

Australian Industry Group

Casual Terms Award Review 2021

Stage 2 - Group 1, 2 and 3
Awards

**Submission on Draft
Determinations –
Contested Matters**

(AM2021/54)

17 September 2021

Ai
GROUP

AM2021/54 – CASUAL TERMS AWARD REVIEW 2021

STAGE 2 – GROUP 1, 2 AND 3 AWARDS

SUBMISSION ON DRAFT DETERMINATIONS – CONTESTED MATTERS

1. INTRODUCTION

1. This submission is made by the Australian Industry Group (**Ai Group**) in response to the 13 September 2021 Decision¹ of the Fair Work Commission relating to the contested matters in Group 1, 2 and 3 Awards during Stage 2 of the Casual Terms Award Review 2021.
2. The submission relates to the draft determinations issued on 13 September for 19 awards.
3. Amongst the 19 awards, Ai Group has a significant interest in the following awards:
 - *Building and Construction General On-Site Award 2020*
 - *Cement, Lime and Quarrying Award 2020*
 - *Cleaning Services Award 2020*
 - *Concrete Products Award 2020*
 - *Electrical, Electronic and Communications Contracting Award 2020*
 - *Food, Beverage and Tobacco Manufacturing Award 2020*
 - *Graphic Arts, Printing and Publishing Award 2020*
 - *Joinery and Building Trades Award 2020*

¹ [2021] FWCFB 5530.

- *Meat Industry Award 2020*
- *Mobile Crane Hiring Award 2020*
- *Plumbing and Fire Sprinklers Award 2020*
- *Sugar Industry Award 2020*
- *Textile Clothing, Footwear and Associated Industries Award 2020*
- *Vehicle Repair, Services and Retail Award 2020*

4. Ai Group provides the following comments on five of the draft determination for the above awards. We have not identified any problems in the wording of the other draft determinations.

Award	Proposed amendments to draft determination
<i>Electrical, Electronic and Communications Contracting Award 2020</i>	Item 3 should be amended to also delete the full stop at the end of the first sentence of clause 11.1.
<i>Joinery and Building Trades Award 2020</i>	<p>Items 2, 3, 4, 5, 6 and 7 in the Determination (when read together) are confusing and it is not entirely clear that these items will achieve what is intended. Clearer and more appropriate wording to replace these 7 items would be the following 5 items:</p> <ol style="list-style-type: none"> 2. <i>By deleting clause 11.1.</i> 3. <i>By renumbering clauses 11.2 to 11.7 as clauses 11.1 to 11.6.</i> 4. <i>By deleting the words ‘the actual or likely number of hours to be worked’ appearing in clause 11.1.</i> 5. <i>By deleting clause 11.2 and inserting the following:</i> <p style="margin-left: 40px;">11.2 <i>A casual employee must have a minimum daily engagement of 7.6 hours.</i></p> <p>The following additional item should be added to remove the anti-avoidance clause. This is an identical clause to clause 13.2 in the Building Award that the Commission has decided to remove):</p> <ol style="list-style-type: none"> 6. <i>By deleting clause 11.6</i>

Award	Proposed amendments to draft determination
	<p>The following item should be added to remove the reference to the existing casual conversion clause in the list of facilitative provisions. (NB. item 2 in the Draft Determination for the Concrete Award addresses a similar issue, but the matter appears to have been overlooked in the Joinery Award):</p> <p style="text-align: center;"><i>7. By deleting the entire reference to clause 12.10 appearing in clause 7.2.</i></p>
<i>Meat Industry Award 2020</i>	<p>In Item 4, the words “Paid personal leave” should be replaced with “Paid personal/carer’s leave”.</p>
<i>Mobile Crane Hiring Award 2020</i>	<p>The deletion of renumbered clause 9.2(d) will delete the word ‘and’ which connects the various paragraphs in renumbered clause 9.2.</p> <p>Accordingly, the following Item should be added:</p> <p style="text-align: center;"><i>By adding the word ‘and’ at the end of clause 9.2(c).</i></p> <p>Also, the following item should be added to remove the reference to the existing casual conversion clause in the list of facilitative provisions:</p> <p style="text-align: center;"><i>By deleting the entire reference to clause 9.7(g) appearing in clause 7.2.</i></p>
<i>Textile Clothing, Footwear and Associated Industries Award 2020</i>	<p>Item 5 should be amended to also delete the full stop at the end of the first sentence of clause 11.1.</p>