

[2020] FWC 1971

The attached document replaces the document previously issued with the above code on 15 April 2020.

The title of the document in the preamble has been changed from “Decision” to “Report to Full Bench” and the code “[2020] FWC 1971” has been removed.

Lisa Powell  
Associate to Commissioner Bissett

Dated: 16 April 2020



# REPORT TO FULL BENCH

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## **4 yearly review of modern awards**

(AM2019/17)

COMMISSIONER BISSETT

MELBOURNE, 15 APRIL 2020

*4 yearly review of modern awards – finalisation of Exposure Drafts and variation determinations – Timber Industry Award 2010.*

[1] A conference of the parties with an interest in the Timber Industry Award 2010 was held on 1 April 2020.

[2] There were three matters which required consideration – on one of those the Construction, Forestry, Maritime, Mining and Energy Union – Manufacturing Division (CFMMEU-MD) needs to provide a response along with The Australian Industry Group (AiG) and on the others the employer groups need to respond (although only AiG attended the conference).

### **Clause D.3 – casual employees entitlement to public holiday penalty rates**

[3] No view was expressed by the parties on this matter at this time.

### **Clause 22.12 – Wet places allowance**

[4] AiG do not agree with the proposed change to clause 22.12 as proposed by the CFMMEU-MD.

[5] CFMMEU-MD says the qualifier (a person required to work in wet places) arguably limits the operation of the clause and has proposed a reversion to the clause in the current Award.

[6] The CFMMEU-MD undertook to consider how its concerns might be met and to put a proposal to AiG for its consideration.

[7] The AiG and CFMMEU-MD have agreed that clause 22.12(a) be amended to read:

- (a) An employee working in any place where clothing or boots become saturated, whether by water, oil or otherwise, will receive an allowance of \$0.52 whilst so engaged.

**Clause 27.2 – Shift Work arrangement**

[8] The CFMMEU-MD seek to amend clause 27.2(b)(i) so that the reference is to clauses 34.1 and 34.2.

[9] The AiG indicated that they did not consider this was necessary as the consultation provisions (in clause 34.1) operate on any change regardless of whether it was specifically called up in a clause.

[10] The Commission provided a snapshot of the cross referencing to the consultation clause in similar circumstances in a handful of Awards to the parties for their consideration. The CFMMEU-MD undertook to further consider its position and have discussions with AiG.

[11] The AiG and CFMMEU-MD have agreed that the clause not be amended.

  
  
COMMISSIONER