

IN THE FAIR WORK COMMISSION

4 yearly review of modern awards

(AM2014/196 and AM2014/197)

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

Submissions re: Casual conversion model term and minimum casual engagement

Introduction

1. On 5 July 2017, the Fair Work Commission Full Bench issued a decision regarding the 4 yearly review of modern awards and the common issue of casual employment: *[2017] FWCFB 3541*. In that decision at [904], the Commission issued Directions for the filing of submissions in relation to the proposed model casual conversion clause and provisional decision regarding the 2 hour daily minimum engagement for casual employees.
2. These submissions are made pursuant to those Directions.
3. The CPSU has read and supports the ACTU submission of 2 August 2017 made pursuant to the above Directions and the comments in those submissions regarding the language, qualification period, reasonable refusal and notification aspects of model casual conversion clause. In addition to the ACTU submissions, the CPSU wishes to make the follow submissions.
4. The CPSU represents members covered by various modern awards and makes these submissions regarding the following Modern Awards:

Airport Employees Award 2010

Broadcasting and Recorded Entertainment Award 2010

Contract Call Centres Award 2010

Labour Market Assistance Award 2010

Telecommunications Services Award 2010

Miscellaneous Award 2010

Directions [1] and [2] model casual conversion clause

5. The CPSU supports the adoption of a model casual conversion clause for Modern Awards. The CPSU say the proposed model clause can be inserted into each of the above named Modern Awards without the need for that model clause to be adapted to meet the particular circumstances of each award.

6. The CPSU further notes that none of the above named Modern Awards currently contain a casual conversion clause and as such do not require consideration being given to the modification of the notification aspect of the model clause.

Direction 3: two hour daily minimum engagement period for casual employees

7. The CPSU supports the adoption of a clear minimum standard for the daily engagement of casual employees. We believe such a term is necessary for those awards which do not currently contain a provision dealing with the minimum engagement of casual employees so as to meet the s134 modern awards objective.
8. Regarding the above listed Modern Awards:
 - the *Broadcasting and Recorded Entertainment Award 2010* contains a 4 hour minimum payment for each attendance by a casual employee (clause 10.5(b));
 - the *Contract Call Centres Award 2010* contains a 3 hour minimum payment for casuals (clause 13.3);
 - the *Labour Market Assistance Award 2010* has a minimum period of two consecutive hours per engagement (clause 10.4(b)).

The CPSU say these awards do not require the inclusion of a two hour daily minimum engagement for casual employees.

9. However, the CPSU say the following awards do not contain appropriate minimum standards for the minimum engagement of casual employees: the *Airport Employees Award 2010*, the *Telecommunications Services Award 2010*, and the *Miscellaneous Award 2010*.
10. The CPSU does not believe there would be any counter productive result or negative impact upon workforce participation or social inclusion from such a minimum standard for engagement being included in those Modern Awards. The CPSU supports the proposal for the two hour minimum engagement of casual employees as a minimum standard required for those awards to meet the modern award objective. Such a standard should be included in the *Airport Employees Modern Award 2010*, the *Telecommunications Services Award 2010*, and the *Miscellaneous Modern Award 2010*.

2 August 2017

CPSU - SYDNEY