

From: Stephen Crawford [<mailto:stephen.crawford@nat.awu.net.au>]

Sent: Wednesday, 19 September 2018 4:42 PM

To: AMOD

Subject: AM2014/196 and AM2014/197 - Casual and Part-time employment - Horticulture Award - casual overtime

Dear Award Modernisation Team,

We write in response to the Decision in *4 yearly review of modern awards – Part-time employment and casual employment* [2018] FWCFB 4695 (“**Decision**”) on 9 August 2018 and the draft determination for the *Horticulture Award 2010* (“**Horticulture Award**”) subsequently published on 30 August 2018. The draft determination concerns casual overtime rates. The Australian Workers’ Union (“**AWU**”) provides the following brief submission in response to the draft determination and the various submissions filed by employers and their representatives since 31 August 2018. Those submissions oppose the adoption of the proposal described accurately in the Decision as a broad industry consensus – the proposal is outlined at paragraph [81] of the Decision.

Firstly, the AWU remains supportive of the proposal outlined at paragraph [81] of the Decision.

Secondly, the AWU does not accept that any of the submissions filed by employers since 31 August 2018 justify a departure from the proposal. All of the issues raised in these submissions have been repeatedly raised by the National Farmers’ Federation’s (“**NFF**”) witnesses and other employer witnesses during earlier stages of these proceedings. It is precisely because of these issues that the proposal contains inferior casual overtime conditions than those found in other modern awards. The AWU is not willing to consider any reductions to the conditions in the proposal and has the view that the terms of the proposal, if adopted, should be improved in the near future.

Thirdly, if the proposal is not adopted and further hearings are held to determine the appropriate conditions for the Horticulture Award, the AWU confirms it intends to pursue the same span of ordinary hours and overtime payment conditions for casual employees as currently apply to permanent employees under the Horticulture Award. The AWU notes this will resolve the problematic elements of the proposal identified at paragraph [83] of the Decision.

Finally, to avoid any confusion arising from the renaming of current clause 24.2 pursuant to paragraph 3 of the Draft Determination, the terms of current clause 24.2(e) (“All employees required to work on a Sunday will be paid for a minimum of three hours”) should also become part of new clause 22.2 to make it clear that casual employees continue to be entitled to be paid for a minimum of 3 hours if required to work on a Sunday.

Regards,

STEPHEN CRAWFORD

SENIOR NATIONAL LEGAL OFFICER

M +61 425 303 265 | stephen.crawford@nat.awu.net.au

P 02 8005 3316 LEVEL 1, 16–20 GOOD STREET

GRANVILLE NSW 2142 WWW.AWU.NET.AU



The information transmitted in this message and its attachments (if any) is intended only for the person or entity to which it is addressed. The message may contain intellectual property, copyright material, and confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information, by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete this e-mail and associated material from any computer and destroy any printed associated material. The intended recipient of this e-mail may only use, reproduce, disclose or distribute the information contained in this e-mail and any attached files, with the authority or permission of the sender. We do not accept liability in connection with computer virus, data corruption, delay, interruption, unauthorised access or unauthorised amendment.