

## FAIR WORK COMMISSION

### *Four yearly review of modern awards – Annual leave*

**AM2014/47**

#### **Submission on behalf of the Coal Mining Industry Employer Group**

#### **Levels of annual leave accruals in the black coal mining industry – request by the Commission for information**

1. During the proceedings in this matter before the Full Bench of the Fair Work Commission on 8 December 2015, his Honour Justice Ross asked that the Coal Mining Industry Employer Group (CMIEG) provide some information about what the level of accruals of annual leave is in the black coal mining industry, so that the Commission might test whether there is an issue with excessive accruals in this industry (transcript PN 1164 and 1165).
2. This request was made in the context of the submission by the CMIEG in its written submission dated 26 October 2015 that, among other reasons advanced in that submission, there is not an excessive annual leave accrual problem in the black coal mining industry that needs to be fixed, by the inclusion of the model excessive leave clause in the Black Coal Mining Industry Award (see submission paragraphs 24 and 25).
3. In response to the request for further information, the CMIEG now provides the information in Annexure 1. This information is based on data provided by 12 employers in the black coal mining industry. The 12 employers are identified by the letters A – L respectively. We note that the Black Coal Mining Industry Award provides for 6 weeks annual leave per annum for continuous shift workers and 5 weeks for other employees. The data show that the numbers of employees with leave accruals in bands of 0 – 5, 5 – 10, 10 – 15, 15 – 20 and 20 plus weeks. The data show what these employees in each band represent as a percentage of all employees of each employer. A graph in Annexure 1 shows the data for some 20,850 employees in total. The CMIEG submits that the data support the contention of the CMIEG in paragraphs 24 and 25 of its 26 October 2015 written submission that accrual of annual leave is not at a level that is problematic in the industry.
4. The Commission will also have noted that the CFMEU's support for inclusion of the model excessive leave clause in the Black Coal Mining Industry Award was put somewhat mildly (transcript PN 1152).

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5. Furthermore, there are already ample means in the Black Coal Mining Industry Award for managing the taking of annual leave, and for managing annual leave accruals in the interests of both employees and employers. The CMIEG maintains each of the arguments advanced in its 26 October 2015 written submission.

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Counsel

21 December 2015

### Black Coal Mining Award - Annual Leave Accruals as at December 2015

Weeks of Annual Leave	All Companies		A		B		C		D		E		F		G		H		I		J		K		L	
0 to 5	11199	54%	177	71%	2124	60%	682	62%	809	57%	1195	46%	101	39%	162	38%	1570	50%	758	46%	2575	61%	216	55%	830	44%
5 to 10	6665	32%	49	20%	938	27%	252	23%	427	30%	986	38%	91	35%	158	37%	1122	36%	540	33%	1216	29%	130	33%	756	40%
10 to 15	2025	10%	10	4%	283	8%	100	9%	112	8%	287	11%	48	19%	57	13%	299	10%	212	13%	330	8%	38	10%	249	13%
15 to 20	636	3%	7	3%	108	3%	32	3%	38	3%	74	3%	17	7%	34	8%	86	3%	86	5%	104	2%	7	2%	43	2%
20+	325	2%	5	2%	65	2%	42	4%	23	2%	35	1%	2	1%	14	3%	55	2%	40	2%	30	1%	2	1%	12	1%
<b>Total</b>	<b>20850</b>		<b>248</b>		<b>3518</b>		<b>1108</b>		<b>1409</b>		<b>2577</b>		<b>259</b>		<b>425</b>		<b>3132</b>		<b>1636</b>		<b>4255</b>		<b>393</b>		<b>1890</b>	

Over 80% of employees have a current accrual of 10 or less weeks (employees accrue either 5 or 6 weeks of AL per annum)

