by the employer in an enterprise or workplace	Maximum number of eligible employee representatives entitled per year	5–15	1	16–30	2	31–50	3	
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51-90	4						
More than 90	5						

	Award	Relevant award terms	Ai Group comment
		<p>(e) At the time of registration, and on each anniversary of registration, a principal must place a notice in the public notices column of a metropolitan daily newspaper circulating throughout any State in which work is to be performed stating:</p> <p>...</p> <p>(iv) the location at which all relevant records, including but not limited to work records, lists, written agreement records and stand-down records, in the principal's possession or custody may be inspected by the Union.</p> <p>(f) A principal may make an agreement in writing with the Union or apply to the board of reference to be exempted from the notice requirement. A copy of any written agreement made between a principal and the Union must be lodged with the General Manager or their nominee.</p> <hr/> <p>F.7 Observance of an award</p> <p>...</p> <p>F.7.3 Within 2 working days of a request being made, the principal's work records, Lists, written agreement records and/or stand down records must be provided by the principal to the Union for inspection and copying:</p> <p>(a) At a time and place agreed between the Union and the principal; or</p> <p>(b) In the absence of agreement, between 8.00 am and 5.00 pm on a working day at an alternative appropriate premises nominated by the principal within a 50 kilometre radius of the principal's premises (which may be the principal's premises); or</p> <p>(c) If the principal fails to nominate such a place, between 8.00 am and 5.00 pm on a working day at an appropriate</p>	

	Award	Relevant award terms	Ai Group comment
		<p>place nominated by the Union within a 50 kilometre radius of the principal's premises (which may include the Union's premises but must not include the principal's premises).</p> <p>F.7.4 The Union will not divulge any information contained in a work record in compliance with clause F.3.2(a)(ix) concerning the price to be paid for each garment or article in any circumstances to any party save for in enforcement or dispute resolution proceedings in a Court or Tribunal.</p>	
20.	<p>Timber Industry Award 2020 [MA000071]</p>	<p>37. Dispute resolution procedure training</p> <p>37.1 An eligible employee representative who will be involved in dispute resolution will be allowed to be trained in order to assist the employee to settle disputes as per this clause. The employee must arrange for suitable training and apply in writing with a minimum of 6 weeks' notice (or less amount by agreement) for up to 5 days leave with pay each calendar year, non-cumulative.</p> <p>37.2 The notice to the employer must include details of the type, content and duration of the course to be attended. The employer must have a reasonable opportunity to:</p> <ul style="list-style-type: none"> (a) consult with the eligible employee representative and/or the training provider regarding dispute resolution training; and (b) participate in the development of the dispute resolution training course. <p>37.3 Leave of absence granted pursuant to clause 37 will count as service for all purposes.</p>	<p>For completeness, the balance of clause 37 should be included.</p> <p>Clauses A.1(f) and (g) of Schedule A should also be included because they refer to the relevant union.</p>

	Award	Relevant award terms	Ai Group comment
		<p>37.4 The time of taking leave will be arranged so as to minimise any adverse effect on the employer's operations.</p> <p>37.5 For the purpose of determining the entitlement of employee representatives to dispute resolution procedure training leave, an eligible employee representative is an employee who is a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in an enterprise or workplace generally or collectively for all or part of an enterprise or workplace for the purpose of representing those employees in the dispute resolution procedure.</p> <hr/> <p>Schedule A – Classification Definitions – General Timber Stream</p> <p>A.1 Level 1 (relativity 78%)</p> <p>(f) Criteria for extension of term in Level 1 beyond 3 months A worker who enters the industry and is unable to meet the competency requirements of Level 2 will remain in Level 1 for a maximum of 3 months unless an extension for up to a further 3 months is agreed by the employer and the employee, and the union where the employee is a union member. Extension of the term of Level 1 beyond 3 months will only be considered when:</p> <ul style="list-style-type: none"> (i) the employee has participated in a structured and documented skill development programme which sets out and covers the standards of competence the Level 1 worker is required to achieve for progression to Level 2; (ii) any deficiencies in the performance of the employee during the skill development programme have been described clearly to the employee at the time they have 	

	Award	Relevant award terms	Ai Group comment
		<p>occurred and standards for acceptable performance have been made clear to the employee;</p> <p>(iii) suitable conditions have been provided for training including sufficient time, appropriate environment and equipment and a skilled trainer; and</p> <p>(iv) given the above, the employee has not reached the standards of competence set down in the skill development programme.</p> <p>(g) Process for extension of the term in Level 1 beyond 3 months Where an employer proposes that the term an employee will spend in Level 1 should be extended beyond 3 months the following actions will be taken at least 3 weeks before the expiration of the initial 3 months:</p> <p>(i) the employee will be advised in writing. This advice will set out clearly the areas where the employee has not reached the competency standards required for progression to Level 2 and are set out in the skill development program;</p> <p>(ii) where the employee is a member of the union a copy of the advice to the employee will be sent to the relevant branch secretary of the union at the same time as it is provided to the employee;</p> <p>(iii) subsequent to the advice of intention to extend the period in Level 1 beyond 3 months being issued, a meeting will be held between the employer and the employee and a full-time official of the union or their nominee where the employee is a union member. At this meeting the parties will develop and agree on a plan (including time frames) to assist</p>	

