

**From:** Kristin Barlow [mailto:Kristin.Barlow@cpsu.org.au]  
**Sent:** Friday, 29 March 2019 3:13 PM  
**To:** AMOD  
**Subject:** CPSU submissions in stage 3 EDs and plain language drafting

Dear AMOD team.

Please find attached submissions for the stage 3 Exposure Drafts, pursuant to the Statement of 13 February [2019] FWC 932.

Also attached are CPSU submissions in the plain language redrafting common matter, pursuant to the Statement of 28 February 2019 [2019] FWC 1255.

The CPSU seeks leave to file this submission outside the Directions which had a due date of 22 March 2019. The CPSU notes according to those Directions reply submissions are due 19 April 2019 and we submit there will be no prejudice to other parties from the late receipt of CPSU submissions.

Regards,

K.B

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**IN THE FAIR WORK COMMISSION**

**2014 Modern Award Review**

**Community and Public Sector Union (CPSU) (PSU Group)**

**Submissions regarding Plain Language redrafting**

**Annual leave loading and Shutdown**

1. These submissions are made pursuant to the Full Bench's Statement of 28 February 2019 regarding plain language drafting and in particular the proposed model terms for Annual Leave Loading and Shutdown.

***Annual leave loading***

2. The CPSU has an interest in awards affected by this issue, including the *Airport Employees Award*, the *Contract Call Centres Award*, the *Miscellaneous Award*, and the *Telecommunications Services Award*.
3. The CPSU supports the submissions of the CFMMEU dated 22 March 2019, the AWU dated 25 March 2019, AMWU dated 27 March 2019 and CEPU submissions of 29 March 2018.
4. The CPSU agrees with those submissions that the proposed clause may cause uncertainty or be confusing and should not reduce existing entitlements, for example the issue raised by the AMWU in their submissions of 27 March 2019 regarding minimum rate of pay and all purpose allowances. The CPSU supports the AMWU's suggestion that consideration could be given to this issue as part of the light touch plain language redrafting process.

***Shutdown provisions***

5. The CPSU has an interest in awards affected by this issue, including the *Broadcasting, Recorded Entertainment and Cinema's Award*, the *Contract Call Centres Award*, the *Miscellaneous Award*, and the *Telecommunications Services Award*.
6. The CPSU is not opposed to the inclusion of the shutdown provision model clause outlined as Attachment D to the Statement of 28 February 2019 in the awards the CPSU has an interest in subject to the following submissions.
7. The CPSU supports the submissions made by the CFMMEU of 22 March 2019 regarding this matter.

8. As a matter of principle, the CPSU believes where an employee is required to take unpaid leave during the closedown this should count as service for all purposes. Such unpaid leave is at the employer's requirement not at the initiative of the employee. Employees should not be disadvantaged because of the shutdown. For example, the *Broadcasting, Recorded Entertainment and Cinema's Award* specifies at clause 23.4(d) that any leave taken pursuant to the clause is recognised for the purpose of service.
9. Where awards contain additional safeguards for closedown that are tailored to the industry and go beyond the model term, these should be retained.
10. The *Broadcasting, Recorded Entertainment and Cinema's Award* at clause 23.4 contains a close-down clause with additional features including recognition of service and a limitation on the number of close downs.
11. The *Contract Call Centres Award* and the *Telecommunications Services Award* contain additional closedown clauses which limit closedowns to one or two periods per year, with a third by agreement.

**CPSU – SYDNEY**

**29 March 2019**