



REPORT TO THE FULL BENCH

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

OIL REFINING AND MANUFACTURING AWARD 2010 [MA000072]

Oil and gas industry

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 23 JULY 2018

Report on conference discussing the definitions of 'permanent afternoon shift' and 'permanent night shift'.

[1] The Group 1 Full Bench decision of 28 June 2018¹ indicated at [290] that a conference would be held for the purpose of settling the definitions of 'permanent afternoon shift' and 'permanent night shift' to be inserted into the *Oil Refining and Manufacturing Award 2010*.²

[2] A conference was held on 17 July 2018, attended by representatives of The Australian Workers' Union, the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU) and the Australian Industry Group. The parties agreed that the following definitions should be inserted into the award (in lieu of the current definition of 'permanent shift' in clause 13.1 of the exposure draft):

'permanent afternoon shift' means a period of shiftwork where an employee works afternoon shift only; remains on afternoon shift for longer than four consecutive weeks; or works on afternoon shift that does not rotate or alternate with another shift or with day work so as to give that employee at least one-third of working time off the afternoon shift in each cycle.

'permanent night shift' means a period of shiftwork where an employee works night shift only; remains on night shift for longer than four consecutive weeks; or works on night shift that does not rotate or alternate with another shift or with day work so as to give that employee at least one-third of working time off the night shift in each cycle.'

[3] The Australian Industry Group suggested that ‘or’ be inserted in each definition, after the semicolon. This would not change the effect of the definitions. I recommend that we adopt the Commission’s standard style in this regard.



SENIOR DEPUTY PRESIDENT

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¹ [2018] FWCFB 3802.

² MA000072.