	Award	Relevant award terms	Ai Group comment
		<p>the employee to develop competence to the required standard in the areas identified as deficient and agreed to by the employee. This plan will be documented and signed by all parties — that is the employer, the employee and the union official where the employee is a union member;</p> <p>(iv) the employee (and the branch office of the union if the employee is a union member) will be notified immediately by the employer if any further problems arise during this extension period.</p>	
21.	<p>Transport (Cash in Transit) Award 2020 [MA000042]</p>	<p>31. Dispute resolution procedure training leave</p> <p>31.1 Subject to clause 31.7 , an eligible employee representative will be entitled to, and the employer will grant, up to 5 days' training leave with pay to attend courses which are directed at the enhancement of the operation of the dispute resolution procedure including its operation in connection with this award and with the Act, or with any relevant agreement which provides it is to be read in conjunction with this award.</p> <p>31.2 An eligible employee representative must give the employer 6 weeks' notice of the employee's intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer agrees to accept.</p> <p>31.3 The notice to the employer must include details of the type, content and duration of the course to be attended.</p> <p>31.4 The taking of such leave must be arranged having regard to the operational requirements of the employer so as to minimise any adverse effect on those requirements.</p>	<p>For completeness the balance of clause 31 should be included.</p>

	Award	Relevant award terms	Ai Group comment												
		<p>31.5 An employee representative taking such leave must be paid all ordinary time earnings which normally become due and payable during the period of leave.</p> <p>31.6 Leave of absence granted pursuant to clause 31 will count as service for all purposes of this award.</p> <p>31.7 For the purpose of clause 31 , an eligible employee representative:</p> <p style="padding-left: 40px;">(a) may be a shop steward, a delegate, or an employee representative duly elected or appointed by the employees in a workplace generally or collectively for all or part of a workplace for the purpose of representing those employees in the dispute resolution procedure; and</p> <p style="padding-left: 40px;">(b) is within the class and number of representatives entitled from year to year to take paid dispute resolution procedure training leave according the following quota table:</p> <table border="1" data-bbox="573 919 1458 1208"> <thead> <tr> <th data-bbox="573 919 1050 1026">No. of full-time plus part-time employees at enterprise or workplace</th> <th data-bbox="1050 919 1458 1026">Max no. of eligible employee reps entitled per year</th> </tr> </thead> <tbody> <tr> <td data-bbox="573 1026 1050 1062">5–15</td> <td data-bbox="1050 1026 1458 1062">1</td> </tr> <tr> <td data-bbox="573 1062 1050 1099">16–30</td> <td data-bbox="1050 1062 1458 1099">2</td> </tr> <tr> <td data-bbox="573 1099 1050 1136">31–50</td> <td data-bbox="1050 1099 1458 1136">3</td> </tr> <tr> <td data-bbox="573 1136 1050 1173">51–90</td> <td data-bbox="1050 1136 1458 1173">4</td> </tr> <tr> <td data-bbox="573 1173 1050 1208">More than 90</td> <td data-bbox="1050 1173 1458 1208">5</td> </tr> </tbody> </table>	No. of full-time plus part-time employees at enterprise or workplace	Max no. of eligible employee reps entitled per year	5–15	1	16–30	2	31–50	3	51–90	4	More than 90	5	
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5–15	1														
16–30	2														
31–50	3														
51–90	4														
More than 90	5														
22.	<p>Vehicle Repair, Services and Retail Award 2020 [MA000089]</p>	<p>18.6 Dirty work</p> <p>...</p> <p>(d) Where a union alleges that an employer or the employer’s representative is unreasonable or capricious in relation to such a claim, it can refer the question via the</p>	<p>Clause 18.6(d) should be included because it refers to a union.</p>												

	Award	Relevant award terms	Ai Group comment
		steps within the dispute resolution procedure at clause 37 — Dispute resolution.	
23.	Waste Management Award 2020 [MA000043]	<p>31. Dispute resolution training leave</p> <p>31.1 An employee representative is entitled to leave with pay each calendar year, non-cumulative, to a maximum of 5 days per employee per year, to attend courses which are specifically directed towards effective resolution of disputes regarding industrial matters under this award and/or industrial issues which arise at the workplace. Union delegates and/or employee representatives are only entitled to leave in accordance with clause 31 for bona fide courses.</p> <p>31.2 For the purposes of clause 31 , a bona fide course means a Dispute Resolution Training Leave Course conducted by or on behalf of a registered training organisation whose scope of registration includes industrial relations training. Nothing in clause 31 will prevent the employee representative and the employer from reaching agreement that such training can be provided by a union or other accredited training provider/s.</p> <p>31.3 An employee representative must give the employer 6 weeks' notice of their intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.</p> <p>31.4 The notice to the employer must include details of the type, content and duration of the course to be attended. Upon request, the course curriculum must be provided to the employer.</p> <p>31.5 Leave is to be available according to the following scale for each yard, depot or garage of an employer:</p>	For completeness, the balance of clause 31 should be added.

	Award	Relevant award terms			Ai Group comment
		No. of full and part-time employees covered by this award	Max. no. of employee representatives eligible to attend per year	Max. no. of days permitted per year	
		5–15	1	5	
		16–30	2	10	
		31–50	3	15	
		51–100	4	20	
		101 and over	5	25	
		<p>31.6 An employer will not be liable for any additional expenses associated with an employee’s attendance at a course other than the payment of ordinary time earnings for such absence. For the purposes of clause 31 ordinary time earnings are defined as the ordinary hourly rate and shiftwork rates, where relevant, plus over award payment where applicable.</p> <p>31.7 Leave of absence on training leave will be counted as service.</p> <p>31.8 The employee must provide the employer with proof of attendance.</p>			